

Minutes of the Overview & Scrutiny Committee
held at Riverside, Lowestoft on **Thursday, 5 July 2018 at 6.00pm**

Overview & Scrutiny Committee Members Present:

Councillors A Cackett (Chairman), M Cherry, G Elliott, T Gandy, L Gooch, P Light, J Murray and C Topping

Cabinet Members in attendance

Councillor M Rudd - Cabinet Member for Community Health and Safety

Other Members in attendance

Councillor Y Cherry – Public Gallery

Officers present

P Gore (Head of Environmental Services & Port Health), C Roberts (Democratic Services Officer) and M Sims (Food and Safety Manager)

1 APOLOGIES FOR ABSENCE / SUBSTITUTES

Apologies were received from Councillors R Neil, K Robinson and J Smith.

Councillor M Cherry substituted for Councillor Smith.

2 DECLARATIONS OF INTEREST

Councillor Elliott declared Local Non Pecuniary Interest in item 4 as he had a registered food business.

3 ANNOUNCEMENTS FROM THE CHAIRMAN, RESPONSES OF THE CABINET TO ANY REPORT OF THE COMMITTEE OR REPORTS OF ANY DISCUSSIONS WITH THE CABINET

There were no announcements on this occasion.

4 EAST SUFFOLK FOOD AND HEALTH AND SAFETY SERVICE PLAN

The Chairman invited the Cabinet Member for Community Health and Safety, to introduce the report.

The Cabinet Member informed the Committee that the Council was required to produce a Food and Health and Safety Service Plan in the format prescribed by the Food Standards Agency (FSA) in its Framework Agreement on Local Authority Law Enforcement and as required by the Health and Safety Executive (HSE) as set out in the National Local Authority Enforcement Code – Health & Safety at Work England, Scotland and Wales. The Plan had to be submitted for Member approval and must be reviewed to identify the Council's performance against the Service Plan, any variance from the plan and areas for improvement in the service.

The Cabinet Member invited the Head of Environmental Services & Port Health to present the report.

The Committee was informed that the Plan looked back at the Council's performance over the previous year and its future plan of activity. The Plan would be presented to Full Council for final approval.

At Suffolk Coastal's Scrutiny Committee in 2017, Members had asked for some comparative national data to benchmark against east Suffolk's performance, however at the time of drafting the report, the FSA had not published national performance data for 2017/18. Interim data had been published in the last few days but a number of local authorities had not submitted their information as yet and the FSA had not analysed the data.

With regard to the table at paragraph 2.6 on page 2 of the papers, the Committee was informed that east Suffolk's performance was higher than the national average and significantly so in some areas. Referring to the percentage of businesses registered but not rated, the Head of Service advised that the Council had to inspect premises within 28 days but this was not always possible as business registrations could be received months prior to trading. The team had been focussing on this and therefore the figure would be slightly better now than stated in the report.

Referring to the percentage change in full-time equivalents, the Head of Service advised that the increase had been partly due to moving the animal licensing process to the Environmental Protection Team. It was noted that this figure would likely fluctuate year on year but was currently on the right side of the national average. With regard to the percentage of food hygiene interventions, it was clarified that this could involve a full inspection, a focussed inspection of a particular aspect of a business or a sampling intervention where officers carried out control work on the premises.

There had been an increase of 8.3% in the number of complaints received which was partly due to the increased level of national publicity around food hygiene, resulting in people being more likely to complain.

The Committee was advised that the FSA was keen to ensure that local authorities carried out a food sampling programme and the Council had maintained its programme which included more complex premises, such as food manufacturers, and was up 62.6% which was very good news compared to the national average which was down 11%.

The Council was engaging in the FSA's review of its monitoring of local authority performance with a view to introducing a more comprehensive approach which would enable the Council to benchmark its performance against other similar authorities in the future. This programme had stalled a little and there had been some push back from local authorities. The Council would be looking at its indicators to ensure they were mirroring those looked at by the FSA.

The FSA was setting up a national database where businesses could register on line and be directed to information and guidance to ensure they were fully compliant before they opened. A new, more refined, risk assessment approach to the inspection of new businesses was also being developed which would involve the segmentation of food businesses at the time of registration. Those businesses which were low risk or those of limited scale and complexity would no longer receive an initial inspection and would only be inspected if further information or a complaint indicated that one was necessary.

Primary Authority National Inspection Strategies were also being progressed which could be applied to multi-site businesses, such as supermarkets, demonstrating high levels of compliance. This could result in fewer inspections of these businesses and re-targeting of

local authority resource to businesses presenting the greatest risk to public health. Concerns had been raised about inconsistency and the fact that a local authority would not be able to inspect its local branches as there had been instances in the past where local management had failed. Further work was also underway at the FSA to develop a sustainable funding model for food safety regulatory activities where businesses bore the cost of regulation. This would require new primary legislation so the timing of any implementation was uncertain at this time.

With regard to the 'Eat Out Eat Well' (EOEW) scheme, the Committee was informed that 39 catering businesses had achieved either gold, silver or bronze awards. The scheme was now being extended to take-away businesses and the 'Take Out Eat Well' (TOEW) scheme would be launched on 20 September 2018 to encourage these businesses to offer healthy choices. This scheme would not have gold, silver or bronze awards as businesses would either pass or fail.

Questions from Members

A Member enquired what Novel Foods were and what the emerging issues were around this type of food. It was clarified that this was a type of food which did not have a history of consumption. It was confirmed that there was no additional cost to the local authority for this work.

A Member asked how the Head of Service predicted what would happen in the following year. The Head of Service explained that he looked at past experience and what it was expected the Council would need to do during the current year in addition to making some assumptions. There could be occasions when there would be a need to divert or increase resources for a priority issue.

A Member referred to an increasing issue with litter, particularly in relation to the A11, A146 and A14 which linked in with the TOEW scheme and asked whether there was a way to trace where discarded packaging came from and find the offenders. The Head of Service responded that Norse dealt with many of these issues and the Environmental Protection Team was also involved. Training had been given to Town and Parish Councils regarding the information required by the Council to enable it to issue Fixed Penalty Notices. Some food businesses had also been given instruction on the necessary information required including vehicle registration numbers. The Head of Service explained how the Incident Ticketing Scheme worked and advised that this scheme had been successful at McDonald's.

A Member suggested that till receipts should include vehicle registration numbers and if these were discarded with the bags the people could be traced.

The Chairman informed the Committee that she had spoken to the Food and Safety Manager the previous day on a different topic but had mentioned the possibility of training for Councillors on the issue of litter.

The Head of Service agreed to liaise with the Environmental Protection Manager about training for Councillors on the Incident Ticketing Scheme.

Referring to page 10 of the papers, a Member noted that Waveney District Council (WDC) had 48 Councillors and not 47 as stated.

Regarding table 6 on page 18 of the papers, a Member enquired whether any analysis had been carried out on common ground in relation to poor compliers and whether the reasons for non compliance were changing. The Food and Safety Manager advised that the FSA had

carried out research into the attitudes of businesses and how to deal with this issue. The Council gave advice and, where necessary, would take enforcement action. The type of businesses which were poor performers tended to rate 0, 1 or 2 on the Food Hygiene Rating Scheme (FHRS). This could be due to issues around understanding the requirements of food hygiene law. Although the FHRS ratings were available on the website, the team would welcome the mandatory display of ratings on the front of premises as this would give them greater weight. This was mandatory in Wales and Northern Ireland.

A Member noted that it appeared that the team was adequately resourced. The Head of Service responded that they had lost three members of the team across the two councils but had advertised the posts and received some very good applications. Two officers had been recruited from Ipswich Borough Council (IBC), one of whom would be working at WDC and one at Suffolk Coastal and would be starting in September. In addition, a student coming to the end of their training programme and Chartered Institute of Environmental Health requirements would shortly be joining on a full time basis. The Committee was informed that a large team would be attending Latitude this year and tasks had been allocated including taking water samples.

The Chairman advised that she had contacted the people at Latitude as they had been advertising for Environmental Health Officers to check toilets etc. She had explained why they could not use this title.

Referring to table 8 on page 23 of the papers, a Member enquired whether the funding for Port Health Felixstowe was ringfenced and enquired about Lowestoft. The Head of Service clarified that Felixstowe recharged importers for food control and the money generated should only cover the cost with any surplus being reinvested so, in general terms, it was ringfenced and reinvested. The Food and Safety team at Lowestoft inspected vessels and issued certificates which could be recharged and was an income stream back to the Council. Suffolk Coastal had invested £1million into research and development of PHILIS, a computer software system for managing imported food controls, using the Council's staff as it had been too expensive to use specialist software developers. This system had gone live in September 2009 and was now licensed to ports in London, Southampton and Mersey and most recently was being used at Heathrow.

A Member sought more information around Ship Sanitation Control Certificates and Exemption Certificates. The Head of Service explained that vessels had to renew their certificate every six months. Council officers went out to the vessels as and when requested. More certificates were issued for Lowestoft than Felixstowe.

Referring to the EOEW scheme, a Member noted that this was growing but was still not a big brand on the high street and asked what could be done to promote it. The Head of Service advised that the scheme was on the website and on social media. There would also be increased promotion going forward. Officers had noted that some businesses which received a silver or bronze award did not want publicity until they achieved a gold standard.

A Member asked how businesses were encouraged to be part of the scheme. The Head of Service informed the Committee that there was contact via the intervention programme and officers flagged up those businesses for follow up after visiting a business premises.

Referring to the table in paragraph 2.6 of the report relating to the percentage change in hygiene complaints, a Member asked how people could be educated to make complaints as they could be negative about complaining. The Food and Safety Manager advised that an on

line complaint form had been introduced last year and had been drafted in such a way to tease out relevant information. The FSA also had on line reporting procedures.

Referring to animal licensing being moved to the Environmental Protection Team, a Member enquired to what extent they looked at how dog breeders worked. The Head of Service advised that they looked at the internet and adverts for those services to ensure that unregistered breeders were identified.

A Member asked what was being done about inflatable play equipment. The Food and Safety Manager advised that they had been in contact with Great Yarmouth following the recent incident there and had since asked relevant questions of a number of inflatable play equipment operators in East Suffolk. Further action was being considered including raising awareness.

Referring to resources on pages 41 and 43 of the papers, a Member asked whether staffing levels were sufficient to deliver an effective service in the event of a major incident. The Head of Service noted that there had been some major incidents, including a fatal karting event which had required significant input from two officers to interview witnesses but it was both the Head of Service and the Food and Safety Manager's role to review progress towards targets throughout the year. There were options, including bringing in agency staff. Should there be a really big event the Head of Service would seek additional funding from Finance to enable the team to get back on track once the incident had passed. The situation was constantly monitored to ensure there was a 'Plan B' in place.

Regarding the EOEW scheme, a Member advised that in the north of England they provided 'OAP' portions. It was confirmed that these portions were available in this area as well.

Referring to the fourth bullet point in paragraph 7.1 on page 26 of the papers and the fourth bullet point on page 28 of the papers, a Member asked whether these two topics were related and whether it was the same provider. Also, who would be monitoring the on line training? The Food Safety Manager understood that there was no connection and that the Council's awarding body was a well respected and reputable organisation. People were moving towards on line training. The requirement for food handlers to have specific food hygiene training was not set in law but the training had to be commensurate with their responsibilities.

A Member referred to the national database and new businesses going on line to register and get information and guidance and enquired how the team dealt with businesses which did not register. Also, how did the team work with people on ships and opening restaurants who did not have a good command of the English language? The Food and Safety Manager stated that language was less of a problem than it would have been 10 or 15 years ago as many families had younger members who could help the older generation. The FSA also produced some publications in foreign languages, such as 'Safer Food Better Business'. The Team became aware of unregistered premises via the licensing process as they were consulted and via staff who were out and about and noted any new shops/restaurants opening. The database would be integrated with other agencies and there would be cross referencing. It could not be guaranteed that there were a handful of unregistered businesses as there could be a number of home caterers operating on a small scale which were low risk, but there were no concerns that there were a lot of unregistered food businesses in the district.

A Member asked whether something about littering could be included in the EOEW/TOEW section, particularly to avoid plastic beads in the rivers etc. The Head of Service advised that

this would need to be approached via a different route as it was not part of the current award scheme conditions which had been agreed across Suffolk. However, the East Suffolk Greenprint Forum was involved in a project around single use plastic, together with representatives from Town/Parish Councils and the Wildlife Trust, facilitated by the Council. 2018 was the year of plastic and there were many initiatives. The East Suffolk Partnership had given approximately £30,000 funding and the Council was engaging with businesses and communities with 85 people attending a recent event at East Suffolk House.

With regard to littering, following discussion it was agreed that this would be put forward as a Scrutiny. Councillor Gooch would complete a Scrutiny Scoping form for consideration at the September meeting.

There being no more questions, the Chairman asked the Committee whether there were any comments to go to Cabinet with regard to the Service Plan. There being no comments, it was moved, seconded and unanimously

RESOLVED

1. That the Food Safety and Health and Safety performance against the Service Plan for 2017/18 be noted, and
2. That the Service Plan for 2018/19 had been considered and that there were no comments to put forward prior to consideration by Council on 19 September 2018.
3. That Councillor Gooch would complete a Scrutiny Scoping Form regarding littering for consideration at the meeting on 6 September 2018.

At this point in the proceedings, Councillor Rudd, the Head of Environmental Services and Port Health and the Food and Safety Manager left the meeting at 7.25pm.

5 OVERVIEW & SCRUTINY ANNUAL REPORT - 2017/18

The Committee received a report which sought its approval to publish the Overview and Scrutiny Annual Report 2017/18 at Appendix A of the report. The Annual Report was a factual account of the work of the Committee during the previous year. It was not necessary to consult with Members in advance of its completion, however Members were asked to approve the report before its wider publication.

The Chairman invited the Committee to comment on the report.

A Member referred to a meeting held on 27 November 2017 regarding St Peter's Court which had been omitted from the report.

There being no further comments, it was moved, seconded and unanimously

RESOLVED

That, subject to the inclusion of the meeting held on 27 November 2017, the report be approved for publication.

6 CURRENT POSITION OF THE COMMITTEE'S WORK PROGRAMME

The Committee received a report regarding the current position of its Work Programme which was provided at each meeting in order for it to be continually reviewed. This was a 'rolling' Work Programme with suggestions for scrutiny identified by Members throughout the year.

Referring the presentation given by Mr Simpson from Anglian Water at the meeting on 15 June 2018, the Chairman informed the Committee that she had a telecon with Mr Simpson, his colleague Collette Parker, the East Suffolk Communities Manager and the Food and Safety Manager with regard to Anglian Water's 'Keep it Clear' campaign and how the Council could help to get the word out. The East Suffolk Communities Manager and the Food and Safety Manager would be contacting Collette Parker to arrange some events. The Chairman advised that Anglian Water would be providing some booklets on 'Keeping it Clear Together' which would be forwarded to Members as soon as they were received.

Also, at the meeting on 14 June, the Committee had decided to keep the Annual Partnership Report on Sentinel Leisure for the 6 September meeting and move the Waveney Norse Annual Progress Report to the meeting on 4 October to enable Members to give each report the attention needed.

The Chairman had since heard from Councillor Catchpole who had expressed some concern that the information in the Waveney Norse report would be a little old by then. The Chairman had suggested to Councillor Catchpole that the Waveney Norse report could be brought forward to the September meeting and the Sentinel Leisure report moved to the October meeting. She was still waiting to hear from him.

Following discussion, it was agreed that the reports should be considered separately but the Committee could be flexible regarding which report came to the September meeting and which one came to the October meeting.

The Chairman drew the Committee's attention to the Audit and Governance Committee meeting on Wednesday 25 July 2018. The Overview and Scrutiny Committee had been invited to this meeting to comment on the final Annual Governance Statement prior to it be considered by the Audit and Governance Committee for approval.

Members expressed disappointment that they could attend the meeting but not vote on the document, particularly as it no longer went to Full Council. The Chairman agreed to take the Committee's comments to Cabinet on 11 July.

Referring to the proposed Joint Meeting with Suffolk Coastal's Scrutiny Committee, the Chairman informed Members that she would be meeting with its Chairman to discuss this and would keep the Committee updated.

Members asked that this meeting should be held at either Riverside or East Suffolk House.

The Chairman advised that car parking and public conveniences were two items to be scheduled for future Agendas.

Referring to toilet facilities in Lowestoft for people with disabilities a Member agreed that it was important to receive up to date information on the impact of the transfer of public convenience assets.

The Chairman invited suggestions from Members for future scrutiny topics in addition to the item on litter.

Following discussion, the following suggestions were put forward:

- Blue bin collection – Councillor Light
- Dog fouling which could be included in the item regarding litter – Councillor Elliott
- Education – Councillor Topping

At this point in the proceedings, Councillor Elliott left the meeting at 7.59pm.

It was agreed that the Democratic Services Officer would send Scrutiny Scoping forms to Councillors Light, Gooch, Gandy and Topping for completion and to be added to the Agenda for consideration at the meeting on 6 September 2018.

There being no further discussion, it was moved, seconded and

RESOLVED

1. That the current position of the Overview and Scrutiny Committee's Work Programme, as set out in Appendix A to the report be noted.
2. That the Chairman would take the Committee's comments regarding its disappointment in not being able to vote on the Annual Governance Statement to Cabinet on 11 July 2018.
3. That Scrutiny Scoping Forms be forwarded to Councillors Light, Gooch, Gandy and Topping for completion for consideration at the meeting on 6 September 2018.

The meeting was concluded at 8.06pm

Chairman