

CABINET AGENDA



Monday 23rd June 2008

at 9.00am

**in Committee Room B,
Civic Centre, Hartlepool**

MEMBERS: CABINET:

The Mayor, Stuart Drummond

Councillors Hall, Hargreaves, Hill, Jackson, Payne and Tumilty

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

To receive the Record of Decision in respect of the meeting held on 9th June 2008
(previously circulated)

4. BUDGET AND POLICY FRAMEWORK

4.1 PPG17 Open Space Assessment – *Director of Regeneration and Planning Services*

4.2 Food Law Enforcement Service Plan 2008-2009 – *Director of Neighbourhood Services*

5. KEY DECISIONS

No items

6. OTHER ITEMS REQUIRING DECISION

6.1 Falcon Road – Traffic Management – *Director of Neighbourhood Services*

6.2 Local Area Agreement (LAA) Quarter 4 Summary of Performance Report
2007/08 – *Head of Community Strategy*

6.3 Departmental Structures and Efficiencies – *Chief Executive*

7. ITEMS FOR DISCUSSION / INFORMATION

No items

8. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

8.1 Transportation Links to Hospital Services and Neighbourhood Services Transport Provision

(a) Final Report – *Neighbourhood Services Scrutiny Forum*

(b) Action Plan – *Director of Neighbourhood Services*

8.2 Access to Recreation Activities for Children and Young People in Hartlepool

(a) Final Report – *Children's Services Scrutiny Forum*

(b) Action Plan – *Director of Children's Services*

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

10. EXEMPT ITEMS REQUIRING DECISIONS

10.1 Middleton Grange Shopping Centre – Variation to Terms of Headlease to PPG Metro 500 Limited – *Head of Procurement, Property and Public Protection* (Para 3)

CABINET REPORT

23rd June 2008



Report of: Director of Regeneration and Planning Services

Subject: PPG17 OPEN SPACE ASSESSMENT

SUMMARY

1. PURPOSE OF REPORT

- 1.1 To inform Members of the findings of the PPG17 Open Space Assessment that has recently been completed by Capita Symonds and to seek endorsement to the proposed standards identified in the Assessment.

2. SUMMARY OF CONTENTS

- 2.1 The Open Space Assessment is a statutory piece of work the Local Authority was required to undertake by the government (under Planning Policy Guidance Note 17) and will act as part of the evidence base in the development of the Local Development Framework. This report outlines the key findings of the Assessments and informs members of how this information will be used in the future to help guide development of open space in the Borough.

3. RELEVANCE TO CABINET

- 3.1 The types of sites assessed are wide ranging and thus the study has a strategic relevance across a variety of Portfolio responsibilities.

4. TYPE OF DECISION

- 4.1 This is a non key decision and forms part of the Budgetary and Policy Framework.

5. DECISION MAKING ROUTE

- 5.1 Cabinet meeting dated Monday 23rd June 2008.

6. DECISION(S) REQUIRED

- 6.1 Cabinet is asked to note the findings of the PPG17 Open Space Assessment and to endorse the proposed standards set out within it.

Report of: Director of Regeneration and Planning Services

Subject: PPG17 OPEN SPACE ASSESSMENT

1. PURPOSE OF REPORT

- 1.1 To inform Members of the findings of the PPG17 Open Space Assessment that has recently been completed by Capita Symonds and to seek endorsement to the proposed standards identified in the Assessment.

2. BACKGROUND

- 2.1 The Open Space Assessment is a statutory piece of work which the local authorities are required to undertake by the government (under Planning Policy Guidance Note 17) and will act as part of the evidence base in the development of the Local Development Framework.
- 2.2. The assessment involved a comprehensive audit of a broad range of open spaces throughout the Borough to assess both quality and level of provision. The study also involved a process of consultation with residents, community groups, local sports clubs, officers and service providers to identify views on current provision and future aspirations, which were fed into the assessment in order to establish desired standards for open space provision throughout the Borough.
- 2.3 Capita Symonds consultants were appointed in early 2007 to complete the Assessment as part of a broader commission which also included the development of an Indoor Sports Facilities Study which was completed last October.

3. CONTENT AND FINDINGS OF THE PPG17 OPEN SPACE ASSESSMENT

- 3.1 The specific objectives of the PPG17 Open Space Assessment were:
- provide information about existing community needs and aspirations;
 - analyse how these results vary according to the different demographic characteristics of different groups and communities within Hartlepool;
 - research standards of provision; and
 - develop a set of appropriate standards for Hartlepool.
- 3.2 The types of Open Space that have been assessed as part of the study include:
- Urban parks and gardens
 - Amenity greenspace

- Play areas
- Outdoor sport facilities (including schools where there is public access either formally or informally)
- Green corridors
- Natural and semi natural greenspaces
- Allotments
- Churchyards and cemeteries
- Common land
- Civic spaces

- 3.3 To ensure that all of the above were comprehensively identified, a number of inter-departmental meetings took place prior to the commencement of the study to identify the various sites that needed to be assessed. This was backed up by the use of aerial photographs to identify any sites that had not previously been picked up. The audit of open spaces included each site being scored against predetermined criteria (in line with PPG17) relevant to that type of open space, for quality and value assessments. The types of quality criteria that are assessed on open spaces include accessibility, quality of the paths, character, diversity, facilities (such as bins or information boards) and cleanliness. The value assessments focus on issues such as proximity to residential areas, level and type of use, sustainability and amenity benefits, social inclusion, health benefits and safety.
- 3.4 In parallel with the assessments taking place, the consultants undertook a community needs study. This involved 1500 random households across the town being sent a questionnaire seeking their views on public open spaces within the Borough. This was augmented by discussion groups with residents, officers and stakeholders as well as a questionnaire being sent to the various sports clubs within Hartlepool. The results of these various consultations were analysed by the consultants and the findings were fed into the report. In order to provide meaningful analysis the replies were grouped into the three neighbourhood forum areas – North, Central and South.
- 3.5 The report also highlights the national, regional and local guidance that illustrates the importance of open spaces within towns and the value they have to the community. Well managed open space not only make an area more attractive but they also contribute towards promoting healthier lifestyles, urban renaissance, social inclusion, community cohesion and the promotion of sustainable development.
- 3.6 Based on the findings of the assessment and feedback from the consultations the study seeks to identify where there are shortfalls in provision compared to identified standards. The standards for the quantity of provision of appropriate elements within each typology of open space take into account the location of existing provision, community views and levels of use. The study determines quality standards for provision based on community expectations as expressed in the research and establishes appropriate quality benchmarks for different forms of provision, where appropriate reflecting quality standards set nationally or by comparable authorities.

3.7 The following paragraphs provide summaries of the assessments of each category of open space.

3.7.1 **Parks and Gardens** – The study identifies six parks and gardens across the Borough ranging in size from 0.36 hectares (Croft Gardens) to 42.03 hectares (Summerhill). The total area covered by parks and gardens is 65.61 hectares. The central forum area has by far the largest proportion of parks (88%), however this figure reflects the relative size of Summerhill compared to other sites. In quantity terms the study reveals that on average Hartlepool has an average of 0.7 hectares of park per 1000 population. However there are major differences in quantity provision between the 3 forum areas with the North only having 0.01 hectares per 1000 population. The study recommends that Hartlepool should set its quantity standard for parks and gardens at 0.7 hectares per 1000 population.

In terms of quality standards the assessments suggest that Ward Jackson Park should be the benchmark for other parks to meet. The study also looks at accessibility of parks to residents and sets accessibility standards for the 3 types of park – Community (over 4.4 hectares), Local (size typically 3.5 hectares) and Satellite parks (size up to 2.5 hectares).

3.7.2 **Natural and Semi Natural** – These are spaces which are defined as “land, water and geological features which have been naturally colonised by plants and animals and which are accessible on foot to a large number of residents.” In Hartlepool the provision of these spaces is 2.39 hectares of local nature reserves per 1000 population which is well above the suggested national levels of 1 hectare per 1000 population. The total area of natural and semi natural spaces is 289.6 hectares across the Borough, equating to 3.21 hectares per 1000 population. The majority of this provision is in the south of the town where provision is at a level of 9.01 hectares per 1000 population. This compares with only 1.46 and 0.45 hectares per 1000 population in the north and central areas respectively. On this basis the study concludes the quantity standard for natural and semi-natural spaces should be 1.9 hectares of accessible natural greenspace per 1000 population, according to a tiered system into which sites of different sizes fit as follows:

- No person should live more than 300 metres from their nearest area of natural greenspace
- There should be at least one accessible site of between 10 and 20 hectares within 1km from home
- There should be at least one accessible 20 hectare site within 2 km from home
- There should be one accessible 100 hectare site within 5km
- There should be one accessible 500 hectare site within 10km.

In quantity terms the study shows a deficit in both the central and northern area. In the central area an additional 50.9 hectares of additional space are needed to meet the standard.

- 3.7.3 **Green Corridors** – These normally run alongside transport networks and natural features providing valuable green linkages. The study identified 29 corridors within Hartlepool covering a total area of 98.2 hectares. Nine of these corridors ranked as being high in both quality and value terms. Only six sites scored low for both quality and value. It is suggested that the benchmark green corridor should be Rossmere Way. No provision standard is set in line with the guidance contained in the companion guide to PPG17.
- 3.7.4 **Amenity Greenspace** – Is a generic description for the green space and planting which softens the urban fabric, allows for informal leisure and provides a setting for buildings. It is open space whose primary purpose is to improve and enhance the appearance of the local environment. The provision of amenity space in new development is important in promoting the wellbeing of residents and enhancing the quality of the urban environment.

50 sites were surveyed in Hartlepool covering a total area of 96.3 hectares and ranging in size from 27.4 hectares to a practical minimum of 0.1 hectares. The average provision is 1.07 hectares per 1000 population. Across the 3 forum areas the highest provision is in the south (1.63 ha./1000), which meets most peoples expectations according to the survey. The central area has the lowest provision and did not meet resident's expectations (0.58ha./1000) with the north having 1.16ha./1000.

In terms of quality and value the majority of sites in the north and south score well in contrast with the low scores of the central sites.

The study proposes a quantity standard for amenity greenspace of 1.0 hectare per 1000 population. The suggested benchmark site for quality and value is the Gillens Arms. Residents should have access to amenity greenspace within 100 metres of where they live.

The minimum size of amenity greenspace should be 0.1 hectares – roughly the size of two tennis courts. Compared to the above quantity standard there is an overall surplus of 5.97 hectares across Hartlepool with only the central area having a deficit (14.89 hectares).

- 3.7.5 **Allotments** – there are currently 22 allotment sites, including private provision, in Hartlepool with 1044 plots in total. Current provision equates to 26.1 plots per 1000 population compared to a National Society of Allotment and Leisure Gardeners target of 20/1000 population. There is a reasonable spread across the town. There are 3 large sites with over 100 plots with the largest being Stranton with 175 plots.

The current provision equates to 0.47 hectares per 1000 population, which is considered an appropriate standard for the town. The 26.1 plots/1000 population is also considered an appropriate standard to adopt (i.e no reduction in the provision of allotments). As with the aforementioned types of open space there is also a surplus in quantity standards compared to the suggested standard in the south area (4.55 hectares). There is however a deficit in the central and north areas. In terms of plot provision the north has

a deficit of 147.3 plots which is offset by over provision in the central and south areas. In terms of quality the study shows the median quality score to be 78% and the agreed benchmark site is Chester Road.

- 3.7.6 **Children's Play** – There are currently 21 sites within Hartlepool that contain play equipment. Some sites contain an equipped play area and youth provision, others contain an equipped play area only. The north has the most play areas (8) but the most children live in the central area which has seven sites. Overall the number of children per play area in Hartlepool is 885.

Area provision in relation to total population is 0.05 hectares per 1000 population. The National Playing Field Association standard for children's play is 0.2-0.3 hectares per 1000 population. The quantity standard generates a deficiency of 11.39 hectares of provision across Hartlepool. This comprises 4.56 hectares of equipped play space and 6.83 hectares of informal play space. These are below the suggested standard in all 3 sub areas.

The audit reveals that current levels of provision are very low and has set a challenging quantity standard of 4 square metres of equipped play space and 6 square metres of informal play space per child aged 0-15.

The quality of children's play sites has been measured through the use of the Quality Assessment Tool that is being developed by Play England. The three criteria that this assessment looks at are location, play value and care and maintenance. In the North there are six equipped play areas, none of which achieves a "high" score for all three criteria. King George V scores "low" for all three and of the remaining sites only two achieve a high score for one of the three criteria. Of the five central sites two achieve "high" scores for all three criteria. In the South area none of the sites achieve a "high" score for all three criteria.

The study recommends a quality standard score of 80% for location, 63% for play value and 67% for care and maintenance. Sites should achieve an overall score of 68%.

- 3.7.7 **Churchyards and Cemeteries** – Although the primary use of these is for the burial of the dead they also have an important role to play in the promotion of wildlife and biodiversity. The total area given over to interments is 42 hectares which equates to 0.47 hectares per 1000 population. Hartlepool's current death rate is 11.6 deaths per 1000 population. An ongoing need for some 115 grave spaces per annum can therefore be projected.

The study assessed the quality and value of the sites. A number of sites scored well for both with the Stranton Cemetery scoring highest. The open cemetery at West View also scored well. Three of the churchyards however received low scores. The benchmark site for quality is the churchyard at St Hilda to which other churchyards should aspire in terms of quality.

- 3.7.8 **Civic Spaces** – There are eight civic spaces in Hartlepool, covering a total of 5.2 hectares. There are four sites in the central area, two in the north at the Headland and 2 in the south at Seaton Carew. No provision standard is proposed however it is recognised that they play an important part in the urban design of areas attracted numbers of pedestrians.

In terms of quality the Town Square at the Headland received the highest scores. The study sets out a quality statement which new civic spaces should aspire to meet.

- 3.7.9 **Outdoor Sports Facilities** – Within the report this refers to playing pitches (grass and artificial), greens, courts, athletic tracks, golf courses and other facilities which meet the National Playing Fields Association (NPFA) definition of outdoor playing space for sport. The overall provision within Hartlepool is 1.6 hectares per 1000 population. The NPFA promoted a standard of between 1.6 and 1.8 hectares/1000 population.

All pitches in community use have been assessed as part of this study. 96% of the football pitches assessed achieved a score that is below the level required to be classed a “good” pitch, with 81% being “below average”. The rugby pitches were either classed as “average” or “below average”. This confirms the findings of the 2004 Playing Pitch Strategy which found the quality of the football pitches is less than acceptable. There is no evidence from this study that suggests the recommendation of the Playing Pitch strategy should be changed.

The study notes that the quantity standard for pitches is 1.23 hectares per 1000 population. The standard for bowls is 0.03 ha./1000 population and for tennis the standard is 0.02 ha./1000 population. When these recommended standards are applied there is a deficiency of 12.27 hectares across the Borough. This equates to a deficit of 8.49 hectares in the Central area and 5.06 hectares in the South area, with a small surplus of 0.88 hectares in the North.

Bowling provision is almost in line with this standard with a deficiency of only one green. Tennis courts are in line with this standard.

The quality standards within the report are based on the median pitch assessments for principal sports, all of which were assessed as average. It proposes a standard of 66-79% for pitches (average) with an aspiration to bring pitches up to a good quality (80-94%). The benchmark for changing accommodation is for good facilities (60-89%) with Brierton being the benchmark facility (85%).

Brinkburn Bowling Green No 1 is the identified benchmark for bowling greens. Greens should look to achieve a score of 76%. The recommended benchmark for tennis is 75% which is the score that was achieved by Brierton School.

Table illustrating proposed standards and provision within the North, Central and South Forum Areas.

	Proposed Quantity Standard (ha./1000 pop)	North Provision	Central Provision	South Provision
Parks and Gardens	0.7	0.01	1.66	0.27
Natural & Semi-Natural	1.9	1.46	0.45	9.01
Amenity Greenspace	1.0	1.16	0.58	1.63
Allotments	0.47	0.61	0.48	0.29
Children's Play	0.2-0.3 (NPFA standard)	0.06	0.07	0.03
Churchyards and Cemeteries	0.47	0.72	0.54	0.07
Outdoor Sports facilities (playing pitches)	1.23	1.02	1.29	1.18

Key – Shaded Red – Provision levels below standard

- Shaded Blue – Provision levels above standard

4. POLICY AND FINANCIAL IMPLICATIONS OF THE OPEN SPACE ASSESSMENT TO THE COUNCIL

- 4.1 This study provides the Council with a valuable tool in assessing the need for open space in new developments in the town. It will also form part of the evidence base in the formulation of policies within the Local Development Framework and within other Council strategies which are formulated in the future.
- 4.2 The assessments and the findings of the study have helped in better understanding the current position in terms of the various different types of open space within the Borough, the quality of these areas, accessibility, areas of deficiencies and peoples thoughts and perceptions of open space in the Borough.
- 4.3 It is clear from the assessments that have taken place that in terms of the various types of open space within Hartlepool there are some examples of very good, well maintained and valued spaces, however there are also a significant number of open spaces where quality is sub-standard and needs improving to make them more useable and valued areas. The proposed standards for each type of open space that are proposed by the Open Space Assessment will help to provide valuable support and guidance to bring all open spaces within the Borough up to an acceptable level.

- 4.4. Through endorsing the standards contained within the PPG17 Open Space Assessment, Members are illustrating their commitment to enhancing open spaces within the Borough. This does not mean that all sites will need to be improved immediately, it simply means that where funds become available efforts will be made to enhance areas of greatest need to meet the proposed standards. Also when new developments come forward planning obligations will be sought towards the improvement of open space linked to, or in the vicinity of the site, or the provision of new open space (particularly play areas and amenity open space) in areas where there is a deficiency.

5. RECOMMENDATION

- 5.1 Cabinet is asked to note the findings of the PPG17 Open Space Assessment and to endorse the proposed standards set out within it.

CABINET REPORT

23rd June 2008



Report of: Director of Neighbourhood Services

Subject: FOOD LAW ENFORCEMENT SERVICE PLAN
2008 - 2009

SUMMARY

1. PURPOSE OF REPORT

To consider the Food Law Enforcement Service Plan for 2008 - 2009, which is a requirement under the Budget and Policy Framework.

2. SUMMARY OF CONTENTS

The report sets out details of Hartlepool's Food Law Enforcement Service Plan 2008/09. The plan is a requirement of the Food Standards Agency and forms the basis on which the Authority may be monitored and audited to verify whether the service provided is effective in protecting the public. The plan sets out the Council's aims in respect of its food law service. Whilst focussing on 2008/09, it also identified longer-term objectives as well as a review of performance for 2007/08.

3. RELEVANCE TO CABINET

Executive to consider issues prior to presentation to Council.

4. TYPE OF DECISION

The Food Law Enforcement Plan is part of the Budget and Policy Framework of the Council.

5. DECISION MAKING ROUTE

As part of the Budget and Policy Framework, the Annual Food Law Enforcement Plan requires the involvement of scrutiny (scheduled for 9th July 2008) and approval by full Council.

6. DECISION(S) REQUIRED

Comments on the Food Law Enforcement Plan are invited.

Report of: Director of Neighbourhood Services

Subject: Food Law Enforcement Service Plan
2008 - 2009

1. PURPOSE OF REPORT

- 1.1 To consider the Food Law Enforcement Service Plan for 2008 - 2009, which is a requirement under the Budget and Policy Framework.

2. BACKGROUND

- 2.1 The Food Standards Agency has a key role in overseeing local authority enforcement activities. They have duties to set and monitor standards of local authorities as well as carry out audits of enforcement activities to ensure that authorities are providing an effective service to protect public health and safety.
- 2.2 On 4 October 2000, the Food Standards Agency issued the document "Framework Agreement on Local Authority Food Law Enforcement". The guidance provides information on how local authority enforcement service plans should be structured and what they should contain. Service Plans developed under this guidance will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency.
- 2.3 The service planning guidance ensures that key areas of enforcement are covered in local service plans, whilst allowing for the inclusion of locally defined objectives.
- 2.4 The Food Law Enforcement Service Plan for 2008 - 2009 is attached as **Appendix 1** and takes into account the guidance requirements.
- 2.5 The Plan is to be considered by Neighbourhood Services Scrutiny Forum on 9th July and again by the Cabinet in August, prior to being considered by Council.

3. THE FOOD LAW ENFORCEMENT SERVICE PLAN

- 3.1 The Service Plan for 2008/09 has been updated to reflect last year's performance.

3.2 The Plan covers the following:

(i) **Service Aims and Objectives:**

That the Authority's food law service ensures public safety by ensuring food, drink and packaging meets adequate standards.

(ii) **Links with Community Strategy, Corporate Plan, Departmental and Divisional Plans :**

How the Plan contributes towards the Council's main priorities (Jobs and the Economy, Lifelong Learning and Skills, Health and Care, Community Safety, Environment and Housing, Culture and Leisure and Strengthening Communities).

(iii) **Legislative Powers and Other Actions Available:**

Powers to achieve public safety include programmed inspections of premises, appropriate licensing/registration, food inspections, provision of advice, investigation of food complaints and food poisoning outbreaks, as well as the microbiological and chemical sampling of food.

(iv) Resources, including financial, staffing and staff development.

(v) A review of performance for 2007/08.

4. SUMMARY OF MAIN ISSUES RAISED IN THE PLAN

4.1 During 2007/08 the section had two vacant environmental health officer posts in the final quarter. Steps were taken to ensure that food hygiene inspections were given priority and this allowed the service to ensure that no high risk inspections were left outstanding. Only 4 other inspections were carried forward to next year's inspection programme.

4.2 A total of 437 food hygiene premises inspections were undertaken in 2007/08 this equates to 99% of all programmed inspections planned for the year. However only 213 food standards inspections were undertaken this equates to 83%. The outstanding inspections will be added to the programme for 2008 - 2009. 165 microbiological samples and 185 compositional/labelling samples were taken, 15 of the samples were regarded as unsatisfactory, mainly as a result of high bacteriological counts and 11 were unsatisfactory as the labelling/composition was incorrect.

4.3 On 1st April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. Each business is awarded a star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on

their premises. The service has made a commitment to work with businesses to improve their rating.

- 4.4 The table below shows the results of the star ratings awarded to businesses on 1 April 2007 compared with on 1 April 2008:

Number of Stars	Number of Premises (1/4/07)	% of premises	Number of Premises (1/4/08)	% of premises
5 Stars	24/759	3%	85/762	11.1%
4 Stars	155/759	20%	217/762	28.5%
3 Stars	226/759	30%	294/762	38.6%
2 Stars	262/759	35%	137/762	18.0%
1 Star	60/759	8%	26/762	3.4%
0 Stars	32/759	4%	3/762	0.4%

- 4.5 The introduction of this scheme has been well received and to date there have been over 100,000 hits on the website. This scheme has raised public expectations and has placed increased emphasis on achieving our programmed inspections.
- 4.6 Towards the end of the 2007/08. Unacceptable standards were found in 1 premise following a programmed inspection. Investigations are still in progress and formal action is under consideration.
- 4.7 In March 2008 the Authority was audited by the Food Standards Agency in relation to feeding stuffs and imported food & feed control. A considerable amount of work was undertaken in preparation for the audit and this had a considerable impact on the limited resources available during the second half of the year.
- 4.8 We have received initial feedback including a draft report and have drawn up an action plan to address the areas requiring improvement. We are currently awaiting the final report and will report the results to a future meeting of the Adult & Public Health portfolio.
- 4.9 During 2008/09 there are 459 programmed food hygiene inspections, 173 programmed food standards inspections and 66 feed hygiene inspections planned, in addition to an estimated 160 re visits and 70 additional visits to new / changed premises. Such inspections must be carried out by a small team of officers with the suitable qualifications and competencies to undertake them. The volume of inspections and the need to carry out many of them outside normal working hours will place an additional demand on an already heavy workload.

- 4.10 It is anticipated that staff shortages will continue in 2008 - 2009 with currently 1 vacant post and another post holder starting her maternity leave in July. We will use a range of measures to try to attain targets.

5. RECOMMENDATIONS

- 5.1 Members comments on the Food Law Enforcement Service Plan for 2008 - 2009 are invited prior to submission to Scrutiny.



Hartlepool Borough Council

Food Law Enforcement Service Plan

2008/09

FOOD SERVICE PLAN 2008/09

This Service Plan accords with the requirements of the Framework Agreement on Local Authority Food Law Enforcement, and sets out the Council's aims in respect of its food law service and the means by which those aims are to be fulfilled. Whilst focussing primarily on the year 2008-09, where relevant, longer-term objectives are identified. Additionally, there is a review of performance for 2007-08 and this aims to inform decisions about how best to build on past successes and address performance gaps.

1. **Background Information**

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Easington District Council to the north, Sedgfield District Council to the west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

2. **Service Aims and Objectives**

Hartlepool Borough Council aims to ensure:

- That food and drink intended for human consumption which is produced, stored, distributed, handled or consumed in the borough is without risk to the health or safety of the consumer.
- Food and food packaging meets standards of quality, composition and labelling and reputable food businesses are not prejudiced by unfair competition.
- The effective delivery of its food law service so as to secure appropriate levels of public safety in relation to food hygiene, food standards and feeding stuffs enforcement.

In its delivery of the service the Council will have regard to directions from the Food Standards Agency (FSA), Approved Codes of Practice, the Regulators Code of Compliance, and guidance from Local Authorities Co-ordinators of Regulatory Services (LACORS).

Service delivery broadly comprises:

- Programmed inspection of premises for food hygiene and food standards
- Registration and approval of premises
- Microbiological sampling and chemical analysis of food
- Food Inspection
- Contributing to the step change on imported food control through inspection and checks of imported foods at retail and catering premises

- Provision of advice, educational materials and courses to food businesses
- Investigation of food and food-related complaints
- Investigation of cases of food and water borne infectious disease, and outbreak control
- Dealing with food safety incidents
- Promotional and advisory work

Effective performance of the food law service necessitates a range of joint-working arrangements with other local authorities and agencies such as the Health Protection Agency (HPA), Meat Hygiene Service (MHS), Food Standards Agency (FSA), HM Revenue & Customs (HMRC), Department of Environment, Food & Rural Affairs (Defra) & the Animal Medicines Inspectorate (AMI). The Council aims to ensure that effective joint-working arrangements are in place and that officers of the service contribute to the on-going development of those arrangements.

The service is also responsible for the following:

- Health and Safety enforcement
- The provision of guidance, advice and enforcement in respect of Smokefree enforcement
- Water sampling; including both private and mains supplies & bathing water
- Provision of assistance to the animal Health Officer for animal health and welfare inspections, complaint investigation and animal movement issues

3. Policy Content

This service plan fits into the hierarchy of the Council's planning process as follows:

- Hartlepool's Community Strategy - the Local Strategic Partnership's (the Hartlepool Partnership) goal is "to regenerate Hartlepool by promoting economic, social and environmental wellbeing in a sustainable manner."
- Corporate (Best Value Performance) Plan
- Neighbourhood Services Departmental Plan
- Public Protection Divisional Plan
- Consumer Services Service Plan
- Food Law Enforcement Service Plan - sets out how the Council aims to deliver this statutory service and the Consumer Services section's contribution to corporate objectives

The Council's Community Strategy sets out its vision for 'a prosperous, caring, confident and outward looking community realising its potential in an attractive environment'. This Food Law Service Plan contributes towards the vision and the Council's seven main priorities in the following ways:

Jobs and the Economy

By providing advice and information to new and existing businesses to assist them in meeting their legal requirements with regard to food law requirements, and avoid potential costly action at a later stage.

Lifelong Learning and Skills

By providing and facilitating training for food handlers on food safety as part of lifelong learning, and promoting an improved awareness of food safety and food quality issues more generally within the community.

Health and Care

By ensuring that food businesses where people eat and drink, or from which they purchase their food and drink, are hygienic and that the food and drink sold is safe, of good quality and correctly described and labelled to inform choice.

Community Safety

By encouraging awareness amongst food businesses of the role they can play in reducing problems in their community by keeping premises in a clean and tidy condition.

Environment and Housing

By encouraging businesses to be aware of environmental issues which they can control, such as proper disposal of food waste.

Culture and Leisure

By exploring ways to promote high standards of food law compliance in hotels, other tourist accommodation, public houses and other catering and retail premises.

Strengthening Communities

By developing ways of communicating well with all customers, including proprietors of food businesses whose first language is not English, and ensuring that we deliver our service equitably to all.

This Food Law Enforcement Service Plan similarly contributes to the vision set out in the Neighbourhood Services Department Plan *“to work hand in hand with communities and to provide and develop excellent services that will improve the quality of life for people living in Hartlepool neighbourhoods”*. Within this, the Consumer Services Section has a commitment to ensure the safe production, manufacture, storage, handling and preparation of food and its proper composition and labelling.

The Council has in place a Food Law Enforcement Policy, which has been revised and subsequently approved by the Adult & Public Health Services Portfolio Holder on 21 March 2005.

The Council is committed to the principles of equality and diversity. The Food Law Enforcement Service Plan consequently aims to ensure that the same high standards of service is offered to all, and that recognition is given to the varying needs and backgrounds of its customers.

4. Legislative Powers and other actions available

The Council has a wide range of duties and powers conferred on it in relation to food safety functions.

The Council must appoint and authorise inspectors, having suitable qualifications and competencies for the purpose of carrying out duties under the Food Safety Act 1990 and Regulations made under it and also specific food regulations made under the European Communities Act 1972, which include the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2007.

Authorised officers can inspect food at any stage of the production, manufacturing, distribution and retail chain. The Council must draw up and implement an annual programme of risk-based inspections/interventions so as to ensure that food and feedingstuffs are inspected in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.

The sampling of food for the purposes of microbiological and chemical examination and analysis forms an integral part of the inspection process. It is a critical means of ensuring the microbiological and chemical safety of food, checking composition and labelling. The Food Safety (Sampling and Qualifications) Regulations 1990 provide the framework for sampling.

The inspection of food commodities again forms an integral part of the inspection process and is provided for by virtue of Sections 32 and 9 of the Food Safety Act 1990. The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption. Section 9 also sets out provisions relating to the detention, seizure and condemnation of food.

It is recognised that whilst the inspection process is the primary means of securing compliance with food safety legislation, this can be enhanced by the provision of advice, educational materials and training courses.

The service is obliged to investigate complaints relating to the sale of food not complying with food safety requirements, or not of the nature, substance or quality demanded, or injurious to health, or unfit for human consumption, or labelled or presented so as to mislead consumers. Similarly, the service responds to complaints alleging breaches of hygiene requirements.

The investigation of cases of food poisoning and outbreak control is a shared responsibility between the food law service and the County Durham and Tees Valley Health Protection Unit of the Health Protection Agency. Responsibility for the enforcement of measures to control food-borne disease rests with the local authority, with the Health Protection Agency having a statutory duty to designate medical officers to assist the local authority in carrying out their duties in this respect.

A national food/feed incident warning system is in operation throughout the United Kingdom, which acts as a rapid alert system in respect of food/feed related hazards. The service must ensure that any action specified by the Food Standards Agency in a food/feed alert is undertaken promptly and in accordance with any risk assessment carried out by the Agency. If the Authority propose to take alternative action this must first be agreed with the Agency.

In addition to legislative requirements as above, local authority food law services are required to have regard to the Food Law Code of Practice and Feed Law Enforcement Code of Practice and associated Practice Guidance which gives detailed direction to authorities on enforcement of food and feed legislation.

There is currently a requirement to report to the Food Standards Agency annually on performance in relation to food/feed law enforcement activities. Annual performance statistics for all authorities are now made publicly available by the Food Standards Agency and the best and worst performing councils are highlighted.

5. Service Delivery Mechanisms

Inspection Programme

Inspections carried out for food hygiene, food standards and for feeding stuffs are carried out in accordance with the Council's policy and standard operating procedures on food/feed premises inspections and relevant national guidance.

Information on premises liable to inspections is held on the APP computerised system. An inspection schedule is produced from this system at the commencement of each reporting year, in accordance with guidance issued by the Food Standards Agency.

The food hygiene, food standards and feeding stuffs inspection programmes are risk-based systems that accord with current guidance. The current premises profiles are shown in the tables below:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Premises
A	6 months	3
B	12 months	60
C	18 months	385
D	24 months	141
E	36 months or other enforcement	184
Unclassified	Requiring inspection/risk rating	12
No Inspectable Risk (NIR)		28
Total		813

Food Standards:

Risk Category	Frequency of Inspection	No of Premises
A	12 months	1
B	24 months	107
C	36 months or other enforcement	581
Unclassified		12
No Inspectable Risk (NIR)		94
Total		795

Feed Hygiene

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	48
C	60 months	5
Unclassified		31
Total		84

The inspection programme for 2008/09 comprises the following number of scheduled food hygiene and food standards inspections:

Food Hygiene:

Risk Category	Frequency of Inspection	No of Inspections
A	6 months	6
B	12 months	60
C	18 months	290
D	24 months	57
E	36 months or alternative enforcement strategy	35
Unclassified		11
Total		459

There is currently 1 manufacturing business (a fishery products establishment), that is subject to approval under Regulation 853/2004 however discussions are ongoing in relation to a potential new business. Approved establishments are not included in the inspection programme but instead are subject to a minimum inspection frequency in 12 months as set out in the following tables, in accordance with current guidance.

Product Specific Inspections :

	Primary Inspection	Secondary Inspections	No in Hartlepool
Meat Products	1	2	0
Minced Meat and Meat Preparation	1	2	0
Dairy Products	1	1	0
Fishery Products	1	1	1
Egg Products	1	1	0
Shellfish Purification or despatch	1	1	0

New EU food hygiene legislation applicable to primary production (farmers & growers) has come into effect. On the basis that the local authority officers were already present on farms in relation to animal welfare and feed legislation, the responsibility has been given to us to enforce this legislation. The service has estimated 68 primary producers based on the 2004 Agricultural Census. The database at present does not reflect this new area of responsibility and will need to be updated throughout the course of the year to reflect these premises.

Food Standards:

Risk Category	Frequency of Inspection	No of Inspections
A	12 months	1
B	24 months	57
C	36 months or alternative enforcement	103
Not classified		11
Total		173

Feed Hygiene :

Risk Category	Frequency of Inspection	No of Premises
A	12 months	0
B	24 months	35
C	60 months	0
Unclassified		31
Total		66

An estimated 10% of programmed inspections are of premises where it is more appropriate to conduct inspections outside the standard working time hours. Arrangements are in place to inspect these premises out of hours by making use of the Council's flexible working arrangements, lieu time facilities and, if necessary, paid overtime provisions. In addition, these arrangements will permit the occasional inspection of premises which open outside of, as well as during standard work time hours. The Food Law Code of Practice requires inspections of these premises at varying times of operation.

As a follow-up to primary inspections, the service undertakes revisits in accordance with current policy. For the year 2008/09, the inspection programme would generate an estimated 160 revisits. A number of these premises revisits will be undertaken outside standard working hours and arrangements are in place as described above to facilitate this.

It is anticipated that consistent, high quality programmed inspections by the service will, over time, result in a general improvement in standards, reducing the frequency for recourse to formal action.

The performance against inspection targets for all food hygiene and food standards inspections is reported monthly as part of the Neighbourhood Services Department internal performance monitoring. In addition, performance against inspection targets is reported quarterly to the Adult & Public Health Services Portfolio Holder as part of the Neighbourhood Services Department plan update.

Port Health

Hartlepool is a Port Health Authority however it is not a border inspection post or point of entry and therefore no food enters the port.

Fish Quay

There is a Fish Quay within the Authority's area which provides a market hall although it is not currently operational and there are associated fish processing units, one of which is an approved establishment.

Registration and Approval of Premises

Food and feed business operators must register their establishments with the relevant local authority. This provision allows for the service to maintain an up-to-date premises database and facilitates the timely inspection of new premises and, when considered necessary, premises that have changed food/feed business operator or type of use.

The receipt of a food/feed premises registration form initiates an inspection of all new premises. In the case of existing premises, where a change of food/feed business operator is notified, other than at the time of a programmed inspection, an assessment is made of the need for inspection based on the date of the next programmed inspection, premises history, and whether any significant change in the type of business is being notified. It is anticipated that approximately 70 additional premises inspections will be generated for new food businesses during 2008/09 and approximately 5 for new feed businesses.

A competent authority must with some exceptions, approve food business establishments that handle food of animal origin. If an establishment needs approval, it does not need to be registered as well.

Food premises which require approval include those that are producing any, or any combination of the following; minced meat, meat preparations, mechanically separated meat, meat products, live bivalve molluscs, fishery products, raw milk (other than raw cows' milk), dairy products, eggs (not primary production) and egg products, frogs legs and snails, rendered animal fats and greaves, treated stomachs, bladders and intestines, gelatine and collagen and certain cold stores and wholesale markets.

The approval regime necessitates full compliance with the relevant requirements of Regulation (EC) No 852/2004 and Regulation (EC) 853/2004.

There is 1 premises in the Borough (a fishery products establishment), which is subject to approval.

Microbiological and Chemical Analysis of Food/Feed

An annual food/feed sampling programme is undertaken with samples being procured for the purposes of microbiological or chemical analyses. This programme is undertaken in accordance with the service's Food/Feed Sampling Policy.

All officers taking formal samples must follow the guidance contained in and be qualified in accordance with relevant legislative requirements and centrally issued guidance, including that contained in the Food Law Code of Practice/Feed Law Enforcement Policy and associated Practice Guidance. Follow-up action is carried out in accordance with the service's sampling policy.

Microbiological analysis of food and water samples is undertaken by the Health Protection Agency's Newcastle Laboratory based at Newcastle General Hospital. Chemical analysis of informal food/feed samples is undertaken by Tees Valley Measurement and formal samples are analysed by the Council's appointed Public/Agricultural Analyst at Durham County Council. From April 2005 sampling allocations from the Health Protection Agency, which is responsible for the appropriate laboratory facilities, has been based on a credits system dependant on the type of sample being submitted and examination required.

The allocation for Hartlepool is 8,300 credits for the year 2008-09.

Points are allocated as follows:

Sample type	No of credits
Food Basic	25
Food Complex	35
Water Basic	20
Water Complex	25
Dairy Products	10
Environmental Basic	25
Environmental Complex	35
Certification	15

A sampling programme is produced each year for the start of April. The sampling programme for 2008-09 includes national and regional surveys organised by LACORS and HPA/Local Authority Liaison Group.

Sampling programmes have been agreed with the Food Examiners and Tees Valley Measurement (a joint funded laboratory based at Canon Park, Middlesbrough). These have regard to the nature of food/feed businesses in Hartlepool and will focus on locally manufactured/processed foods/feed and food/feed targeted as a result of previous sampling and complaints.

In 2007 the Food Standards Agency, the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Port Health Authorities set a national target that imported food should make up 10% of the food samples taken by local and port health authorities. The service shall therefore aim to meet this target.

Microbiological Food Sampling Plan 2008-09

April Local Shopping Basket Survey Ice Survey	May Local Shopping Basket Survey Ice Survey	June Local Shopping Basket Survey Ice Survey LACORS/ HPA Egg mix & environmental samples from restaurants & takeaways Imported coffee/pastries
July Local Shopping Basket Survey Ice Survey LACORS/ HPA Egg mix & environmental samples from restaurants & takeaways Spices purchased over the Internet	August Local Shopping Basket Survey Ice Survey LACORS/ HPA Egg mix & environmental samples from restaurants & takeaways	September Local Shopping Basket Survey Ice Survey LACORS/ HPA Egg mix & environmental samples from restaurants & takeaways
October Local Shopping Basket Survey Ice Survey LACORS/ HPA Egg mix & environmental samples from restaurants & takeaways LACORS/ HPA Shelled Nuts Survey	November Local Shopping Basket Survey Ice Survey LACORS/ HPA Shelled Nuts Survey	December Local Shopping Basket Survey Ice Survey LACORS/ HPA Shelled Nuts Survey Products purchased over the internet
January Local Shopping Basket Survey Ice Survey LACORS/ HPA Shelled Nuts Survey	February Local Shopping Basket Survey Ice Survey LACORS/ HPA Shelled Nuts Survey	March Local Shopping Basket Survey Ice Survey LACORS/ HPA Shelled Nuts Survey

In addition to carrying out food sampling, arrangements are in place to enable inspections linked environmental sampling to be carried out,

The products sampled as part of the shopping basket survey include:

- Dressed crab
- Trifle
- Ready to Eat Pasta
- Salad Boxes/Ready to Eat Salad
- Chicken from Rotisseries
- Slush from Slush Puppies

- Ready to Eat Quiche
- Speciality Meats from Supermarkets
- RTEF Chilled Section Reduced Products
- Raw Diced Poultry

Composition and Labelling Sampling Plan 2008-09

MONTH	TEST	SAMPLES
April	Sodium in Health/Fitness Bars / Labelling of above	13 13
May	Meat Content of Locally Produced Sausages Imported Foods (2 Bakery & 2 Coffee)*	3 4
June	Added Water in Pre-packed Cooked Chicken / Labelling of above	5 5
July	Reformed Meat in Sandwiches	20
Aug	Fat & Sodium in Ready Meals*/ Labelling of above	6 6
Sept	Gluten Free Products (qualitative) / Labelling of above	8 8
Oct	Peanut Protein Takeaway Meals (qualitative)	12
Nov	Meat Content of Locally Produced Pies	2
Dec	Fish Species in ready Meals / Labelling of above	6 6
Jan	Vitamin C in Fruit Juice / Labelling of above	18 18
Feb	Folic acid in breakfast Cereals / Labels of above	To be confirmed
Mar	Fat in Margarine/Spreads / Labels of above	12 12

Total samples = 205

*Part of FSA Survey

Feeding Stuffs

It is planned that six informal animal feeding stuffs samples will be taken this year.

At present feeding stuffs sampling has been given a low priority due to the lack of local manufacturers and packers. An annual feeding stuffs sampling plan however has been drawn up to carry out informal sampling at the most appropriate time of the year in respect of farms, pet shops and other retail establishments.

Feeding stuffs Sampling Plan 2008/09

April - June	0
July - September	2 Pet food samples
October - December	2 samples from grain stores for mycotoxins
January - March	2 home grown products

Private Water Supplies

There are two premises using private water supplies in their food production, one is a brewery and the other a soft drinks manufacturer. Regular sampling is carried out of these supplies in accordance with relevant legislative regulations.

Food inspection

The purpose of food inspection is to check that food complies with food safety requirements and is fit for human consumption, and is properly described and labelled. As such, the activity of inspecting food commodities, including imported food where relevant, forms an integral part of the food premises inspection programme. Food inspection activities are undertaken in accordance with national guidelines.

Provision of advice, educational materials and courses to food/feed businesses

Following changes in relation to certified courses we are reviewing the training courses offered by the section. Where we are unable to deliver courses we will advise businesses of alternative local providers.

It is recognised that for most local food businesses contact with an officer of the service provides the best opportunity to obtain information and advice on legislative requirements and good practice. Officers are mindful of this and aim to ensure that when undertaking premises inspections sufficient opportunity exists for business operators to seek advice. In addition, advisory leaflets including those produced by the Food Standards Agency are made available.

In February 2006 the Food Standards Agency introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time significant resources have been directed towards assisting businesses to fully implement a documented food safety management system.

Guidance is also prepared and distributed to food businesses relating to changes in legislative requirements. The service also encourages new food/feed business operators and existing businesses to seek guidance and advice on their business. It is estimated that 40 such advisory visits will be carried out during the year.

On 1st April 2007 the Council launched the Tees Valley Food Hygiene Award Scheme. At this time each business was awarded a provisional star rating which reflected the risk rating given at the time of the last primary inspection. The star rating was made available to the public via the Council's website and the business was provided with a certificate to display on their premises. The service has made a commitment to work with businesses to improve their rating.

Feeding stuffs advice is available via the Council's web site.

A limited level of promotional work is also undertaken by the service on food safety, with minimal impact on programmed enforcement work.

Investigation of Food/Feed and Food/Feed-Related Complaints

The service receives approximately 22 complaints, each year concerning food/feed, all of which are subject to investigation. An initial response is made to these complaints within two working days. Whilst many complaints are investigated with minimal resource requirements, some more complex cases may be resource-intensive and potentially affect programmed inspection workloads.

All investigations are conducted having regard to the guidance on the 'Home Authority Principle'.

The procedures for receipt and investigation of food/feed complaints are set out in detailed guidance and internal policy documents.

Investigation of cases of Food Poisoning and Outbreak Control

Incidents of food related infectious disease are investigated in liaison with the Durham and Tees Valley Health Protection Unit and in the case of outbreaks in accordance with the Health Protection Unit's Outbreak Control Policy.

Where it appears that an outbreak exists the Principal EHO (Commercial) or an EHO, will liaise with the local Consultant in Communicable Disease Control and, where necessary, the Director of Durham and Tees Valley Health Protection Unit, to determine the need to convene an Outbreak Control Team.

Further liaison may be necessary with agencies such as the Food Standards Agency, the Health Protection Agency, Hartlepool Water and Northumbrian Water.

Statistical returns are made weekly by the service to the Communicable Disease Surveillance Centre.

It is estimated that approximately 100 food poisoning notifications are received each year. Most cases are sporadic in nature and can be investigated as part of the normal day-to-day workload. It is recognised, however, that in the event of a major outbreak a significant burden is likely to be placed on the service and this would inevitably impact on the performance of the inspection programme.

Dealing with Food / Feed Safety Incidents

A national alert system exists for the rapid dissemination of information about food and feed hazards and product recalls, this is known as the food/feed alert warning system.

All food and feed alerts received by the service are dealt with in accordance with national guidance and internal quality procedures.

Food and feed alert warnings are received by the service from The Food Standards Agency via the electronic mail system, and EHCNet during working hours. Two officers have also subscribed to receive alerts via their personal mobile phones.

The Principal EHO (Commercial Services) or, if absent, the Consumer Services Manager ensures that a timely and appropriate response is made to each alert.

Out of hours contact is arranged through Richard Court, telephone number 01429 869424.

In the event of a serious local incident, or a wider food safety problem emanating from production in Hartlepool, the Food Standards Agency will be alerted in accordance with guidance.

Whilst it is difficult to predict with any certainty the number of food safety incidents that will arise during any 12 month period, it is estimated that the service is likely to be notified of between 60 – 80 food alerts during 2008/09, a small proportion of which will require action to be taken by the Authority. This level of work can ordinarily be accommodated within the day-to-day workload of the service, but more serious incidents may require additional resources and may have an effect on the programmed inspection workload and other service demands.

In addition an increasing number of Allergy Alerts are being sent to local authorities. A total of 41 were received during 2007/08 many relating to labelling irregularities by UK manufacturers who have for example omitted to declare the presence of an allergen in the food.

Investigation of Complaints relating to Food/Feed Safety and Food Standards in Premises

The service investigates all complaints that it receives about food/feed safety and food standards conditions and practices in food/feed businesses. An initial response to any complaint is made within two working days. In such cases the confidentiality of the complainant is paramount. All anonymous complaints are also currently investigated.

The purpose of investigation is to determine the validity of the complaint and, where appropriate, to seek to ensure that any deficiency is properly addressed. The general approach is to assist the food/feed business operator in ensuring good standards of compliance, although enforcement action may be necessary where there is failing in the management of food/feed safety, or regulatory non-compliance.

Based on the number of complaints in 2007/08 it is estimated that approximately 40 such complaints will be received in 2008/09.

Feed Law Enforcement

From 1 January 2006 feed businesses must be approved or registered with their local authority under the terms of the EC Feed Hygiene Regulation (183/2005).

This legislation relates to nearly all feed businesses. This means, for example, that importers and sellers of feed, hauliers and storage businesses now require approval or registration. Livestock and arable farms growing and selling crops for feed are also within the scope of the provisions of the regulation.

Liaison arrangements

The service actively participates in local and regional activities and is represented on the following:

- North East Chief EHO Group
- North East Public Protection Chief Officers Group
- Tees Valley Heads of Public Protection Group
- Tees Valley Food Liaison Group
- The Local HPA/Local Authority Sampling Group
- Tees Valley Public Health Group
- North East Trading Standards Liaison Group
- North East Trading Standards Animal Feed Group

There is also liaison with other organisations including the Chartered Institute of Environmental Health, the Trading Standards Institute, LACORS, the Health Protection Agency, Defra, OFSTED and the Commission for Social Care Inspections.

Officers also work in liaison with the Council's Planning, Building Control and Licensing Sections.

Home Authority Arrangements

The Authority commits its support to the Home Authority Principle.

The Authority has no formal arrangements with food/feed businesses to act as Home Authority at the present time. The Authority acts as originating authority for two food premises; a brewery and a soft drinks manufacturer. Regular visits are made to these premises to maintain dialogue with management and an up to date knowledge of operations.

General

The delivery point for the food/feed law enforcement service is at:

Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Members of the public and businesses may access the service at this point from 08.30 - 17.00 Monday to Thursday and 08.30 - 16.30 on Friday.

A 24-hour emergency call-out also operates to deal with Environmental Health emergencies, which occur out of hours.

6. Resources

Staffing Allocation

The Director of Neighbourhood Services has overall responsibility for the delivery of the food/feed law service. The Head of Procurement, Property & Public Protection has responsibility for ensuring the delivery of the Council's Environmental Health service, including delivery of the food/feed law service, in accordance with the service plan. The Consumer Services Manager, with the requisite qualifications and experience, is designated as lead officer in relation to food safety and food standards functions and has responsibility for the day to day management of the service.

The resources determined necessary to deliver the service in 2008/09 are as follows:

1 x 0.25 FTE Consumer Services Manager (with responsibility also for Health & Safety, Licensing and Trading Standards)

1 x 0.35 FTE Principal EHO Commercial (with responsibility also for Health & Safety and Animal Health)

3 x FTE EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x 0.56 FTE Part-time EHO (with requisite qualifications and experience and with responsibility also for Health & Safety)

1 x FTE Technical Officer Food (with requisite qualifications and experience)

1 x 0.25 FTE Part-time Technical Officer (Animal Health & Licensing) (with requisite qualifications &/or experience)

The Consumer Services Manager has responsibility for planning service delivery and day to day management of the Food Law service, Health & Safety at Work, Licensing, Public Health, Water Quality, Trading Standards, Animal Health & Welfare and I.T. as well as general management responsibilities as a member of the Procurement, Property & Public Protection Management Team.

The Principal EHO (Commercial Services) has responsibility for the day to day supervision of the Food/Feed Law Service, Health & Safety at Work, Public Health, Water Quality and Animal Health & Welfare. The Principal EHO (Commercial Services) is designated as lead officer in relation to animal feed and imported food control.

The EHO's have responsibility for the performance of the food premises inspection programme as well as the delivery of all other aspects of the food law service, particularly more complex investigations. In addition these officers undertake Health & Safety at Work enforcement.

The food technical officer is also responsible for inspections, as well as revisits, investigation of less complex complaints and investigation of incidents of food-borne disease.

The Technical Officer (Animal Health & Licensing) has responsibility for the performance of the feed premises inspection programme as well as the delivery of all other aspects of the feed law service, assisted by authorised Trading Standards Officers as necessary.

Administrative support is provided by Support Services within Neighbourhood Services department.

All staff engaged in food/feed safety law enforcement activity will be suitably trained and qualified and appropriately authorised in accordance with guidance and internal policy.

Staff undertaking educational and other support duties will be suitably qualified and experienced to carry out this work.

Financial Resources

The annual budget for the Consumer Services section in the year 2008/09 is:

	£000
Employees	730.5
Other Expenditure	362.8
Income	(218.1)
Net Budget	875.2

This budget is for all services provided by this section i.e. Health & Safety, Licensing, Trading Standards and resources are allocated in accordance with service demands.

Equipment and Facilities

A range of equipment and facilities are required for the effective operation of the food/feed law service. The service has a documented standard operating procedure that ensures the proper maintenance and calibration of equipment and its removal from use if found to be defective.

The service has a computerised performance management system, the Authority Public Protection computer system (APP). This is capable of maintaining up to date accurate data relating to the activities of the food/feed law service. A documented database management standard operating procedure has been produced to ensure that the system is properly maintained, up to date and secure. The system is used for the generation of the inspection programmes, the recording and tracking of all food/feed activities, the production of statutory returns and the effective management of performance.

Training Plans

The qualifications and training of staff engaged in food/feed law enforcement are prescribed and this will be reflected in the Council's policy in respect of appointment and authorisation of officers.

It is a mandatory requirement for officers of the food/feed law service to maintain their professional competency by undertaking a minimum of 10 hours core training each year through attendance at accredited short courses, seminars or conferences. This is also consistent with the requirements of the relevant professional bodies.

The Council is committed to the personal development of staff and has in place Personal Development Plans for all members of staff.

The staff Personal Development Plan scheme allows for the formal identification of the training needs of staff members in terms of personal development linked with the development needs of the service on an annual basis. The outcome of the process is the formulation of a Personal Development Plan that clearly prioritises training requirements of individual staff members. The Personal Development Plans are reviewed six monthly.

The details of individual Personal Development plans are not included in this document but in general terms the priorities for the service are concerned with ensuring up to date knowledge and awareness of legislation, building capacity within the team with particular regard to approved establishments, the provision of food hygiene training courses, developing the role of the Food Safety Officer, and training and development of new staff joining the team.

Detailed records are maintained by the service relating to all training received by officers.

7. Service Review and Quality Assessment

Quality Assessment

The Council is committed to quality service provision. To support this commitment the food law service seeks to ensure consistent, effective, efficient and ethical service delivery that constitutes value for money.

A range of performance monitoring information will be used to assess the extent to which the food service achieves this objective and will include on-going monitoring against pre-set targets, both internal and external audits and stakeholder feedback.

Specifically the Principal EHO (Commercial Services) will carry out accompanied visits with officers undertaking inspections, investigations and other duties for the purpose of monitoring consistency and quality of the inspection and other visits carried out as well as maintaining and giving feedback with regard to associated documentation and reports.

It is possible that the Food Standards Agency may at any time notify the Council of their intention to carry out an audit of the service.

Review

It is recognised that a key element of the service planning process is the rational review of past performance. In the formulation of this service plan a review has been conducted of performance against those targets established for the year 2007/08.

This service plan will be reviewed at the conclusion of the year 2008/09 and at any point during the year where significant legislative changes or other relevant factors occur during the year. It is the responsibility of the Consumer

Services Manager to carry out that review with the Head of Procurement, Property & Public Protection.

The service plan review will identify any shortfalls in service delivery and will inform decisions about future staffing and resource allocation, service standards, targets and priorities.

Following any review leading to proposed revision of the service plan Council approval will be sought.

Performance Review 2007-08

This section describes performance of the service in key areas during 2007/08.

During 2007/08 the section has not been fully staffed having two vacant EHO posts in the final quarter. Steps were taken to ensure that food hygiene inspections were given priority and this allowed the service to ensure that no high risk inspections were left outstanding. Only 4 inspections were carried forward to next year's inspection programme.

Inspection Programme

The food premises inspection programme for 2007/08 did not quite reach the target of 100%. Due to staff shortages 99% of Food Hygiene and 83% of Food Standards inspections were achieved. The outstanding inspections will be added to the programme for 2008/09.

Registration and approval of premises

Premises subject to approval were inspected and given relevant guidance.

Food Sampling Programme

The food sampling programme for 2007/08 has been completed. The microbiological results are:

Microbiological Sampling (1/4/07 - 31/3/08)

	Total no. of samples	Number of Samples	
		Satisfactory	Unsatisfactory
<u>Bacteriological Surveys</u>			
Shopping Basket	94	82	12
Fresh Herbs	12	12	0
Salad & Kebabs	10	10	0
Edible Seeds	27	27	0
Cooked Meats	8	7	1
Imported Foods	14	12	2

The composition and labelling results are:

Food Standards Sampling (01.04.07 – 31.03.08):

Nature of Sample	Reason for Sampling	Satisfactory	Unsatisfactory
Locally produced meat pies	Meat content	2	0
Honey	Floral origin	16	0
Honey	Labelling regulations	16	0
Pre-packed foods	Calcium claims	8	0
Pre-packed foods	Labelling regulations	8	0
Soft drinks	Vitamin C	18	0
Soft drinks	Labelling regulations	18	0
Locally produced sandwiches	QUID	5	7
Locally produced sandwiches	Labelling regulations	12	0
Ready meals	Fat and salt	9	0
Ready meals	Labelling regulations	9	0
Breakfast cereals	Sodium	12	0
Breakfast cereals	Labelling regulations	12	0
Locally produced sausages	Meat content	3	0
Ready meals	Fish content	5	0
Ready meals	Labelling regulations	5	0
Meat product	Meat content	1	0
Cooked ham	Added water	5	0
Cooked ham	Labelling regulations	5	0
Imported foods	Heavy metals	10	0
Imported foods	Labels	6	4

In conjunction with Middlesbrough and Stockton Borough Council the Authority received funding from the FSA to sample imported exotic fruit and vegetables and canned products.

Where unsatisfactory samples are identified, officers carry out follow-up work to identify the cause and take appropriate action.

A number of the locally produced sandwiches which were sampled were found to have incorrect quantities of ingredients when compared with the declarations on their labels (e.g. a turkey & stuffing sandwich was reported to contain too much turkey but insufficient stuffing.)

Several of the imported foods sampled failed to comply with the Food Labelling Regulations 1996 (e.g. some of the products did not include information about suitable storage conditions on their labels.) Advice was provided to the businesses concerned.

The programme of feeding stuffs sampling was undertaken and all samples were found to be satisfactory. Feeding stuffs has been given a low priority due to the lack of local manufacturers and packers.

Food Inspection

The service undertook no formal seizure of unfit food in the year.

Promotional Work

In February 2006 the Food Standards Agency (FSA) introduced Safer Food Better Business (SFBB) aimed at assisting smaller catering businesses to introduce a documented food safety management system. Since this time our resources have been directed towards continuing to assist businesses to fully implement a documented food safety management system.

The service was unable to provide food hygiene training during the year due to insufficient resources.

The team has continued to offer advice and information on request with 56 advisory visits to businesses being carried out during the year.

Food Hygiene Award Scheme

On 1 April 2007 the Authority in conjunction with the other Tees Valley authorities launched the Tees Valley Food Hygiene Award scheme. The scheme was based around a national pilot being undertaken by the Food Standards Agency.

In accordance with the 'Food Law Code of Practice', following every 'primary' inspection a risk rating is undertaken which is used to determine the frequency of inspection for the business. Of the seven main categories used to determine the overall rating score the following three factors are used to create a star rating:

1. Food Hygiene and Safety
2. Structure and Cleaning
3. Management and Control

These ratings are the only ones that are directly controllable by the business and are the reason they have been used to obtain the food businesses star rating.

The total score from the 3 categories is then used to derive the star rating ranging from 0 (major improvements needed) through to 5 stars (excellent).

The table below shows the results of the star ratings awarded to businesses on 1 April 2007 compared with on 1 April 2008:

Number of Stars	Number of Premises (1/4/07)	% of premises	Number of Premises (1/4/08)	% of premises
5 Stars	24/759	3%	85/762	11.1%
4 Stars	155/759	20%	217/762	28.5%
3 Stars	226/759	30%	294/762	38.6%
2 Stars	262/759	35%	137/762	18.0%
1 Star	60/759	8%	26/762	3.4%
0 Stars	32/759	4%	3/762	0.4%

Complaints

During the year the service dealt with 36 complaints relating to the condition of food premises and food handling practice. In addition, 22 complaints of unfit or out of condition food, extraneous matter, mould and unsatisfactory labelling of food items were also received. These investigations have been undertaken all within our target of 2 working days; however, they have had some effect on performance of the inspection programme.

Food Poisoning

The service received 100 notifications of food poisoning during the year and investigated 1 outbreak of infectious disease, which occurred in a residential /nursing care home and which was found to be viral in nature.

Food Safety Incidents

The Service received 63 food alerts and 41 allergy alerts from the Food Standards Agency during the year. All requiring action were dealt with expeditiously. No food incidents were identified by the Authority that required notification to the Food Standards Agency.

Enforcement

During 2007/08, no emergency prohibition notices were served on businesses where formal cessation of a food activity was necessary however 1 voluntary closure of a food business was agreed. No hygiene improvement notices were served on businesses to ensure compliance with food safety issues. No prosecutions or formal cautions were undertaken.

FSA Audit

In March 2008 the Authority was audited by the FSA in relation to feeding stuffs and imported food & feed control. A considerable amount of work was

undertaken in preparation for the audit and this had a considerable impact on the limited resources available during the second half of the year.

We have received initial feedback including a draft report and have drawn up an action plan to address the areas requiring improvement. We are currently awaiting the final report.

Improvement Proposals 2007/08

The following areas for improvement were identified in the 2007/08 Food Service Plan.

1. Complete review / internal audit of food quality system.

This work was completed.

2. Produce a summary of the Food Enforcement Policy

Due to other priorities and resource constraints this was not completed and it has therefore been included in next years plan.

3. Reduce the number of premises in bands 0-2 stars in food hygiene awards scheme by 5%

This target was exceeded with the number of premises in the 0-2 star bands falling from 47% to 21.8% (a reduction of 25.2%)

4. Record all food samples on the Authority Public Protection computer system

This work was completed.

8. Key Areas for Improvement 2008/09

In addition to committing the service to specific operational activities such as performance of the inspection programme, the service planning process assists in highlighting areas where improvement is desirable. Detailed below are specifically identified key areas for improvement that are to be progressed during 2008/09.

1. Produce a summary of the Food Enforcement Policy
2. Complete the Action Plan in relation to the FSA Audit
3. Carry out configuration of APP to enable completion of food & feed statutory returns in accordance with new guidance
4. Implement the requirements of the revised Food Law Code of Practice, which is expected to be published in June 2008.