

# AGENDA

## Regulatory Committee

Date: **Tuesday 25 June 2013**

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Time: **2.00 pm**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Regulatory Committee**

## **Membership**

**Chairman**

**Councillor JW Hope MBE**

**Vice-Chairman**

**Councillor RC Hunt**

**Councillor CM Bartrum**

**Councillor PL Bettington**

**Councillor BA Durkin**

**Councillor Brig P Jones CBE**

**Councillor PJ McCaull**

**Councillor C Nicholls**

**Councillor FM Norman**

**Councillor GA Vaughan-Powell**

**AGENDA**

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b> To approve and sign the Minutes of the meetings held on 12 March 2013 and 30 April 2013.	7 - 12
<b>5. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS</b> To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the year 2012/13 (period 1 April 2012 – 31 March 2013).	13 - 54
<b>6. HEREFORDSHIRE COUNCIL'S PROPOSED 2013/14 FOOD HYGIENE INSPECTION PROGRAMME</b> To inform committee of the proposed 2013/14 Food Hygiene Inspection Programme to be undertaken by Environmental Health & Trading Standards in respect of its obligations under the Food Law Code of Practice (England)(April 2012) and to seek approval for the implementation of a revised programme that is not fully compliant with the code.	55 - 60
<b>7. HEREFORDSHIRE COUNCIL'S PROPOSED 2013/14 FOOD STANDARDS ENFORCEMENT PROGRAMME</b> To inform committee of the proposed 2013/14 Food Standards Enforcement Programme to be undertaken by Environmental Health & Trading Standards in respect of its obligations under the Food Law Code of Practice (England)(April 2012) and to seek approval for the implementation of a revised programme that is not fully compliant with the code.	61 - 66



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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 12 March 2013 at 2.00 pm**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum, BA Durkin, PJ McCaull, FM Norman and GA Vaughan-Powell

**61. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PL Bettington, Brig. P Jones CBE and C Nicholls.

**62. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes.

**63. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**64. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15 January 2013 be approved as a correct record and signed by the Chairman.

**65. REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH & TRADING STANDARDS**

The Head of Consumer & Business Protection presented a report on the regulatory activity undertaken by the Environmental Health & Trading Standards service between 1 April 2012 and 31 January 2013.

He advised Members that Environmental Health & Trading Standards was now part of the Places and Communities directorate, this move had taken place on 4 March 2013.

The presentation focused on specific areas of the Environmental Health & Trading Standards service, with the following comments made regarding each department.

**Licensing Team**

It was noted that service requests were down on the previous year but that response times had improved. The Head of Consumer & Business Protection drew Members' attention to the current freeze on discretionary spend which had been introduced across the Council in late 2012. He advised members that this had impacted on night time checks previously undertaken by the licensing team.

He then advised Members in respect of the successful introduction of the taxi marshalling scheme. Members wished their appreciation to be put on record and noted that the scheme had been well received by the trade.

Members raised the issue of test purchase operations and were advised that these had been reduced as a result of the current pressures on the budget. Members were concerned that the reduction in test purchase operation could result in an increase in underage sales throughout the County. The Head of Consumer & Business Protection advised that in the future test purchase operations would be undertaken on an intelligence led basis. In response to a question he advised that the issue of proxy sales was significantly more difficult to address.

### **Environmental Protection Team**

The Committee Members thanked the Environmental Protection Team for their assistance in various matters throughout their wards. Some concern was expressed in respect of the out of hours phone number as it was noted that on occasions calls were not answered or messages were not forwarded to the relevant officer. The Head of Consumer & Business Protection advised that the out of hours service had been operated by an outside company and that there had been some issues. He added that this breakdown in communications was not acceptable.

### **Air, Land & Water Protection Team**

The Head of Consumer & Business Protection advised the Committee that there were still on going issues at Sutton Walls. In response to a question he advised the Committee that in some cases homeowners needed to be present when officers needed to visit. He added that whilst visits were pre-booked there were occasions when people were not home. It was noted that although this could occasionally cause a delay it was not a significant problem.

### **Gypsy & Traveller Team**

Members were advised that there had been 15 unauthorised encampments over a 10 month period, one of these encampments had caused significant concern as it took place on the King Charles Playing Fields prior to the queens visit and the associated jubilee celebrations.

It was noted that in line with other Council services the Gypsy & Traveller Team were aiming to become cost neutral. It was also noted that a £493,000 had been allocated to refurbish the existing Bromyard traveller site. Members were of the opinion that there was a need for additional transient sites throughout the County and that a better provision of these types of sites could reduce the cost of enforcement as a result of unauthorised encampments. It was noted that there had been some work undertaken in respect of transient sites in the Old Gore ward.

### **Pest Control Team**

The Committee were advised that the Pest Control Team currently had 130 contracts with external clients and had recently revised their fees in order to move towards full cost recovery.

### **Business & Agriculture Support Team**

The Committee were advised that a considerable amount of work had been undertaken by the team in respect of both pay day loans and log book loans.



## **Environmental Health Commercial Team**

It was noted that the Council had now adopted the national FSA scheme regarding food outlet ratings. All of the premises inspected by the team could now be viewed on the national website.

Premises falling within the A,B, and C1 categories (highest risk) were being inspected by the team, this was not in keeping with the FSA Code of Practice which required an inspection programme to also include C2, D and E premises which were defined as medium and low risk.

The Head of Consumer & Business Protection advised Members that there was a need to make £336,000 in savings and as a result of this all vacant posts had been frozen. He added that this had impacted on the service as whole. In response to a question he added that had concerns in respect of the service area's ability to respond to a major outbreak in the County.

In response to a further question he advised that self-regulation was already in place in some areas and that the government were moving towards a light touch method of regulation. However he noted that deregulation could lead to future problems as had been highlighted by the recent horse meat incidents.

The Committee were concerned in respect of the issues raised and requested that regular updates be forwarded to Members regarding any significant issues arising as a result of budgetary savings.

Members received an update regarding the recent media attention regarding horse meat. It was noted that Herefordshire Council had been requested to undertake testing on behalf of the FSA and that out of 13 samples taken there had been no traces of horse meat found. The Head of Consumer & Business Protection advised that the sampling budget had also been reduced recently and that the current sampling had been funded by the FSA.

### **RESOLVED:**

**That: the Committee express concern in respect of the budget cuts to the Regulatory Service;**

**the Committee propose that the existing quarterly reports received should include further details regarding any impacts of the budgetary cuts and matters related to staff shortages;**

**the report be noted.**

The meeting ended at 3.10 pm

**CHAIRMAN**



**MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 30 April 2013 at 10.00 am**

**Present:** Councillor JW Hope MBE (Chairman)  
Councillor RC Hunt (Vice Chairman)

Councillors: CM Bartrum, PL Bettington, BA Durkin, Brig P Jones CBE,  
PJ McCaull, C Nicholls and FM Norman

**66. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor GA Vaughan-Powell.

**67. NAMED SUBSTITUTES (IF ANY)**

There were no substitute members present at the meeting.

**68. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**69. OBJECTION RECEIVED TO PROPOSED 2% TAXI FEE INCREASE**

The Chairman adjourned the meeting for 5 minutes in order for Officers to contact Mr Jones, who had made a formal objection to the council about a proposed fee increase and who was absent from the hearing. The Head of Environmental Protection and Licensing made a call to Mr Jones' mobile phone as well as his home land line but he could not be contacted.

In Mr Jones' absence, a report was presented by the Head of Environmental Protection and Licensing about an objection which had been received from the trade to the proposed increase in hackney carriage/private hire licence fees and charges for 2013/2014. He explained that the increases were in line with corporate policy of a 2% uplift on all fees.

The Head of Environmental Protection and Licensing outlined the advertising process which had been followed regarding the proposals and consultation with the trade and public. He advised that an objection had been received by Mr Jones and he proceeded to read out the objection in full. In response to the objection he advised that the Ombudsman had concluded an investigation previously lodged by Mr Jones in relation to the adoption of full cost recovery by this committee in May 2012 and found that the correct procedure had been followed. He also advised that the proposed fee increase had been advertised in the Hereford Journal in accordance with the legislative requirements. It was noted that, unlike before, letters had not been sent out to all drivers on the occasion of the 2% uplift proposal due to cost implications, but that all operators had been contacted directly and a notice in the newspaper fulfilled the obligations of the council.

The Committee heard from the Strategic Financial Advisor who advised that income for the previous year was approximately £145k. This was below the estimated £158k income as a result of the late implementation of the 2012/13 fee structure as well as a reduction in licences issued throughout the County.

In response to a question, the Head of Environmental Protection and Licensing advised that the legal requirements regarding advertising the proposed increase had been met.

The Committee noted that the trade had recently been granted an increase of 7% on their tariffs and fares and further noted that the proposed increase was essential in order to avoid the possibility of the service being subsidised by the Council.

**RESOLVED**

**That the Committee having heard the presentation by Officers covering the financial figures and savings already made by the taxi licensing service and fully considering the objections raised to the proposed increase, decided to agree to the 2% increase proposed.**

The meeting ended at 10.37 am

**CHAIRMAN**

<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2013</b>
<b>TITLE OF REPORT:</b>	<b>REPORT ON REGULATORY ACTIVITY BY ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS 2012/2013 (ANNUAL REPORT)</b>
<b>REPORT BY:</b>	<b>ECONOMIC, ENVIRONMENT &amp; CULTURAL SERVICES</b>

### 1. Classification

Open

### 2. Key Decision

This is not a key decision

### 3. Wards Affected

Countywide

### 4. Purpose

To note the main regulatory activities of the Council's Environmental Health & Trading Standards (EHTS) service for the year 2012/13 (period 1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2013).

### 5. Recommendation(s)

**THAT:** the report be received and noted.

### 6. Alternative Options

There are no alternative options relevant to this information report.

### 7. Reasons for Recommendations

The report provides the Committee with information about the main activities and regulatory responsibilities within the Environmental Health & Trading Standards service and gives the opportunity for Members to ask for any additional information they require.

## 8. Key Considerations

- 8.1 Since the new arrangements came into effect, The Regulatory Committee meets on a quarterly basis to consider policy matters within the framework decided upon by the Cabinet Member and information reports. Throughout the year, three monthly information reports provide the Committee with an overview of the regulatory activities on a Council-wide basis and these are summarised at year end in an annual report. In addition to the information reports, the Committee also delegated certain matters to the Sub-Committee (such as licensing reviews) which enables the full committee to meet less frequently. This allows the Regulatory Committee to be provided with a more strategic overview of the matters which fall within its remit.
- 8.2 This report is therefore for the Regulatory Committee to note, in order to enable members to be aware of the regulatory activity of Environmental Health & Trading Standards (EHTS) for the year 2012/13.

## 9. Introduction and Background

- 9.1 The report provides the Committee with a summary of activities for those service areas in the Council's Environmental Health & Trading Standards service involved in regulatory matters, namely:
- Licensing matters via the Regulatory Sub-Committee;
  - The Taxi & County Transport Badge Officers' Panel;
  - Licensing Team;
  - Environmental Protection Team;
  - Air, Land & Water Protection Team,
  - Pest control Team
  - Gypsy Traveller Service,
  - Business & Agriculture Support Team
  - Consumer Protection & Special Investigations Team
  - Environmental Health Commercial Team

In the year 2012/13 the entire EHTS service was budgeted to have net direct costs in the order of £1.2m (the service brings in about £900k income per year). At the end of the year, the actual direct costs came in under budget, having incorporated a challenging 'root & branch' in-year corporate savings target of £200k.

In the current 2013/14 financial year, the EHTS service has been tasked to save an additional £336k, which amounts to a very significant further 24% saving. A restructure was commenced in April 2013 in order to enable the service to meet this challenging target, mainly through the reduction of staff and managers. Future reports to committee will comment on its delivery.

The following paragraphs outline the regulatory activities on a team by team basis:

### **LICENSING TEAM**

9.2. The Licensing Team is self financing and brought in an income of circa £389k. It encompassed the key areas of:-

- Taxi Licensing
- Licensing Act (pubs and clubs and events)
- General Licensing (animal boarding, street collections etc)
- Gambling Act licensing

9.3 During the year 2012/13 the Officers' Taxi Panel has met on 12 occasions and dealt with the following matters:

- a. applications for a County Transport Badge that needed referral – 21
- b. applications for hackney carriage/private hire drivers licence that needed referral – 11
- c. suspension of a hackney carriage/private hire drivers licence - 4
- d. disciplinary matters regarding the holder of a hackney carriage/private hire drivers licence - 12

The panel is facilitated by the Licensing Team and is chaired by a Head of Service. It comprises a lead officer from the areas of licensing, adults and children's safeguarding, school transport admissions, legal, HR CRB Team and an officer from West Mercia Constabulary. This forum enables the council to not only fulfil its statutory responsibilities when considering taxi drivers who have breached conditions or who do not meet the high standards normally accepted for our dual driver badges, but also enables these crucial decisions to be made in a joined up manner involving the council's and police's expert officers. The panel also regulates county transport badge holders who drive Herefordshire's school buses or escort vulnerable children and adults. Where necessary (e.g. revocations and appeals) these matters are referred onto the Sub Regulatory and/or Regulatory Committee, in accordance with the Council's constitution and the protocol for the Taxi Panel. (See [Appendix 1](#) for these case referrals).

9.4 During the year 2012/13, the Sub-Committee has met on 25 different occasions and has dealt with the 52 cases presented by the Licensing Team. These were mostly licensing reviews and representations, but also included several matters relating to taxi vehicles and drivers referred from panel. This work also included several expedited reviews. Members should be aware that, based on police data, the number of licensing reviews undertaken in Herefordshire far exceed those carried out by the licensing authorities in the other areas of West Mercia's police force, which clearly demonstrates the close partnership working developed between Herefordshire Council's licensing team and West Mercia Police and the willingness to use the Licensing Act as intended by the Home Office. As a consequence, the police are adamant that Hereford's night time economy is the safest in their region which hopefully reassures members of the good and effective work undertaken by the Regulatory Sub Committee. These cases are itemised for reference in [Appendix 1](#) attached.

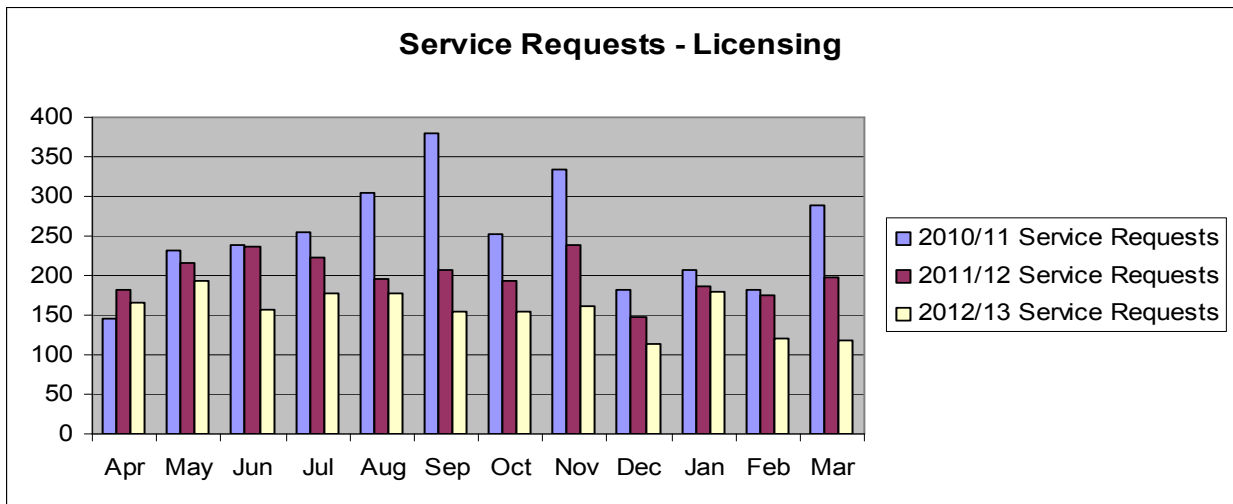
9.5 In addition to the above committee work, the licensing team also deals with many enquiries and complaints from the public. In 2012/13 there were 1871 such service requests, which compares to 2398 during the previous year, implying a reduction in retail/hospitality activity in the county.

In 2012/13, 98% of these service requests have been responded to within our 5 day response target which compares to a 92% response rate in the previous year. This trend implies that the Licensing team's performance is improving, probably correlating with service requests being slightly down.

9.6 In 2012/13 the licensing team have been involved in the successful licensing of events associated with the EuroCup and Hereford's Diamond Day Jubilee event in June 2012 as well as extensive work in July & August 2012 in preparation for events tallying with the Olympics. As is typical, the Christmas period also entailed a significant increase in licensing workload and regulation, although inspections were kept to an absolute minimum that year, as a consequence of reducing expenditure.

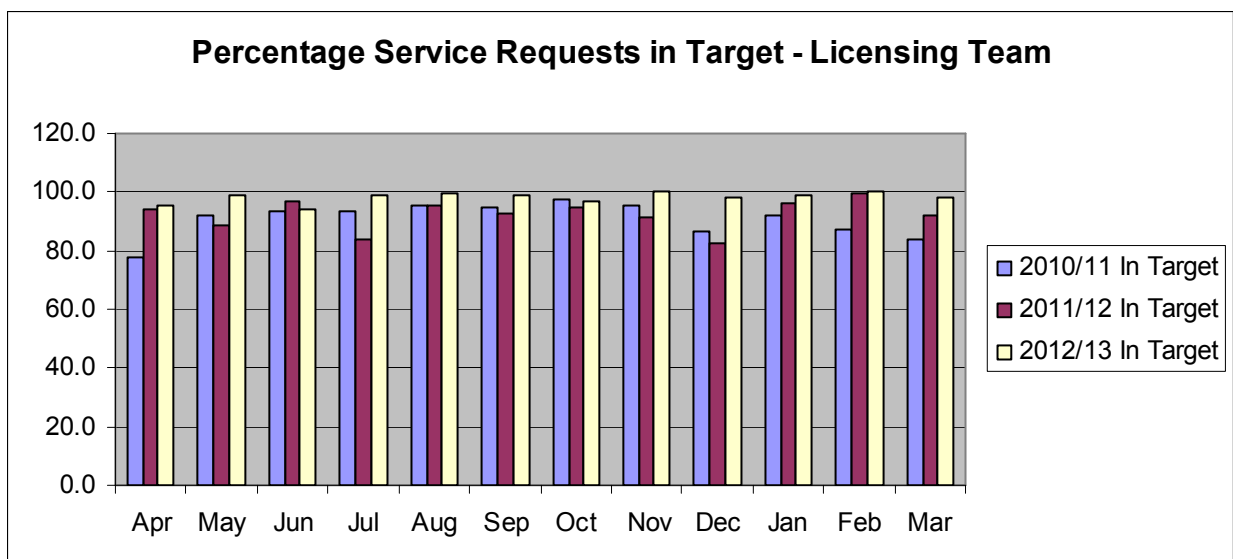
9.7 The workloads and trends are shown in Graphs 1 and 2 below.

**Graph 1: Licensing Service Requests**



Graph 1 above shows a reduction in service request activity, although the number of licensed premises remains largely unchanged at about 850.

**Graph 2: Licensing Service Requests**

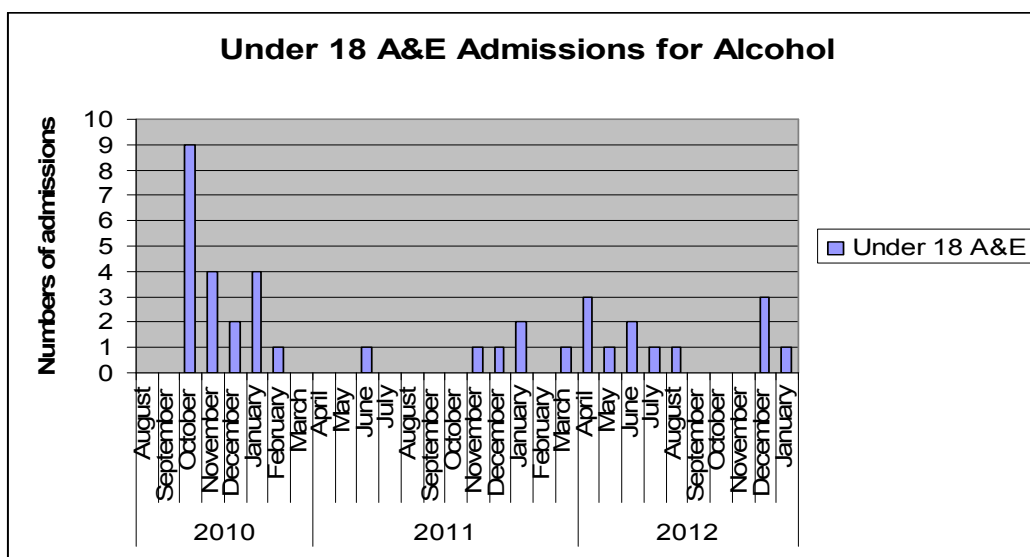




Graph 2 above shows a marked improvement in the 5-day response to service requests that we measure performance by. Overall the percentage for 13/14 in target was 98%, bettering the previous year's 92%.

- 9.8 As previously reported, the Licensing Team implemented new changes required by the Licensing Act in April 2012 whereby environmental health is now consulted for noise on all new temporary event notices (TENs), as well as the police. This consultation has continued to increase the regulatory effort required, as can be seen in [Appendix 1](#) where committee has had to consider objections to TENs on the basis of noise nuisance for the first time. This has been a popular change with the public who now benefit from the ability of the Council's noise environmental health officers to object to a potentially noisy event or seek conditions to be included to minimise noise. This power has been used several times in 2012/13.
- 9.9 The Licensing Team have undertaken night time joint enforcement inspections with the police, including checks on SIA door staff at Hereford's pubs and clubs with the SIA Authority, although this reduced from December onwards due to budgetary constraints. Much of this late night work was focussed on achieving public health outcomes, such as reducing under age drinking.
- 9.10 A number of festivals during the summer months required increased regulatory effort from the team in order to ensure compliance. This included the Nozstock Festival in July 2012, which was successfully licensed and did not pose any problems. The Big Chill festival was unfortunately postponed in August 2012 and will not return in 2013.
- 9.11 From December onwards, the Licensing Team had to postpone the joint work with the police and the Trading Standards Team for covert underage test purchase of alcohol in licensed premises, due to budgetary constraints. However, significant improvements in the outcomes of reduced alcohol admissions to A&E had been observed following the underage test purchase work undertaken in the April to October period.
- 9.12 The team continues to receive regular data in relation to A&E admissions related to alcohol at Hereford's hospital. Graph 3 below is derived from this data and clearly shows the linkage between joint licensing/trading standards covert test purchasing for under aged persons (which was initiated in December 2010). The graph continues to show a downward trend for A&E alcohol related admissions for people under 18 who have sought medical attention from the hospital's A&E, typically on Friday and Saturday nights.

**Graph 3: Underage Test Purchasing Initiative Linkage to Underage Alcohol A&E Admissions**



- 9.13 Taxi licensing enforcement work has continued into 2012/13, both in the day time and late at night, the latter via our new taxi marshalling initiative. This has involved checks on driver identity as well as checks on vehicle suitability.
- 9.14 As members will recall, the fees and charges for taxi licensing were increased to a level above inflation at a Regulatory Committee hearing on 22 May 2012 and reviewed at Regulatory Committee on 15<sup>th</sup> January 2013, when it was shown that they were moving the service towards full cost recovery and were therefore ratified. The fees were later uplifted by 2% for 2013/14.
- 9.15 Other 'general licensing fees' have also moved the service towards full cost recovery and were uplifted by a further 2% in April.
- 9.16 Cabinet agreed a revised taxi licensing policy with consolidated and updated conditions at a meeting in July 2012. This included the requirement for CCTV in all new hackney carriages and the phasing-in of CCTV over three years for existing cabs.
- 9.17 Taxi Marshalling was implemented in Hereford City on Friday and Saturday nights in early December 2012, well in time for the Christmas rush. This was reviewed in early 2013 and it was substantiated through police and A&E statistics that the marshalling had proved to be very effective in managing the way taxis operate in Commercial Road. It is believed that effective dispersal of revellers and better regulation of taxis have brought this improvement about.
- 9.18 The taxi marshalling scheme is also very popular with the taxi trade itself as it ensures a level playing field and etiquette amongst competing taxi drivers and taxi companies, which before was sometimes lacking. The taxi marshalling initiative that operated in 2012/13 was fully funded by Hereford City Council, Public Health (PCT), West Mercia Police and Heineken and its £12k cost was therefore neutral to the Council Tax Payer, being externally funded. The impact on A&E admissions and crime & disorder will continue to be monitored, with the programme continuing beyond 31<sup>st</sup> March, subject to external funding. So far £20k has been found to continue this scheme into 13/14, which is about 2/3 the amount needed. The scheme therefore is continuing and will be reported on to committee over the coming months.
- 9.19 The Licensing Team plays a major role in a monthly meeting co-chaired with the police which involves all the leading public agencies in Herefordshire, called 'MATAC' (Multi Agency Tasking and Coordination). It is through this forum that a lot of intelligence led licensing enforcement is possible.

## **ENVIRONMENTAL PROTECTION TEAM**

9.20. The Environmental Protection Team encompasses key areas such as:-

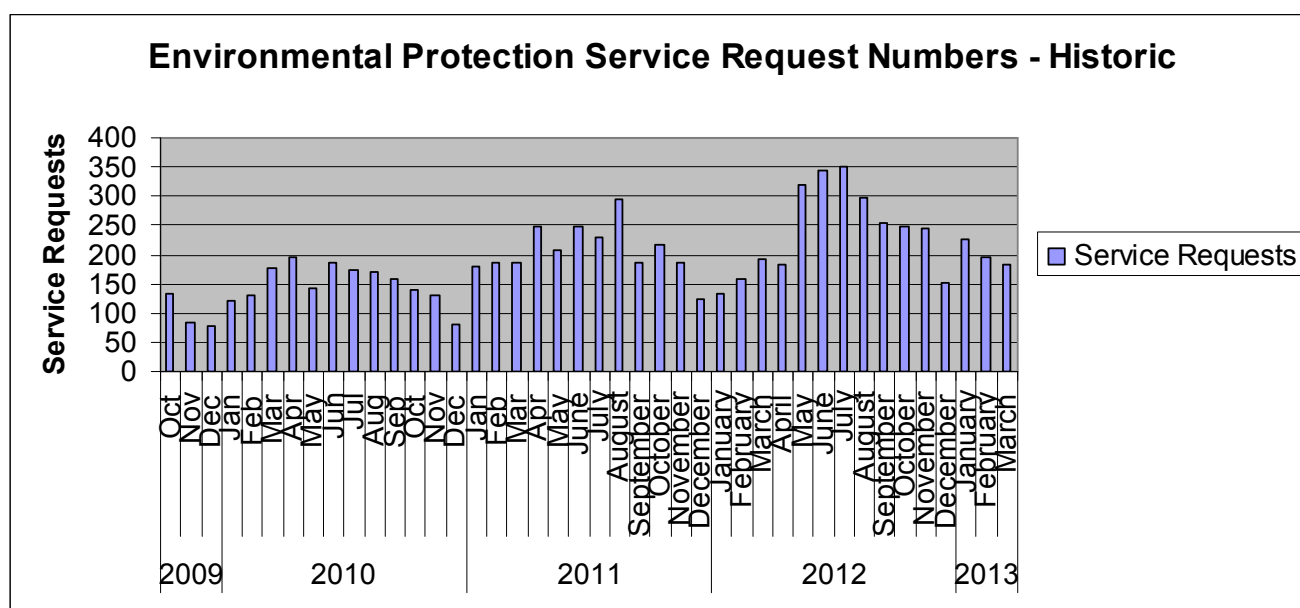
- Noise nuisance – investigation and service of noise abatement notices
- Other nuisances – e.g. odour, dust, smoke etc
- High Hedge complaints
- Burial of deceased without means
- Smoke offences – e.g. Clean Air Act and dark smoke offences
- Drainage – clearance of drains and defective septic tanks / rural drainage
- Public Health – clearance of land or housing with rats, mice, vermin or rubbish
- Planning Consultations - for environmental protection observations / conditions
- Licensing Consultations – for noise observations / conditions

9.21. In year 2012/13 the team handled 2999 service requests, comparing to 2423 during 2011/12. This is a significant 24% increase and reflects greater public expectation combined with increased licensing consultation workload now statutorily required.

9.22. In 2012/13, 77% of the team's service requests were responded to within 5 working days, compared to 78% for the previous year. This is similar and appears to demonstrate that the team still managed to cope with increased workloads by working in different ways. However there is considerable and growing pressure on this small team following a considerable reduction in staff which will take place in 2013/14.

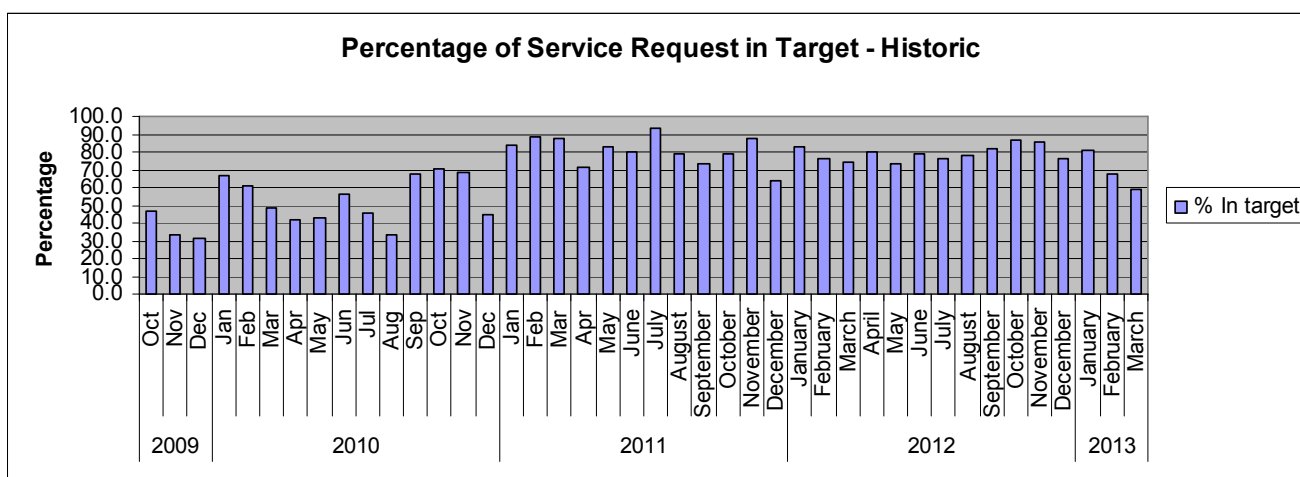
9.23. The graph below helps show the seasonality and long term rising trend for environmental protection service requests year on year.

**Graph 4: Environmental Protection Service Requests since 2009**



9.24. Graph 5 below shows those service requests which met EHTS’s tight response targets. It can be seen that the performance of this team significantly improved from mid 2010, whereupon it seems to have stabilised, dipping only in the summers due to increased seasonal demand. The graph does, however, does clearly show that performance has fallen since a technical officer post was frozen in January 2013. In addition to this frozen post, one EHO post was lost at the end of March 2013 and the manager post will also be lost in August 2013 in order to meet EHTS’s 24% savings target for 2013/14. The impact of this will be reviewed over the coming reports in 2013/14 to ensure that at least a statutory minimum service delivery will still be maintained.

**Graph 5: Percentage of Service Requests in Target**



9.25. About 29% of these service requests received in 2012/13 relate to noise. This percentage has fallen from the previous year, as the demand for consultation responses (particularly licensing) have increased to 45% of the requests for service. The breakdown of the type of service requests received last year is shown in the table 1 below:

**Table 1: Environmental Protection Service Requests**

Type of Service Request	No. Received April 2012 to Jan 2013	Percentage of Total
Noise Nuisances	878	29
Other Nuisances (dust, smell, light, flies etc)	121	4
High Hedge Complaints	32	1
Burials of those without means	5	<1
Clean Air Act / Air Pollution (including bonfire nuisances)	164	5
Drainage	111	4
Public Health (including rubbish, rats, pests and filthy / verminous houses)	166	6

Planning and Licensing Consultation Responses	1362	45
Miscellaneous and advice	160	5
<b>Totals</b>	<b>2999</b>	<b>100</b>

- 9.26. Clearly, we must be aware that each service request will vary considerably in complexity and therefore they cannot be equally weighted. That said, it is illustrative of the areas of workload responded to and continues to highlight noise at about 30% as the main operational activity undertaken. This reinforces our belief that Herefordshire is following the national trend of rising public expectation for the council to resolve such nuisances. The night time 'Noise Response Team' (referred to later) has also undoubtedly helped increase this public expectation further.
- 9.27. The breakdown in Table 1 also reveals that consultation work has increased to 45% of the total service requests in 2012/13 as compared to 24% in 2011/12. This is entirely down to the new licensing consultation workload for TENS, as it appears that planning consultations have slightly reduced.
- 9.28. The team has again operated a successful night time 'Noise Response Team' from June to September of 2012 and worked as late as 3am on Fridays and Saturdays. This is the second year that such a service was offered in Herefordshire. The 2012 service took on board public comments from 2011 and therefore operated over the longer June – Sept period and worked later into the night, with the option to work as late as needed, subject to the health, safety and welfare of staff.
- 9.29. We have reviewed the performance of this team through questionnaires released in both 2011 and 2012, which were completed once the team had finished each summertime operation.

**Table 2: Out-Of-Hours 'Noise Response Team' Survey (2012)**

Did you get a quick response?	90% said yes
Did the Team manage to attend on the night?	76% said yes
If the team could attend, was the problem resolved on the night?	50% said yes
Has the noise problem affected the health or wellbeing of you or your family?	95% said yes
Do you feel that your health and wellbeing has improved as a consequence of action taken by the team on the night?	27% said yes
Were you satisfied with service?	50% said yes

- 9.30. Looking at Table 2, the team clearly managed to respond quickly, although due to demand, could not always attend. However, resolution on the night was good at 50%. Interestingly 95% of the public viewed noise to be detrimental to their health & wellbeing, with 27% estimating that this had improved because of the team's intervention. There is therefore good linkage to the health & wellbeing objectives of the council's corporate plan. Compared to last year's review, the overall satisfaction rating of 80% has unfortunately gone down to 50% although when the comments are taken into account it seems there was an increased expectation from

last year's service. This was demonstrated with comments like "the 3am finish was too early", "we would like two or even three teams patrolling per night rather than just one" as well as a request for the service to operate each night of the week every day of the year.

- 9.31 Due to budgetary constraints and the 24% savings required of EHTS in 2013/14, unfortunately we will not be able to operate this night time response service in the summer of 2013.
- 9.32. Rather than prosecute, the Council's joint enforcement policy encourages the service to utilise statutory notices to resolve problems and escalate this to prosecution only when absolutely necessary. During the year 2012/13 the following statutory notices / enforcement action was taken by the Environmental Protection Team.

**Table 3: Environmental Protection Notices Served**

Type of Statutory Notice	Number Served since 1 <sup>st</sup> April 2012
Drainage Notices	51 notices in Ross-on-Wye on an estate with a failed pumping station.  2 notices on 2 houses in Hereford.  1 other drainage notice
Noise Abatement Notices	3 notices served for domestic noise. (Two in Hereford and one in Moreton-on-Lugg)
High Hedge Notices	0
Unsecured Property	1
<b>TOTAL</b>	<b>58</b>

- 9.33. In addition to this enforcement work, the team was consulted by Licensing and Planning Services and investigated and responded to each request for service. A number of pre-application visits were also undertaken for Planning. This is a considerable amount of work, with the sole purpose being the prevention of possible future enforcement action.

## **AIR, LAND & WATER PROTECTION TEAM**

9.34. The Air, Land & Water Protection Team encompasses key areas such as:-

- Closed landfill site management – monitoring and project managing engineering works etc.
- Contaminated land – service requests, responses to planning application consultation requests and contaminated land strategy investigations
- Private water supply monitoring and regulation and overview of mains water quality
- Industrial pollution control – issuing of environmental permits for large factories & processes
- Air Quality – monitoring and assessment of air quality across the county with statutory reporting to Defra.

9.35. Although much of this team's remit is not enforcement based, during the year of 2012/13 the following regulatory work was undertaken by this team:

### Specialist Contaminated Land & Closed Landfill Work

- It is a statutory duty of the council to investigate and assess contaminated land and for this aspect to be considered as and when it arises through the planning process.
- Nearly half of EHTS's consultations requested by Planning were undertaken for potential land contamination.
- In particular, members of this small team have continued their close working with the Environment Agency (EA) on a detailed investigation of the Sutton Walls closed landfill site and potential contamination. Written communication updates continue to be sent on a regular basis to Moreton-on-Lugg, Sutton St Nicholas and Marden Parish councils as well as to the local member and the team are hopeful for Environment Agency funding via Defra to continue this investigation.

### Specialist Closed Landfill Work

- There is both a statutory duty and civil obligation for the council to manage its closed landfill sites and to monitor any pollution from them, such as gas or leachate migration.
- In fulfilment of this, extensive engineering and monitoring work continued at the closed landfill site at Stretton Sugwas, as well as routine work at the closed Strangford, Belmont and Leominster sites. Grant funding has been applied to from Defra to assist in this.

### Specialist Water Sampling and Monitoring Work

- There is a statutory duty for the council to routinely take water samples from private drinking supplies, such as wells, boreholes and springs. These samples and the risk assessment of supplies are also only required where a supply is shared with other houses or is provided to the public for consumption / commercial use. Sole users of their own private water supply are therefore not required to be sampled, although the small team does undertake this if requested, but will fully recharge for this service.

- Water sampling is recharged where at all statutorily possible and these fees went up in April 2012 to move those chargeable parts of the service towards full cost recovery. The service recovered nearly £70k in this way compared to about £62k the previous year, thus further subsidising costs.
- For the year 2012/13, 1174 water samples from private supplies were programmed and 1013 of these were taken (864%). There were 285 bacteriological failures recorded (27.5%) and 135 chemical failures recorded (13.6%). This regulatory work has so far resulted in only 44 notices having to be served to improve unfit / unwholesome supplies. It is not yet possible to compare this data to previous years, although this should be possible over the future reports now we are able to benchmark.
- For the year 2012/13, 107 risk assessments for these private supplies (as required under the new Private Water Supply Regulations) were programmed in for the calendar year and 80 of these were completed (71.8%). These are recharged in accordance with the regulations.

#### Specialist Air Quality Monitoring & Reporting

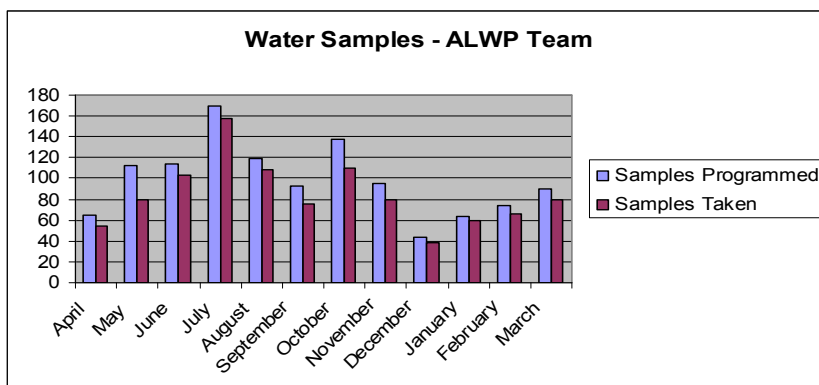
- Air quality monitoring has continued at a reduced number of sites and a three yearly 'Updating & Screening Assessment' report was sent to Defra in November 2012, as is statutorily required. The continuous air quality monitoring station at Victoria Street was not operated due to budgetary constraints, although it is hoped that this will be reactivated in the summer of 2013.

#### Specialist Industrial Pollution Control Work

- Environmental permitting of the county's potentially polluting 93 industrial processes/factories continued, the statutory recharged income from this being about £40k for 2012/13. Several permits were varied and a new integrated pollution prevention control (IPPC) permit was issued for a large printworks using organic solvent. The team also provided invaluable information for the emergency services / Silver Command during the Bathgate fire in Rotherwas in early 2013, when a large flooring company burnt down with a resultant smoke plume falling over the city. However, due to budgetary constraints only high risk industrial processes were inspected this year, although this is being reviewed for 2013/14 as this practice falls well below statutory minimum.

9.36. Graph 6 below shows the number of water samples so far taken in 2012/13:-

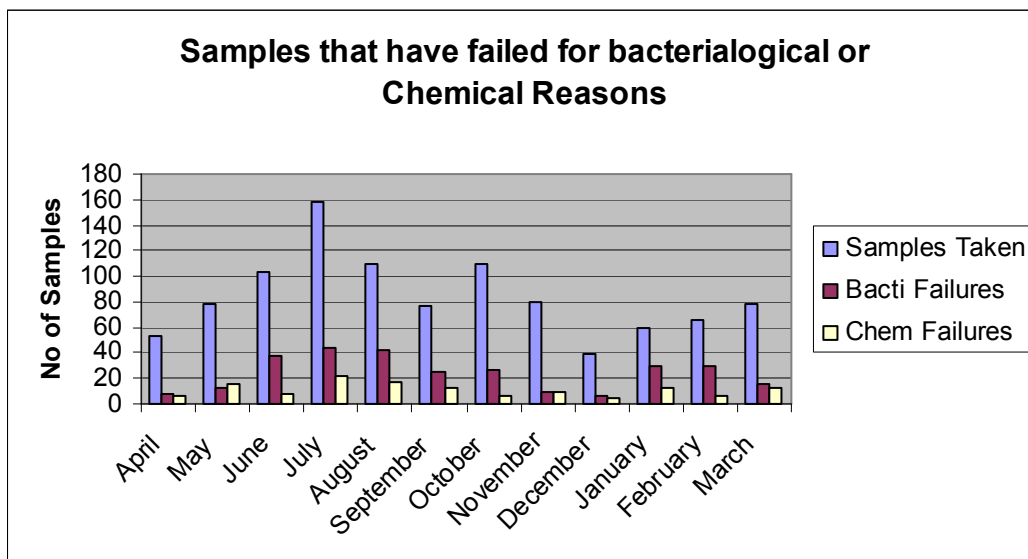
**Graph 6: Number of water samples so far taken in 2012/13**





- 9.37. The reason why not all these samples have been undertaken is due to postponements from the public / house owners.
- 9.38. Graph 7 below shows the number of water samples that have failed statutory public health water quality standards so far in 2012/13:-

**Graph 7: Number of water samples that have failed statutory health standards so far in 2012/13**



## **GYPSY & TRAVELLER TEAM**

- 9.39. Although much of this team's remit is the management of the six council owned gypsy & traveller sites across the county, during the year 2012/13, regulatory activity occurred through intervention at 18 unauthorised encampments, including one on the Bishops Meadows just days before the Queen's visit in June. The travellers were moved on by this team. Most other encampments have been on council owned car parks or industrial estates.
- 9.40. The team also manages the six council owned sites. Following a consultation exercise in March 2012, new fees were implemented from April 2012 onwards to increase rents by 60% to make this service cost neutral to the council tax payer. The new fees have meant that this service earned an income of over £190k last year, compared to only £127k for the previous year.
- 9.41. In December 2012, the team was successful in being allocated £395k from the HCA to rebuild and refurbish the largely derelict Bromyard site. This will not only improve accommodation prospects for Herefordshire's travellers, but should also reduce unauthorised encampments in the Bromyard area through the provision of 8 extra pitches. It will also increase income.

## **PEST CONTROL TEAM**

- 9.42. The Pest control team deals with the eradication of most domestic pest infestations through treatment and prevention. They also operate a number of contracts with businesses for pest control services including many council services and schools. During the year 2012/13 the team has:
- Continued to respond to service requests ranging from wasps fleas, rats, mice and moles.
  - Has increased its 130 contracts in place with businesses for pest control.
  - Has increased its advertising into parish magazines, local newspapers and has looked to expand its area of operation into parts of Worcestershire.
  - Implemented a new fee structure to move this service towards full cost recovery.
  - Annualised the hours of staff to meet seasonal demands at no increased cost.
  - Earned income of £103k for EHTS over 2012/13.
  - Taken on the management of the seagull control programme (previously with the Air, Land & Water Protection Team).
  - Has held a stakeholder meeting with residents, businesses and the City Council and secured the co-funding of seagull control programme with Hereford City Council in 2012/13 with the agreement of 100% funding from the City Council in 2013/14.
  - Continued to assist the Environmental Protection Team with regulatory work concerning overgrown gardens and backyards.
  - Is available 24/7 in case of any unforeseen public health incidents or outbreaks requiring immediate pest control treatment.

**BUSINESS & AGRICULTURE SUPPORT TEAM**  
**CONSUMER COMPLAINTS & SPECIAL INVESTIGATIONS TEAM (TRADING STANDARDS**  
**AND ANIMAL HEALTH & WELFARE)**

9.43. These teams encompass key trading standards and animal health & welfare service activities such as :-

- The provision of **Business & Consumer Advice and Support**.
- **Consumer Safety** - ensuring the safety of consumer goods and legality of 'CE' the mark.
- **Food and Agriculture Standards** – advising businesses on food labelling ensuring that food composition and description are correct and truthful, ensuring animal feeding stuffs relating to labelling and composition are also correct.
- **Fair Trading** – ensuring goods and services are legally compliant covering numerous commercial practices such as consumer credit, packaging , green claims, time share etc., and also protecting the elderly and vulnerable against cold calling, rogue traders and scams, taking appropriate enforcement action in line with the Council's Enforcement and Prosecution Policy.
- **Metrology** – ensuring that weights and measures used in trade are correct and that suitable equipment is used, checking the quantity of goods sold ranging from bread to petrol.
- **Licensing of Petroleum & Explosive Storage**
- **Animal Health & Welfare** – inspection of farms and livestock, work with farmers to ensure that disease control measures are in place and are adhered to. Provide support and guidance in relation to animal health & welfare legislation, the control of animal by-products and bovine TB. Ensure the welfare of animals and integrity of the food chain through livestock market surveillance, monitoring the transport of animals and also inspecting primary food producers.

Some of these functions are explained in more depth below in section 9.44 onwards:-

**Food Standards Inspections**

9.44 All food standards inspections were carried out by authorised, qualified and competent officers. With one of the officers initially on a secondment to Public Health and then on maternity leave, a contractor was employed via an agency to backfill this position. Originally employed for 3 months for the period September to November, this was unfortunately curtailed by one month as the officer obtained a permanent position at another authority. Whilst in the process of sourcing another officer to fulfil the remaining period, a budget lockdown was imposed and agency recruitment was halted. This meant that the target for high risk premises could not be achieved by the remaining staff. In addition, the horsemeat food fraud erupted in February /March that also impacted upon the capability of the service to achieve its inspection programme.

**Table 4:**

<b>Target</b>	<b>Total Inspections</b>	<b>Total Percentage</b>
96 (100%)	73	70%

### **Protected Geographical Indications**

9.45 The PGI is for 'Herefordshire', 'Gloucestershire', 'Worcestershire' 'Cider' and 'Perry'. Herefordshire Trading Standards Service is the EU recognised authority for the administration and award of this legally protected mark and is responsible for undertaking audits for all 3 counties with regard to renewal or register of this product. Currently there are 14 producers with a total of 91 products who have been awarded PGI status of these, 12 producers are within Herefordshire with 74 products.

**Table 5:**

	<b>Large Business</b>	<b>Small Business</b>
New		1
Renewal	1	3

### **Food Samples**

9.46 65 food samples were taken over the year. The majority were part of the Food Standards Agency (FSA) Food Sampling Grant which was in partnership with Worcestershire Scientific Services, Worcestershire Regulatory Services and Gloucestershire Trading Standards. The grant paid for the sample cost and the analysis cost. 13 samples were also taken as part of the horsemeat deception / fraud incident on behalf of the FSA and 8 samples were taken from our school suppliers. None of the samples contained Horsemeat.

### **Food Standards Horsemeat Deception / Fraud Incident**

9.47 February and March saw the Horsemeat incident raise its head. This was primarily a Food Standards issue rather than a Food Safety issue in that the meat composition of some beef labelled products were in fact substituted with horsemeat or porcine. Nominated authorities were tasked with obtaining samples on behalf of the FSA as part of a national sampling plan from specified outlets to ensure all retailers and wholesalers were covered. Herefordshire officers obtained 13 samples as part of this request and in addition, the team also proactively checked some schools with 8 samples being taken, covering the suppliers used by the in school caterers. All samples taken were found not to contain any Horsemeat or Porcine. Further work was also carried out and is continuing in respect of Approved Premises such as cold stores, where traceability checks are being conducted.

### **Business Advice**

9.48 243 businesses contacted the team for business advice regarding a range of legislation from food labelling and composition to energy efficiency of houses. This is seen as a key

component to supporting the economic growth of the county.

### **Feed Standards**

- 9.49 All high risk animal feed producers within the county have been visited to ensure integrity of the food chain. The FSA also provided a grant to ensure a range of premises were inspected for compliance with the Feed Hygiene Regulations and overall, those premises were found compliant although there has been one reported feed incident as detailed below.

### **Feed Incident High level of Lead in Copper**

- 9.50 As a result of one adverse sample in that an extremely high lead content in a copper additive. The maximum permitted allowance is 100mg/kg and test results showed it was around 1000mg/kg. This was reported to the FSA and a major investigation under the instructions of the FSA with Herefordshire being the main investigator. This resulted in certain batches of feed being withdrawn from use although most had been used.
- 9.51 The FSA is nationally placing very high priority on Feed Hygiene as this is where the initial contamination of foods that ultimately end up as part of the food chain can take place. A breakdown of inspections is produced in the following table:

**Table 6:**

<b>Type of Premise visited</b>	<b>Number visited</b>
High Risk Feed Producers	11
Approved Premises	1
Registered Producers	5
Registered Hauliers	3
Registered Farms that are mixing Feed Additives	5
Food Manufacturers producing co products e.g. Apple Pulp	4

### **Feed Samples**

- 9.52 25 Feed Samples were taken at in county producers and included 11 as part of the FSA food sampling grant which covered the sample and the analysis cost.

### **Feed Hygiene Register**

- 9.53 The Council is required to produce and maintain a public register of all Feed Businesses within the County which has to be supplied on request to the FSA. At the start of the year there were approximately 1200 businesses registered including farms, producers and hauliers and it is a requirement that these businesses are required to register with the local authority. Our records show approximately 4000 farms in the county indicating that some 2800 are not registered. Work is being carried out to reduce this number and so far more than 600 businesses have been added to the register or their records amended, to show they no longer

keep animals. This work is being prioritised as part of the 13-14 teams' business plan.

### **Central England Trading Standards Authorities (CEntSA) Projects**

- 9.54 A regional project entitled 'The Truckers Tuckers project' was delivered on a pilot basis in association with the street trading officer, An established street trader was engaged to take part and agreed to improve their provision of healthier foods. This was achieved and the business operator found that their sales increased.

### **Under Age Sales**

- 9.55 Working in partnership with West Mercia Police and the Licensing Team, seven separate test purchasing operations were undertaken to determine whether alcohol or tobacco were sold to children under the age of 18. It is worth noting that one particular sale of alcohol at a premise in Hereford, that not only did they sell alcohol to a 14 and 15 year old, but the alcohol was also 'non duty' paid. On inspecting the premises, a large quantity of 'non duty' paid alcohol was found and a licence review was initiated, resulting in a licence revocation. The Owner appealed to the Magistrates Court and this was the first appeal under the Licensing Act to be heard in Herefordshire. A Civil hearing took place and the magistrates agreed that the committee had made the correct decision and the revocation was upheld.

**Table 7:**

<b>Product</b>	<b>Number of Sessions</b>	<b>Number of premises visited</b>	<b>Number sold</b>	<b>Actions and Results</b>
Alcohol	5	35	8	1x Review with conditions 1x Review with conditions and 28 day closure 5x Minor Variation of Conditions by Trader 1x Review Licence revoked
Tobacco	2	15	2	Written Warnings to sellers

### **Licensing Act Consultations (Alcohol)**

- 9.56 As a responsible authority trading standards are consulted where applications for a new licence and to vary a licence in regard to the sale of alcohol are requested. This has taken the format of securing suitable conditions being placed on the licence such as appropriate training, 'Challenge 25' and the instigation of a refusals register. All areas which are deemed best practice to eliminate or reduce the chance of alcohol being sold to children under the age of 18.

### **Animal Health Market Inspections**

- 9.57 Visits were made to all livestock markets up to the middle of December until a 'Budget Lockdown' was introduced. A reduced number of visits were made from December to end of March by linking in with other programmed work activities.

### **Animal Health Welfare Complaints**

- 9.58 66 complaints were received regarding animal welfare and possible disease issues, including the non-disposal of dead carcasses. Reactive visits were made to the premises within the 3 day target of being notified and action taken to ensure that matters were rectified including animals being treated and brought back to better condition. Officers have also assisted with a West Mercia Police investigation regarding the welfare of horses that were seized from several holdings within Herefordshire.

### **Animal Health Breach Reports**

- 9.59 185 Breaches have been investigated and recorded on the departments database Civica.

### **Animal Health Disease Outbreaks – ‘Operation Atlanta’**

- 9.60 This was a national contingency plan desk top exercise which involved Herefordshire, and took place in November along with participants from West Mercia Police, Worcestershire Regulatory Services and a number of sections within the Council. The remit was for DEFRA to test its national plan through linking with the Herefordshire Disease Outbreak plan. Working with the Emergency Resilience team, it was found that our local plan was effective but the exercise raised concerns regarding departmental resilience in respect of staffing. No major disease outbreaks were reported this year.

### **Animal By-products**

- 9.61 Work was undertaken during the year to investigate the type of animal by-products going from Herefordshire Manufacturers to Farmers for inclusion as animal feed. It was established that the main product going to farms was apple pulp and there was very little animal product that was subject to control. It was highlighted however, that there may be more of an issue regarding small bakers, butchers, restaurants and hotels etc. that could supply waste to farms which is prohibited, and may be the subject of a future project.

### **Feed Hygiene on Farms**

- 9.62 Further to the work carried out for the FSA on Feed Hygiene, 114 visits to farms and feed hygiene inspections undertaken, usually triggered by a breach report notification. Generally, farms were found to be compliant and following the FSA guidelines as to the minor and major non conformities.

### **Enforcement Activity**

- 9.63 Money saved for consumers totalled £70,920.18 and related to some 35 individuals. These included many vulnerable consumers, mainly the elderly involving rogue traders undertaking cold calling activities typically for property repairs, garden maintenance and driveway resurfacing, disreputable car dealers and consumer credit and debt matters.
- 9.64 One example concerned a young lady, aged 20, who was persuaded into signing a Timeshare/Holiday Club agreement for £14000. She had not long come over here to live after fleeing Zimbabwe. Painstaking work was put into formulating a case which the Financial Ombudsman Service eventually agreed to and as a consequence, ordered the bank financing the agreement, to write off the debt. The young lady had become very ill and depressed by the debt hanging over her, and following our intervention and help to resolve the matter has now returned to good health.
- 9.65 A number of successful prosecutions concluded in court in the last financial year are included as a separate appendix to this report.

## **ENVIRONMENTAL HEALTH COMMERCIAL TEAM**

9.66. This team is responsible for key areas such as:-

**Food Hygiene** - ensuring basic food hygiene of food registered premises as well as promotion of the Food Hygiene Rating Scheme ( FHRs), which provides a score rating of premises that is publically available on a national website. They provision of business advice and also supporting new and existing businesses.

**Dealing with infectious disease notifications.**

**Health & Safety at Work** – providing advice and assistance to businesses, investigating accidents and fatalities, and where appropriate, instigating criminal prosecutions in accordance with the Council's Enforcement & Prosecution policy.

**Ensuring Smoke Free Workplaces.**

**Food Hygiene and Infectious Diseases**

**Food Hygiene Inspections** – more detail on this in provided in 9.67 below:-

9.67 Food hygiene inspections are carried out by suitably qualified and competent officers at intervals appropriate to the risk of the food business namely, the quantity of food supplied, the distance it travels, its type and the management of food safety (practices, procedures and premises) within the business, i.e. a 'risk based' approach. In Herefordshire there are approximately 2,500 registered food businesses. The high-risk food business inspections are generally unannounced and during food production times, so as to ensure a true picture of the business is being assessed. The aim of the inspection is to ensure food business are suitably controlling food safety relevant to the risk, as required in Food Hygiene Legislation, so as to ensure food produced does not cause harm or ill-health to the consumer.

**Table 8:**

	<b>New Programmed visits for 2012/2013</b>	<b>No's Outstandin From 2011/2012</b>	<b>Total number due for 2012/2013</b>	<b>Numbers achieved in 2012/2013</b>	<b>Numbers outstanding, carried over into 2013/14</b>	<b>% Achieved</b>
A	3	0	3	3	0	100%
B	54	2	56	56	0	100%
C1	171	4	175	172	3	98%
C2	272	29	301	239	62	79%
D	91	65	156	90	66	58%
E	<b>None</b>	-	1320	1281 (AES)*	39	97%
<b>Totals</b>	<b>591</b>	<b>100</b>	<b>2011</b>	<b>1841</b>	<b>170</b>	<b>89%</b>

\*(AES – Alternative Enforcement Strategy)



- 9.68 There were a total of 1072 food hygiene inspections carried out during 2012-13. This includes both established premises as well as, new food businesses starting up in the County. In addition to the visits undertaken for 'D' rated premises, 322 AES interventions were also achieved. There were 312 new food businesses food registrations received this year.
- 9.69 The findings of the inspection are assessed against a national risk assessment code of practice that calculates when the next inspection is due. This is how a premise is allocated its specific risk category.

**National Food Hygiene Rating Scheme (FHRS).**

- 9.70 Part of the inspection involves producing a risk rating score which is also converted into a publicly accessible food hygiene rating detailing how well the business has managed food hygiene at the time of the inspection (currently only catering and larger retail businesses are included). This information is freely available for all to see on the National FSA Food Hygiene Rating Scheme website.

**Percentage breakdown of applicable establishments for year ending 2012 -2013**

**Table 9:**

FHRS rating	Total
5 - Very good	63.3
4 – Good	21.5
3 - Generally satisfactory	11.5
2 - Improvement required	2.4
1 - Major improvement required	1.1
0 - Urgent improvement required	0.1
Total rated establishments	100.0
Establishments with rating of 3 or better = 96.4%	

**Food Hygiene Interventions.**

- 9.71 In addition to programmed food hygiene inspection visits that are made to premises, any other inspections are referred to as interventions under the code of practice. Over the year there were a total of 1167 intervention visits made to food premises, as detailed below.

**Table 10:**

Intervention	Total
Inspections <i>(as detailed above)</i>	735
Verification/surveillance (Revisit)	189
Sampling	15
Advice & Education	124
Info & intelligence gathering	9
Ceased Trading	95
<b>Total</b>	<b>1167</b>

### **Food Hygiene Service Requests**

9.72 The team operate a duty desk system where all enquiries received by the team are passed to a duty officer to respond and action as appropriate. (This is for both H&S and Food Safety enquiries.) The team received a total of 233 food hygiene service requests this year, as detailed in the table below.

**Table 11:**

Service Request	Total
Food complaint	82
Food premises complaint	73
Food Hygiene TB Notifications	78
<b>Total</b>	<b>233</b>

### **Food Hygiene Samples**

9.73 Routine food hygiene microbiological sampling is carried out by the team to ensure that foodstuffs do not contain harmful microorganisms (eg Salmonella) or their toxins. The team work closely with the Food Examiners at the Food Water and Environmental Laboratory, Sutton Coldfield, Public Health England (PHE) (formerly the Health Protection Agency (HPA)) and with the Health Protection Unit (HPU also part of PHE). There is a sample allocation for submitting food samples to the HPA laboratory and currently no cost is incurred within the allocation. This year 155 food hygiene samples were taken as detailed in table below:-

**Table 12:**

<b>Samples taken</b>	<b>Number</b>
Alcoholic Drinks	3
Bakery Products	5
Dairy Products	32
Eggs	4
Fruit and Vegetables	23
Ices and Desserts	5
Material & Articles in Contact	29
Meat	31
Non Alcoholic Drinks	9
Oils & Fats	1
Other Foods	5
Prepared Dishes	3
Soups and Sauces	5
Total	155

9.74 Of the 155 samples tested 18% were found to be microbiologically unsatisfactory, which required further investigation and or, advice. The sampling programme includes manufactures in Hereford, new manufacturing food businesses and sampling surveys. A number of these samples were taken as part of a larger sampling survey, both regional and national. The surveys that EH Commercial participated in this year were as follows:-

- a). Chopping boards and cloth's survey
- b). Liver Pate survey

**Food Hygiene Enforcement Action**

9.75 Where issues are identified by an officer during inspection of a food business, then a range of options are available dependant on the public health risk identified and the responsiveness of the food business to ensure compliance such as - advice, formal letters (written warnings), formal notices, closure, a caution and ultimately prosecution. Revisits also play an important role in ensuring significant issues are put right.

**Table 13:**

<b>Enforcement Action</b>	<b>Number</b>
Voluntary closure	2
Simple Caution	1
Improvement notices	7 Notices ( on 2 separate premises)
Written warnings*	527

*\* Written Warnings –include an inspection report and or letter, detailing contraventions that require action by the food business operator to ensure compliance with food hygiene legislation.*

### **Infectious Diseases**

- 9.76 A number of diseases are reportable to Environmental Health via the HPA to enable the local authority to investigate the possible cause and in order to prevent further ill-health and risk to others. This year the team has received and investigated 345 Infectious disease notifications. These are detailed below:-

**Table 14:**

<b>ID Notification</b>	<b>Number</b>
Campylobacter	291
Cryptosporidium	19
E.coli 0157	3
Giardia lamblia	7
Hepatitis A	1
Other E .coli	1
Other Salmonellas	16
Other Shigellas	2
Salmonella enteritidis	1
Shigella Sonnei	2
Viral Hepatitis	2
<b>Total</b>	<b>345</b>

- 9.77 Environmental and or food safety factors can be the cause of the transmission of these infectious diseases. During 2012/13 the adverse wet weather conditions during summer may have resulted in several of the e-coli and cryptosporidium investigations listed above. In these cases the importance of good personal hygiene e.g. hand washing, was stressed as an important control measure

#### **Food and Infectious Disease Special Projects.**

- 9.78 **Crucial Crew – Hand Washing Awareness.** Officers participated in the nine day ‘Crucial Crew’ event where approximately 1,300 year 5/6 pupils from all around the County attended the educational event. At this event the Commercial Team provided a practical hand washing exercise to explain and demonstrate the importance of hand washing in preventing ill-health and spread of infections, both viral and bacterial. This was very relevant especially to children’s outdoor activities due to the very wet summer.

9.79 **Chinese Food Hygiene Seminar.**

A food safety management system presentation was given in both English and translated into Mandarin to further explain the new guidance provided in the Food Standards Agency (FSA) E-coli guidance document that was written following the South Wales E-coli outbreak. Across the County 33 premises whose first language was Mandarin were invited to the presentation. Of these, 16 businesses responded bringing a total 40 attendees, including food handlers and managers. The presentation was very well received by the businesses and the translation into Mandarin was very much appreciated by the attendees.

9.80 **Linking Food Businesses Initiative.**

Environmental Health Officers in the Food Safety team coordinated a ‘Linking Businesses Food Hygiene’ initiative which was hosted by the Meadow Cheese Company Ltd based in Ledbury. The event was organised to support in particular, newly formed and developing small food manufacturers. The objective was to link food businesses with each other to network, share best practice and observe how a large food manufacturer organises its food safety and hygiene systems.

- 9.81 Nine individuals representing seven food businesses from all over the county attended a briefing session at the Meadow Cheese factory followed by a tour of the operations and a question and answer discussion afterwards.

#### **Move to National Food Hygiene Rating Scheme (FHRS) as endorsed by the Food Standards Agency (FSA).**

- 9.82 In January 2013 Herefordshire Council moved from the ‘Scores on the Doors’ food hygiene rating scheme to the FSA’s National Food Hygiene Rating Scheme. All businesses were informed of the change and any poor performing premises were offered an advisory visit. There was substantial work configuring the existing IT system to update to the new FHRS system. New certificates and window stickers were generated for the circa 1500 food businesses that were involved. Finally, a data transfer to the new FHRS website was successfully carried out and all businesses were issued with their new certificates and stickers. An FSA grant application was also successfully made to the FSA to recover the costs incurred in adopting the new rating scheme.

#### **Health and Safety**

- 9.83 **Inspection program** - All high risk ‘A’ rated H&S premises were inspected.

9.84 **Reportable Accidents under RIDDOR Accident investigation.**

Accident notifications have continued to be investigated in accordance with selection criteria. 150 notifications were received including 3 fatalities (see table below).

**Table 15:**

<b>RIDDOR Notification Cat.</b>	<b>Number</b>
Another kind of accident	40
Contact with moving machinery	1
Exposure to harmful substance	3
Fall from a height over 2m	4
Fall from a height under 2m	10
Hit by moving/flying object	8
Hit something fixed or static	8
Injured Handling/Lifting etc.	13
Physically assaulted by person	2
Slip Trip Fall, Same level	61
<b>Grand Total</b>	<b>150</b>

9.85 In response to the corporate objective to reduce falls within the local population (those over 65), where possible, the age of the injured party was obtained. Of the 150 notifications, the following data was obtained. (N) (N%) age unknown, 18 (12%) involved persons under 18 years old and 18 (12%) involved persons 65 years and over.

9.86 **H&S Service Requests.**

The team received and actioned a total of 134 H&S service requests as detailed in the table below:-

**Table 16:**

<b>H&amp;S Service requests</b>	<b>Total</b>
H&S Lift Report	3
H&S Accident not RIDDOR notified	1
H&S Advice	61

H&S Asbestos Removal Notifications	9
H&S Complaint	54
Other	6
<b>Grand Total</b>	<b>134</b>

**9.87 National H&S projects (as directed by HSE).**

Continuation of bulk LPG project to ensure safety of installation pipework (6 premises inspected resulting in further action).

Asbestos - Duty to manage. Nominated officer maintained competence, led the project and liaised with neighbouring LA's and HSE.

**9.88 Local projects.**

Gas safety in catering: 29 premises inspected. Project achieved by way of informal action/advice and therefore no enforcement action necessary.

**9.89 Event Safety.**

Officers continued to liaise with organisers, our Licensing Team and other agencies to ensure public safety at large outdoor events.

**9.90 Major accident investigation**

An investigation into a fatal incident involving a golf buggy was undertaken. The investigation took several months involving 2 EHO's. The investigation related to 2 employers and involved joint working and liaison with the Police and the HSE. Whilst no formal action was taken against either employer, a number of recommendations were made and brought to the attention of all relevant businesses and operators within the County. The lead officer also liaised with the bereaved family and gave evidence at the coroner's inquest.

**9.91 Canoe Companies Water Safety.**

There was an investigation following a number of H&S complaints regarding Canoe Hire Companies hiring out canoe's when the river water was dangerously high due to heavy rain fall. We liaised with Canoe Hire Companies in Herefordshire together with the Environment Agency, Wye Navigation Office and our Licencing team. All Canoe Hire Companies in Herefordshire were give health and safety advice and reminded of their statutory H&S duties and targeted H&S inspections were carried out. This links in with the work undertaken by the Licensing Team to move towards boat licensing with the Environment Agency.

**9.92 Enforcement Action**

A food business proprietor accepted a formal caution in relation to 3 offences relating to gas safety in commercial premises which were committed in 2011. Three improvement notices had been served under the Health and Safety at Work Etc., Act 1974. Although the time limit for compliance had been extended at the request of the proprietor, he still failed to comply with any of them within the extended timescale.

9.93 **Safety at Sports Grounds (Hereford United Football Club)**

Continued lead on sports grounds safety advisory groups (SAG). A wholesale review, involving all core SAG members, was carried out for the general safety certificate in place and a revised and updated certificate was issued.

9.94 **Sunday Trading**

The Team continued to provide advice and where necessary, enforce legislation in relation to Sunday Trading and smoke free workplaces.

9.95 **Piloting Better Ways of Working (BWOW).**

The Commercial team have also embraced BWOW, working flexibly/remotely. Includes working from home, MAO's and undertaking work duties out of hours (food inspections, H&S visits, sports ground inspections).

9.96 **Student training.**

Two trainee EHO's completed 6 month placements. EHO from Commercial Team was lead officer and co-ordinated training programme, supervised trainees, including meeting with college tutors and liaising with other teams.



## **10. Community Impact**

- 10.1 The report provides information about the regulatory matters which have an impact on the public of Herefordshire, including those activities which specifically help to safeguard our vulnerable people, protect consumers and businesses, protect the environment as well as those activities which ensure that disease control and welfare of its livestock / animals is maintained at a high standard.

## **11. Equality and Human Rights**

- 11.1 There are a number of areas within the Council's regulatory function which assist with the promotion or observance of equality and human rights.
- 11.2 This information report has paid due regard to our public sector equality duty.

## **12. Financial Implications**

- 12.1 There are no direct financial implications regarding the information set out in this report.

## **13. Legal Implications**

- 13.1 The Council's regulatory functions are undertaken within the scope of the relevant legislation and Council policies.

## **14. Risk Management**

- 14.1 There are no particular risk management matters associated with the contents of this report, as it is an information report only.

## **15. Consultees**

- 15.1 None

## **16. Appendices**

- 16.1 Appendix 1: Sub Regulatory (Licensing) Committees  
Appendix 2: Summary of prosecution and formal enforcement activities for EHTS

## **17. Background Papers**

- 17.1 None identified.

# APPENDIX 1

2012/13	Reviews held by Sub Regulatory (Licensing) Committees
April	<p><u>3<sup>rd</sup> April 2012</u></p> <ul style="list-style-type: none"> <li>• McColls, 7 The Oval, Hereford – review following failed underage test purchase</li> </ul> <p><u>12th April 2012</u></p> <ul style="list-style-type: none"> <li>• Golden Fleece, 1 St Owens St, Hereford – Expedited review following serious assault in premises.</li> </ul> <p><u>16th April 2012</u></p> <ul style="list-style-type: none"> <li>• Crown &amp; Anchor, Lugwardine – representation against variation on basis of noise.</li> <li>• Somerfields, Dishley St, Leominster Hereford – review following failed underage test purchase.</li> <li>• Yamz Tapas Bar, Turner Court, Ledbury – review</li> <li>• Etnam News, 35 Etnam St, Leominster – review following failed underage test purchase.</li> </ul>
May	<p><u>8th May 2012</u></p> <ul style="list-style-type: none"> <li>• Eagle inn, 23 Broad St, Ross-on-Wye - representation against variation on basis of noise.</li> </ul> <p><u>29th May 2012</u></p> <ul style="list-style-type: none"> <li>• McDonalds, 46 Commercial St, Hereford – application to extend opening to 4am.</li> </ul>
June	<p><u>11th June 2012</u></p> <ul style="list-style-type: none"> <li>• Hackney Carriage – application for grant outside of standard conditions – refused</li> </ul>
July	<p><u>18<sup>th</sup> June adjourned to 9th July 2012</u></p> <ul style="list-style-type: none"> <li>• Franky &amp; Benny's, Unit 29 Old Livestock Market, Hereford – review</li> <li>• Chiquitos Restaurant, Unit 28 Old Livestock Market, Hereford – review</li> </ul>

	<p><u>19th July 2012</u></p> <ul style="list-style-type: none"> <li>Leominster &amp; District British Legion, South St, Leominster – representation against the variation of club certificate - withdrawn</li> <li>Crown &amp; Anchor, Lugwardine – objection against TEN on basis of noise - withdrawn.</li> </ul> <p><u>25th July 2012</u></p> <ul style="list-style-type: none"> <li>European Fresh Foods, 141 -143 Eign St, Hereford – expedited review on basis of failed underage alcohol test purchase and illicit alcohol found on premises.</li> </ul> <p><u>31st July 2012</u></p> <ul style="list-style-type: none"> <li>Co-op, Crabtree Rd, Kington - – review following failed underage test purchase.</li> <li>Coop, Old Station Yard, Newport St, Hay-on-Wye – review following failed underage test purchase.</li> </ul>
August	<p><u>14<sup>th</sup> August 2012</u></p> <ul style="list-style-type: none"> <li>Wormelow Cricket Club – representation against a new premises licence. Granted, subject to conditions.</li> <li>European Fresh Foods, 141 -143 Eign St, Hereford – review of premises licence following an expedited review. Licence revoked.</li> <li>Application to licence a taxi outside of vehicle licence conditions - refused</li> </ul>
Sept	<p><u>4<sup>th</sup> September 2012</u></p> <ul style="list-style-type: none"> <li>King's Fee, 49 – 53 Commercial Rd, Hereford – Application for 5 gaming Machines – approved</li> <li>Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Adjourned</li> </ul> <p><u>18<sup>th</sup> September 2012</u></p> <ul style="list-style-type: none"> <li>Gwalia Stores, 27 – 29 Broad St, Ross-on-Wye – review of premises licence following failed underage test purchase. Licence suspended 3 months, DPS removed with 4 new conditions.</li> <li>The Royal Hall, Ledbury – representation of new premises licence. Granted with conditions</li> </ul>
October	<p><u>2<sup>nd</sup> October 2012</u></p> <ul style="list-style-type: none"> <li>Application to licence a taxi outside of vehicle licence conditions – allowed</li> </ul>

	<ul style="list-style-type: none"> <li>• The Crown Inn, lea – representation against a variation of a premises licence. Withdrawn.</li> <li>• The Jailhouse Night Club, 1 Gaol Street, Hereford – review of premises licence - Adjourned</li> <li>• The Spread Eagle, 2 Kings St, Hereford – review of premises licence - withdrawn / agreed to apply for a minor variation.</li> </ul>
	<p><u>16<sup>th</sup> October 2012</u></p> <ul style="list-style-type: none"> <li>• Application to licence a taxi outside of vehicle licence conditions – refused</li> <li>• Steiner Academy – representation against a new premises licence - adjourned</li> </ul>
	<p><u>26<sup>th</sup> October 2012</u></p> <ul style="list-style-type: none"> <li>• Steiner Academy – representation against a new premises licence. Granted, subject to conditions</li> </ul>
November	<p><u>13<sup>th</sup> November 2012</u></p> <ul style="list-style-type: none"> <li>• Rose &amp; Crown PH, Ledbury Rd, Hereford – Gaming machine permit – Approved</li> <li>• Imperial, Widemarsh Street, Hereford – review of premises licence – Approved under delegated powers</li> <li>• Kings Acre Post Office, Kings Acre Rd, Hereford – review of premises licence following failed test purchase Adjourned</li> <li>• Copper Kettle, 177 Aylestone Hill, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol</li> <li>• The Herdsman, Widemarsh Street, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol</li> <li>• Andrew’s Self Service Stores, Belle Bank Ave, Hereford – review of premises licence following failed test purchase Conditions attached re sale of alcohol and DPS removed</li> </ul>

	<p><u>27<sup>th</sup> November 2012</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver W – Suspension remained in place until receipt of satisfactory medical report</li> <li>• Review of the suspension of a taxi driver X – Suspended for one month and knowledge test to be passed on return</li> </ul>
December	<p><u>4<sup>th</sup> December 2012</u></p> <ul style="list-style-type: none"> <li>• The Jailhouse Nightclub, Gaol Street Hereford – Review of premises licence following drug incidents reported to police New conditions attached to licence</li> <li>• Kings Acre Post Office, Kings Acre Rd, Hereford – review of premises licence following failed test purchase Adjourned</li> </ul>
January	<p><u>29<sup>th</sup> January 2013</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver Y – Suspension lifted subject to new conditions imposed</li> </ul>
	<p><u>30<sup>th</sup> January 2013</u></p> <ul style="list-style-type: none"> <li>• Review of the suspension of a taxi driver Z – Suspension lifted subject to satisfactory medical reports</li> </ul>
February	<p><u>26<sup>th</sup> February 2013</u></p> <ul style="list-style-type: none"> <li>• Application to licence a taxi outside of vehicle licence conditions – granted</li> </ul>
March	<p><u>26<sup>th</sup> March 2013</u></p> <ul style="list-style-type: none"> <li>• Application to licence a taxi outside of vehicle licence conditions – granted</li> <li>• Fitness of Taxi H088 following VOSA inspection</li> <li>• Fitness of Taxi H024 following VOSA inspection</li> <li>• Fitness of Taxi H055 following VOSA inspection</li> <li>• Fitness of Taxi H275 following VOSA inspection</li> </ul>

## APPENDIX 2

### ENVIRONMENTAL HEALTH AND TRADING STANDARDS ENFORCEMENT ACTIONS

#### QUARTERLY PROSECUTIONS - 01.04.12 – 30.06.12

PROSECUTIONS									
Name & Location	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
Christopher Browne Hereford	N/K	Breach of Abatement Notice - playing amplified music at an excessive volume	1 x S80 4 Environmental Protection Act 1990	1	Guilty	£100.00 fine £15 VS  Hearing: 19.04.2012	£626.29	£100.00	
Keith Price Hereford	Shop Store Manager /	Sale of alcohol to underage person	1 x S 146 1 Licensing Act 2003  & 1 x S 147 1 Licensing Act 2003	<i>dropped</i>  1	-  Guilty	-  £100 fine	-  £269.11	-  £130.00	

For further information please contact  
 Marc Willimont, Head of Environmental Protection and Licensing on 01432 261986  
 Mike Pigrem, Head of Consumer & Business Protection on 01432 261658

						£15 VS			
Joseph Carter Bromyard		Doorstep Crime – house repairs & gardening work, excessive prices and poor workmanship	4 x Fraud Act 2006  1 x Consumer Protection from Unfair Trading Regs 2008	4  1	Guilty	15 mths prison	£7254.03	£0	Counts 3, 6 & 7 withdrawn

QUARTERLY PROSECUTIONS - 01.07.12 – 30.09.12

PROSECUTIONS									
Name & Location	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
James Smith Malvern	Builder	Dishonest false representation  Misleading claim "local approved contractor"  Failure to give cancellation	S1 & 2 Fraud Act 2006 – dishonest false representation  Sched 1 & Reg 12 of CPR 2008 – misleading claim "local approved contractor"  Reg 17 Doorstep Selling Regs 2008	3 pursued  3 dropped	n/a	3 months curfew 7 pm to 7 am  £100.00 fine  £100.00	£1642.00 TS  £1200.00 Advocate  Legal Services £124.00	£nil	Compensation - £150 requested but awarded £350. Fines collection order imposed.  Smith pleaded guilty to CPRs on 24/2/12, when to trial for other charges on 26/6/12, two elderly refused to give evident, so left with one witness and Fraud charge – found guilty of.



		rights				fine			Contd
						Hearing: 05.07.2012			
Sarah Williams Hay on Wye	Partner of F J Williams of Hay	Failed to take measures to ensure H & S of staff while operating saw equipment	Reg 12 of The Provision and Use of Work Equipment 1998  Reg 15 of the Provision and Use of Work Equipjment 1998	1          1	Guilty	£3500 fine          £1000 fine          Hearing: 24.08.2012	£4113.99	£4128.35	

**QUARTERLY PROSECUTIONS - 01.10.12 – 31.12.12**

PROSECUTIONS									
Name & Location	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded	Remarks
Taha Najim Leicester	Shop Assistant	1 x charge for tobacco labelling offence	S12 of Consumer Protection Act 1987 &	1	Guilty	Conditional discharge 6 months	£528.49 (TS)	£528.49 (TS)	Cost paid at £5 p/w
		2 x charges for fake tobacco and cigarette offences	S92(1)(c) of the Trade Marks Act 1994	2		Conditional discharge 6 months			
						Hearing: 18.10.12			

QUARTERLY PROSECUTIONS - 01.01.13 – 31.03.13 –

PROSECUTIONS								
Name & Location	Defendants Trade	Nature of Offence	Act	No of Charges	Plea	Result	Costs Requested	Costs Awarded
Tom D Price Hereford  TJT/619	Builder	3 x charges for aggressive business practices  1 x charge for misleading omission (price not given until end of work)  2 x charges for failing to give cancellation rights	Consumer Protection from Unfair Trading Regs 2008	6	Guilty	£240 fine  (2 x £120 fines, 1 x no penalty_  1 x no separate penalty  2 x no separate penalty  Hearing:	£690.68	£300

						22.1.13		
Mr Ali Shukir Melton Mowbray  TJT/614	Sales Assistant	3 x charges for supply of tobacco which bore a sign identical to or likely to be mistaken for a registered trade mark  2 x charges for supply of tobacco not displaying the required pictorial warnings	S92 1 C of the Trade Marks Act 1994          S12 of the Consumer Protection Act 1987	3          2 dropped	Guilty	£100 fine          Hearing: 12.2.13	£701.38	£420.00
Jeff Stoddart Hereford	Carpenter	2 x charges for aggressive practice for foul and abusive language to consumers  1 x charge for	Reg 7 & 11 of Consumer Protection from Unfair Trading Reg 2008	3	Guilty	2 x 200 hours unpaid work	£4355.75 total  TS =  £1282.56	£0



WRITTEN WARNINGS				
None				
FORMAL CAUTIONS				
Date	3	Sole Trader selling mobile phone accessories	3 x charges - S92 1 b of the Trade Marks Act 1994 – selling counterfeit mobile phone covers	08.03.13
	3	Building Contractor	3 x charges – para 4 of Sch 1 of Consumer Protection from Unfair Trading Regs 2008 – using logos that the building was not approved / authorised to use	28.02.13
	1	Food Business Operator	1 x Reg 17 (1) & (2) of the Food Hygiene (England) Reg 2006 made under Sect 2 (2) of the European Communities Act 1972 – failed to implement an effective microbiology monitoring procedure	13.09.2012
	1	Individual	The Licensing Act 2003 – S146(1) – sale of alcohol to person under 18 years old	28.02.2012
	1	Part-time Farmer	2 x Reg 4, Sch 1, Para 4 2 of the Cattle Identification Regulations 2007 – defendant failed to replace lost bovine ear tags	03.04.2012
	3	Food Business Operator	3 x S 33 1 g of the Health & Safety at Work etc Act 1974 – failed to comply with improvement notice on kitchen appliances.	23.04.2012

<b>MEETING</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2013</b>
<b>TITLE OF REPORT:</b>	<b>HEREFORDSHIRE COUNCIL'S PROPOSED FOOD HYGIENE INSPECTION PROGRAMME FOR 2013/14.</b>
<b>REPORT BY:</b>	<b>HEAD OF CONSUMER &amp; BUSINESS PROTECTION</b>

### 1. Classification

Open

### 2. Key Decision

This is not a key decision.

### 3. Wards Affected

County-wide

### 4. Purpose

To inform committee of the proposed 2013/14 Food Hygiene Inspection Programme to be undertaken by Environmental Health & Trading Standards in respect of its obligations under the Food Law Code of Practice (England)(April 2012) and to seek approval for the implementation of a revised programme that is not fully compliant with the code.

### 5. Recommendation(s)

**THAT:**

- (a) **Subject to any comments the Regulatory Committee wish to make, the Committee approves the implementation of the proposed revised Food Hygiene Inspection programme as detailed at points 10.4 – 10.6 below.**

### 6. Key Points Summary

- The report highlights the non-compliance of the Council's proposed Food Hygiene Inspection programme with regard to the Food Standards Agency Food Law Code of Practice (England)(April2012).
- In accordance with the recommendations of an Internal Audit report concerning food hygiene enforcement by the council, the appropriate body (Regulatory Committee) are appropriately informed and their approval sought for the implementation of a revised inspection programme having due regard to the limited resources that are available to the service (EH&TS).
- Approval by Regulatory Committee will be a key consideration in removing the

Further information on the subject of this report is available from Mike Pigrem Head of Consumer & Business Protection on Tel: (01432) 261658

'Limited Assurance' rating that was issued to the Council by Internal Audit.

- In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food hygiene. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. Such action could result in a potential reputational issue for the Council.
- There is the potential for an adverse impact upon the health & wellbeing of the population through deterioration in food hygiene standards and a consequential increase in risk of food borne infectious disease, together with, a potential detrimental effect to the economic prosperity of the local community.
- Having due regard to the resources available, it is proposed that the consequences and risks of non –compliance are minimised to an acceptable level by the implementation of a revised inspection programme together with, improved management controls and robust performance reporting utilizing the corporate P+ system.
- Any long term marked deterioration in food hygiene practices, hygiene standards or, an increase in food borne infectious disease notifications, will be reported at the appropriate level.

## **7. Alternative Options**

- 7.1 Implement an inspection programme that is fully compliant with the code to ensure that the council's statutory duties in relation to food hygiene enforcement are met in full. This will reduce the risk of not identifying those premises who are non-compliant with food hygiene requirements as well as, reducing the risk of infectious disease occurring such as E-coli, Salmonella and Campylobacter etc.,
- 7.2 Additional resource would need to be corporately provided in order to implement an inspection programme that fully complies with the requirements of the Code. If resource were to be diverted from within EH & TS, then it is likely that legal consequences for the authority in not meeting statutory minimum requirements elsewhere within the service area would arise.

## **8. Reasons for Recommendations**

- 8.1 To comply with the Internal Audit report recommendations and thereby remove the 'Limited Assurance' rating.

## **9. Introduction and Background**

- 9.1 Following a programmed audit of Herefordshire Council's Food Law enforcement specifically in relation to Food Hygiene, Internal Audit reported 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 was issued.



- 9.2 The main reason for this 'Limited Assurance' rating being issued, was because a revised Food Hygiene Inspection programme had being implemented by management which had not previously been reported to regulatory committee for information and approval. This revised programme was based on undertaking a limited number of programmed inspections to align with the staffing resources and budget allocated. It set out to achieve 100% of high risk categories classed as 'A' & 'B' and 'C1' and a lesser percentage for those premises risked as 'C2' & 'D', with no proactive inspections for those premises low risked as 'E'.
- 9.3 The differentiation of 'C' rated premises between 'C1' or 'C2', was based on internally agreed criteria relating to one of the key elements when assessing the risk of a business namely its 'Confidence in Management' score . The higher the score the higher the risk and those premises recording a score of 10 or more within this category were classified as being of higher risk.
- 9.4 A revised food hygiene inspection programme that has not fully accorded with the FSA's Code of Practice has been in place for several years.

## **10. Key Considerations**

- 10.1 The Council's annual programme of planned food hygiene inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012). The Code prescribes the food hygiene intervention ratings (premise risk) and minimum intervention frequencies to be applied by Food Authorities following an assessment of specific criteria at the time of carrying out an intervention.
- 10.2 In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food hygiene. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. There may also be reputational issues that arise for the Council.
- 10.3 Limited resources, reductions in staff and a proportionally high number of inspectable premises within Herefordshire, has culminated over the years into a backlog of inspections which has prompted management to take decisions which are contrary to the Code. These decisions are specifically in terms of food hygiene intervention ratings 'C', 'D' and 'E' and the percentage of interventions that the service will aim to complete within the prescribed timescales.
- 10.4 In order to best meet its statutory duty whilst having regard to its allocated resource, it is proposed that for the year 2013-14 the following inspection programme as outlined at paras 10.5 and 10.6 and food sampling at 10.7 below is implemented.
- 10.5 Given current resources and inspection techniques we will aim to achieve circa 500 inspections and will use a local definition to identify higher risk category 'C1' food inspections as any 'C' rated premises with a score element of 10 or higher in any of the three key areas of;
- Hygiene & Safety;
  - Structure; and
  - Confidence in Management.

10.6 We will aim to inspect all food premises rated 'A', 'B' & 'C1' (276 inspections) see table 1(a) below:

**Table 1(a)** Planned Interventions 'A', 'B' & 'C1' – Food Hygiene Inspection Programme

Risk rating	Total No Of premises	No of inspections due in year	Target %
A	6	12	100
B	64	64	100
C1	349	200	100

We will aim to inspect 51% of food premises rated 'C2'. Interventions at premises risked lower than 'C' to be carried out as resources permit. See table 1(b) below. 'C2' and 'D' premises selected based on risk to consumers i.e.

- Customers predominantly elderly or other at risk groups,
- local produce "Made in Herefordshire",
- food businesses supplying food from Herefordshire nationally or internationally.
- Butchers
- Time elapsed since last inspection

**Table 1(b)** Planned Interventions for 'C2', 'D', 'E' & Unrated Premises – Food Hygiene Inspection programme

Risk rating	Total No Of premises	No of inspections due in current year	No Inspections planned	Target %age
C2	316	215	109	51
D	338	232	52	22
E	1464	954	0	0
Unrated on 1/4/13	57	57	57	100
*Note All C's	665	415	309	75

## 10.7 Other Interventions - Food Sampling

A minimum of 100 food samples to be taken.

- Take part in 2 national food sampling initiatives.
- Sample food produced in Herefordshire during inspections of food factories or at other interventions.
- Sample food following complaints about hygiene standards in premises or food items.
- Officers to use discretion to sample food to guide and assist small local businesses setting up.
- Sampling as part of a planned project, e.g. rice sampling as part of the project to improve standards in Asian food businesses.

## 11. Community Impact

- 11.1 Potential adverse impact upon the health & wellbeing of the population through a deterioration in food hygiene standards and consequential increased risk of food borne infectious disease, as well as, a detrimental effect to the economic prosperity of the local community.

## 12. Equality and Human Rights

- 12.1 None identified.

## 13. Financial Implications

- 13.1 None identified

## 14. Legal Implications

- 14.1 Possible intervention by the Food Standards Agency

## 15. Risk Management

- 15.1 In view of the Limited Assurance grading that has been issued in that the Council's annual programme of planned food hygiene inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012), the risk of failing to fulfil relevant legislative requirements is to be noted in the Places & Communities Risk Register with reference RSK.EEC.35(EHTS).
- 15.2 A revised inspection programme is proposed in order to balance the requirements of the 'Code' with the resources that are available, whilst also mitigating the risk to an acceptable corporate level. On going management control and performance reporting through the corporate P+ system will be in place to ensure that any adverse trends or major deterioration in food hygiene standards and practices are identified, raised and discussed at the appropriate level within the authority.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 (a) Internal Audit 2012-13 Food Hygiene ( Ref 104/2012-13) Final report.

(b) Report to Audit & Governance Committee dated 13<sup>th</sup> May Internal Audit 2012-13 Formal Written Response - Food Hygiene Inspection Programme.

End.

<b>MEETING</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2013</b>
<b>TITLE OF REPORT:</b>	<b>HEREFORDSHIRE COUNCIL'S PROPOSED FOOD STANDARDS INSPECTION PROGRAMME FOR 2013/14.</b>
<b>REPORT BY:</b>	<b>HEAD OF CONSUMER &amp; BUSINESS PROTECTION</b>

## 1. Classification

Open

## 2. Key Decision

This is not a key decision.

## 3. Wards Affected

County-wide

## 4. Purpose

To inform committee of the proposed 2013/14 Food Standards Enforcement Programme to be undertaken by Environmental Health & Trading Standards in respect of its obligations under the Food Law Code of Practice (England)(April 2012) and to seek approval for the implementation of a revised programme that is not fully compliant with the code.

## 5. Recommendation(s)

**THAT:**

- (a) **Subject to any comments the Regulatory Committee wish to make, the Committee approves the implementation of the proposed Food Standards Enforcement programme as detailed at points 10.4 – 10.6 below.**

## 6. Key Points Summary

- The report highlights the non-compliance of the Council's proposed Food Standards Enforcement programme with regard to the Food Standards Agency Food Law Code of Practice (England) (April2012).
- Following the recommendations of an Audit by the Food Standards Agency (FSA) concerning food standards enforcement by Herefordshire Council, the appropriate body (Regulatory Committee) are appropriately informed and their approval sought for the implementation of a revised inspection programme having due regard to the limited resources that are available to the service (EH&TS).

Further information on the subject of this report is available from Mike Pigrem Head of Consumer & Business Protection on Tel: (01432) 261658

- In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food standards. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. Such action could result in a potential reputational issue for the Council.
- There is the potential for an adverse impact upon the health & wellbeing of the population through deterioration in food standards and a consequential increase in health related diseases such as obesity and heart failure, together with, a potential detrimental effect to the economic prosperity of the local community.
- Having due regard to the resources available, it is proposed that the consequences and risks of non –compliance are minimised to an acceptable level by the implementation of a risk based inspection and enforcement programme that is intelligence led together with, improved management controls and robust performance reporting utilizing the corporate P+ system.

## **7. Alternative Options**

- 7.1 Implement an enforcement programme that is fully compliant with the code to ensure that the council's statutory duties in relation to food standards enforcement are met in full. This will reduce the risk of not identifying those premises that are non-compliant with food standards requirements as well as, contributing to improving the healthy life styles of the people of Herefordshire.
- 7.2 Additional resource would need to be corporately provided in order to implement an inspection programme that fully complies with the requirements of the Code. If resource were to be diverted from within EH & TS, then it is likely that legal consequences for the authority in not meeting statutory minimum requirements elsewhere within the service area would arise.

## **8. Reasons for Recommendations**

- 8.1 To comply with FSA advice and recommendations.

## **9. Introduction and Background**

- 9.1 Following a recent audit of Herefordshire Council's Food enforcement return (LAEMS) by the FSA, it was noted that the Council was not fully compliant with the requisite statutory Codes of Practice in relation to food hygiene and food standards when carrying out its food law enforcement role. Implementation of the code was by means of a revised programme based on undertaking a limited number of programmed inspections to align with staffing resources and budget allocated. As a consequence, it was recommended that committee were notified by means of an appropriate report.

## **10. Key Considerations**

- 10.1 The Council's annual programme of planned food standards inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012). The Code prescribes that food standards intervention are to be carried out on a risk based

approach which sets the minimum intervention frequencies to be applied by Food Authorities following an assessment of specific criteria originally set by LACORS. Note a new national risk assessment scheme is due to be implemented in the near future.

- 10.2 In not fully complying with the Code, there is a risk that the Council may be unaware of premises that are not meeting their requirements in terms of food standards. A further risk in not complying with the Code is that the Council may be subject to more monitoring by the Food Standards Agency (FSA) or in extremis, direct intervention by the FSA. There may also be reputational issues that arise for the Council.
- 10.3 Limited resource and reductions in staff within EHTS, has prompted management to take decisions which are contrary to the Code. These decisions are specifically in terms of food standards premises rated Medium or Low risk, where visits were made only in response to a complaint or following a request for advice by the trader.
- 10.4 In order to best meet its statutory duty whilst having regard to its allocated resource, it is proposed that for the year 2013-14 the following inspection programme as outlined at paragraphs 10.5 and 10.6 and food sampling at 10.7 below is implemented.
- 10.5 Given resources currently available 0.8 FTE (taking into account maternity leave and an officer on career break) we will aim to achieve the following namely:-

**Circa 75% of High Risk premises**

- 50% will be to small local businesses where no formal 3<sup>rd</sup> party quality audits take place.
- 25% will be to large businesses that have formal 3<sup>rd</sup> party quality audits. These will then be visited on a 2 year basis.

**Circa 5% of Medium Risk premises**

- This will be through means of a 'dip sample' to check for emerging issues and trends

**Circa 5% of Low Risk premises**

- This will be through means of a 'dip sample' to check for emerging issues and consideration will be given to using alternative inspection such as a pro-forma letter.

**Other Activity - Unrated Premises and Risk Rating**

Although these premises will be a registered food business, they normally do not have any food standards applicable to the business (E.g. child minders). A review of premises to be carried out to ensure that premises are correctly risk rated.

**Table 1(a)** Planned Inspections – High Medium Low Food Standards Inspections

Risk rating	Total No Of premises	No of inspections due in year and required by the FSA code of practice	Target % (Number)
High	93	93	75% (70)
Medium	508	254	5%(13)
Low	289	58	5%(3)
Unrated	Potential 1600	0	0

10.7 Food Sampling - circa 60 food samples to be taken in line with the following criteria:-

- Take part in an FSA grant funded food sampling initiative in partnership with Worcestershire Scientific Services and Worcestershire Regulatory Services subject to grant funding acceptance
- Sample food produced in Herefordshire during inspections of food producers for Protected Geographical Indications.
- Sample food following complaints concerning food composition and description.
- Officer discretion to sample food in order to assist small local businesses when first setting up.
- Sampling as part of a food incident either locally or nationally initiated (e.g. horsemeat substitution).

## **11. Community Impact**

11.1 Potential adverse impact upon the health & wellbeing of the population through a deterioration in food standards in regard to composition and descriptions thus having a consequential increased risk of Health issues such as obesity and heart disease , as well as, a detrimental effect to the economic prosperity of the local community.

## **12. Equality and Human Rights**

12.1 None identified.

## **13. Financial Implications**

13.1 None identified



## **14. Legal Implications**

14.1 Possible intervention by the Food Standards Agency

## **15. Risk Management**

15.1 In view of the Limited Assurance grading that has been issued in that the Council's annual programme of planned food standard inspections does not fully accord with the requirements of the Food Law Code of Practice (England) (April 2012), the risk of failing to fulfil relevant legislative requirements is to be noted in the Places & Communities Risk Register with reference RSK.EEC.35 (EHTS).

15.2 A revised inspection programme is proposed in order to balance the requirements of the 'Code' with the resources that are available, whilst also mitigating the risk to an acceptable corporate level. On going management control and performance reporting through the corporate P+ system will be in place to ensure that any adverse trends or major deterioration in food standards and practices are identified, raised and discussed at the appropriate level within the authority.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 None

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End.

