Dear Sir/Madam,

The Cabinet Member for Planning and Public Protection (Councillor N.J.P. Phillips) is to consider the following reports and make a decision on Wednesday, 16th June, 2010 at 4.15 p.m. in Committee Room C, Town Hall, Nuneaton.

Yours faithfully,

CHRISTINE KERR
Chief Executive

AGENDA
PUBLIC BUSINESS

1. EVACUATION PROCEDURE

2. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. FOOD SAFETY SERVICE PLAN - 2010/11 - Report of the Assistant Director - Planning and Public Protection attached. (Page 2)

4. OCCUPATIONAL HEALTH AND SAFETY SERVICE PLAN - 2010/11 - Report of the Assistant Director - Planning and Public Protection attached. (Page 19)

5. HACKNEY CARRIAGeway/PRIVATE HIRE LICENSING POLICIES - Report of the Assistant Director - Planning and Public Protection attached. (Page 36)
**INDIVIDUAL CABINET MEMBER DECISION**

**Report Summary Sheet**

<table>
<thead>
<tr>
<th>Date</th>
<th>16th June 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>Food Safety Service Plan – 2010/2011</td>
</tr>
<tr>
<td>Portfolio</td>
<td>Planning and Public Protection</td>
</tr>
<tr>
<td>From</td>
<td>Assistant Director Ian Powell</td>
</tr>
</tbody>
</table>

**Summary:**
To seek approval for the Food Safety Service Plan 2010/2011.

**Recommendations:**
That the proposed Food Safety Service Plan for 2010/2011 is agreed.

**Reasons:**
Requirement for approval of an annual service plan contained in the FSA Framework Agreement

**Options:**
Reject or revise the proposed service plan

<table>
<thead>
<tr>
<th>Subject to call-in:</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Forward plan:</td>
<td>N/A</td>
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<tr>
<td>Corporate priorities:</td>
<td>Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.</td>
</tr>
<tr>
<td><strong>Aim 1 Priority 3:</strong> To work in partnership to improve health and reduce health inequalities for residents in the borough.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Aim 4 Priority 1:</strong> To continue to improve the performance and quality of key services</td>
<td></td>
</tr>
</tbody>
</table>

| **Relevant statutes or policy:** | Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement |

| **Equal Opportunity Implications:** | Contained within the Plan |
| **Human Resources Implications:** | Contained within the Plan |
| **Financial Implications:** | Contained within the Plan |
| **Health Inequalities Implications:** | None |
| **Risk Management Implications:** | The Food Standards Agency has powers of direction and default that can be used in relation to local authorities that fail to discharge their functions satisfactorily or fail to meet statutory obligations. |
| **Environmental Implications:** | None |
| **Legal Implications:** | Food Safety Act 1990 |

| **Contact Details:** | Ian Powell – Assistant Director PPP  
Tel: 024 7637 6396  
Steve Moore – Head of Business Regulation & Support  
Te: 024 7637 6138 |
NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Councillor N. Phillips, 16th June 2010
From: Assistant Director, Planning and Public Protection
Subject: FOOD SAFETY SERVICE PLAN – 2010/2011

Portfolio Holder: Planning and Public Protection - Councillor N. Phillips

1. Purpose of Report
   To consider the proposed Food Safety Service Plan for 2010/2011.

2. Recommendation
   That the proposed Food Safety Service Plan for 2010/2011 is agreed.

3. Background

3.1 The proposed Food Safety Service Plan for 2010/2011 (Appendix A) has been drawn up in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement. It is mandatory that Local Authorities perform their duties in accordance with the guidance issued by the Food Standards Agency.

3.2 Food Safety Service Plans provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. Such plans are seen as an important part of the process to ensure national priorities and standards are addressed and delivered locally.

IAN POWELL
APPENDIX A – AGENDA ITEM

NUNEATON AND BEDWORTH BOROUGH COUNCIL
PLANNING AND PUBLIC PROTECTION

FOOD SAFETY SERVICE PLAN
2010 – 2011

Drawn up in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement (“the Framework Agreement”)

CONTENTS
Section 1 - Food Service Aims and Objectives
Section 2 – Background (Authority Profile, Organisational Structure, Scope of the Service, Demands on the Service, Enforcement Policy)
Section 3 – Service Delivery
  • Food Premises Inspections
  • Food-related Complaints
  • Home Authority Principle (HAP) Activity
  • Advice to Business
  • Food Inspection & Sampling
  • Investigation and Control of Outbreaks and Food-related Infectious Disease
  • Food Alerts
  • Liaison with Other Organisations
  • Food Safety Promotion
  • Team Management
Section 4 – Resources (Financial, Staffing, Staff Development Plan)
Section 5 – Quality Assessment
Section 6 – Review of Service Plan
SECTION 1: FOOD SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

1.1.1 The Business Regulation and Support (BRS) Team’s food safety service seeks to maintain and enhance standards of food safety and management through the following key objectives:

- To secure compliance with food safety law (having regard to the Food Standards Agency’s Code of Practice and Practice Guidance and Local Authorities Co-ordinators of Regulatory Services (LACORS) guidance)
- To ensure that food is fit to eat and free from extraneous matter
- To work with businesses to help them comply with the law
- To maintain an accurate database of all food premises in the borough
- To prevent the spread of foodborne illness
- To promote food safety awareness so as to increase the knowledge and understanding of food handlers, proprietors of food businesses and all residents in matters of food hygiene and healthy eating
- To continue to seek improvements in the performance and quality of key services, particularly with regard to opportunities for better regulation (as promoted/advocated by the Local Better Regulation Office) and enhanced co-ordination of regulatory activities locally.

1.2 Links to Corporate Objectives and Plans

1.2.1 The Corporate Plan 2007 – 2021 states the Council’s ambition is: ‘By 2021 we shall achieve the greatest improvement in quality of life and social justice in Warwickshire, providing value for money services in a safe and pleasant environment’.

1.2.2 The aims in the Corporate Plan with the most direct relevance to the work of the food safety service are as follows:

Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Aim 1 Priority 3: To work in partnership to improve health and reduce health inequalities for residents in the borough.

Aim 4 Priority 1: To continue to improve the performance and quality of key services

1.2.3 The Council gives due consideration to national performance indicators, with the main indicators of relevance being National Indicator NI 182: Business satisfaction with regulatory services and NI 184: Food establishments broadly compliant with hygiene law. In addition to these national performance indicators, the food safety service strives to meet local performance indicators for complaints and service requests e.g. depending on their nature a ‘standard’ (within 3 working days) response, and an urgent (immediate/within 24 hours) response time e.g. for notifications of foodborne disease, food complaints and food alerts. The food safety service also works to a target that aims to complete...
80% of general enforcement complaints within 45 working days and food complaints within 45 working days. A system is also in place to monitor customer satisfaction (target 80% of respondents expressing overall satisfaction with the service) and to capture comments and suggestions for service improvements.

SECTION 2: BACKGROUND

2.1 Authority Profile
2.1.1 The Borough of Nuneaton and Bedworth covers an area of 30 square miles to the east of the West Midlands conurbation. It is predominantly bordered by rural areas of Warwickshire and Leicestershire, and by the city of Coventry to the south. It is the most urban and densely populated District within Warwickshire.

2.1.2 The population of the Borough is approximately 120,000. The economic base of the Borough now relies to a large extent on manufacturing, wholesale, retail and distribution industries, which make up a significantly larger proportion of the local than of the national economy.

2.1.3 The borough has higher levels of coronary heart disease (CHD) than other boroughs in Warwickshire. The Primary Care Trust has identified reducing the burden of circulatory diseases as a regional as well as a local priority.

2.2 Organisational Structure

2.2.1 Senior Management Structure
The Council’s administrative structure currently comprises the Chief Executive, 2 Corporate Directors and 9 Assistant Directors. Planning and Public Protection is part of the Environmental Services Directorate and falls within the remit of the Cabinet Member for Planning and Public Protection.

2.2.2 The food safety service is delivered by the Business Regulation and Support Team within the Planning and Public Protection service unit, as shown below. In addition to food safety, the Team is also responsible for occupational health and safety, licensing and land charges.

2.2.3 Specialist/laboratory services can be called upon, as follows:
- The Council’s public analyst, which it must use for the analysis of food samples (e.g. contamination and foreign body complaints), is Eurofins Scientific Ltd.
- Samples of faeces are examined by the Pathology Department of George Eliot Hospital, College Street, Nuneaton
Food samples are examined by the HPA laboratory at the Good Hope Hospital, Rectory Road, Sutton Coldfield, Birmingham (from 1 April 2010).
Where both faecal and food samples are taken in connection with a suspected case or outbreak, both types will be examined at the Good Hope Hospital.
Although insect pests associated with foodstuffs are identified wherever possible using in-house expertise and reference materials the Council also has access to external specialist pest identification and advice services.

2.3 Scope of the Food Safety Service

2.3.1 The food safety service is responsible for the following areas of work:
- Food safety enforcement (inspection, licensing/approval, complaint investigation, sampling)
- Provision of advice and information to food business operators, including specific support for the FSA’s Safer Food Better Business (SFBB) pack.
- Investigation and control of food-borne disease
- Food safety education and promotion

2.3.2 The service operates on a multidisciplinary basis, with officers possessing specialist competencies in food safety, occupational safety and licensing. Officers from the Environmental Protection Team based within Planning and Public Protection are responsible for investigating complaints relating to noise or odours from food premises and would, where appropriate, liaise with officers within the BRS Team.

2.3.3 Food safety and consumer protection matters relating to food standards (e.g. labelling, food presentation, quality and ‘nature’) are dealt with by the Warwickshire County Council Trading Standards Department. In addition to regular, formal contact within the Warwickshire Food Liaison Group, liaison and joint visits take place between officers on specific problems and issues.

2.4 Demands on the Food Safety Service

2.4.1 Premises:
The food safety service is responsible for the enforcement of food safety law at some 784 premises locally, as detailed below by premises type and risk band (as at 11th February 2010):

<table>
<thead>
<tr>
<th>FOOD BUSINESS TYPE</th>
<th>NUMBER</th>
<th>% of TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Producers</td>
<td>5</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Manufacturers &amp; Packers</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Importers/Exporters</td>
<td>1</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Distributors/Transporters</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Retailers</td>
<td>221</td>
<td>28</td>
</tr>
<tr>
<td>Restaurant &amp; Caterers</td>
<td>539</td>
<td>69</td>
</tr>
<tr>
<td>TOTAL</td>
<td>784</td>
<td>100</td>
</tr>
<tr>
<td>RISK BAND</td>
<td>NUMBER</td>
<td>% OF TOTAL</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td>A</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>B</td>
<td>75</td>
<td>10</td>
</tr>
<tr>
<td>C</td>
<td>296</td>
<td>38</td>
</tr>
<tr>
<td>D</td>
<td>174</td>
<td>22</td>
</tr>
<tr>
<td>E</td>
<td>224</td>
<td>29</td>
</tr>
<tr>
<td>Unrated</td>
<td>4</td>
<td>&lt;1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>784</td>
<td>100</td>
</tr>
</tbody>
</table>

- Three product-specific premises are currently subject to inspection/approval under EC Regulation 853/2004.

2.4.2 Access to the food safety service:
Food safety officers are located on the second floor of the Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA. Service users can contact officers in the following ways:
- In person or by telephone between 9am – 5 pm Monday to Friday, via the Council’s Contact Centre located in the Town Hall, Coton Road, Nuneaton. Tel: (024) 7637 6328/ 6404
- Officers may also be contacted on dedicated telephone extensions, usually between 9am – 5 pm Monday to Friday. Such contact might also be made between 8 - 9am and 5 - 6pm if the officer is at work.
- By fax on (024) 7637 6214
- By e-mail: env.health@nuneatonandbedworth.gov.uk
- Via the Council’s website – www.nuneatonandbedworth.gov.uk
- An arrangement also exists through the Council’s Out of Hours service (Tel. (024) 7638 2153) whereby officers can be contacted to respond to emergencies.

2.4.3 External Factors
In delivering the food safety service, the following factors are of relevance:
- There are approximately 40 food businesses in the Borough where the proprietors or employees do not speak English as their first language.
- Officers may be called upon to respond to unforeseen demands or emergencies in non-food safety areas of work such as accident notifications (subject to competency). In 2010-11 officers are also likely to be more involved in monitoring compliance with licensing legislation as a result of a review/realignment of service delivery within the BRS Team.
- There are regular open markets held in both Nuneaton and Bedworth. There are occasional continental markets, which feature food stalls. There are also large public events such as town carnivals and occasional entertainment events at a local stately home which attract food vendors.

2.5 Enforcement Policy

2.5.1 Nuneaton and Bedworth Borough Council formally adopted the principles of the Enforcement Concordat in July 2000, committing it to good enforcement policies and procedures. The Council subsequently agreed, in February 2001, a corporate Enforcement Policy and this was updated in 2009. An enforcement policy for Planning and Public Protection was introduced in 2006 and was updated in 2009. The service is also QA accredited (ISO 9001:2000).
2.5.2 The Council will also have regard to the Code for Crown Prosecutors’ Guidelines when considering prosecution of offences.

SECTION 3: SERVICE DELIVERY

3.1 Food Premises Inspections

3.1.1 It is the Council’s policy that routine food hygiene inspections are:
- Carried out in accordance with the Food Standards Agency Code of Practice (CoP) issued under the Food Safety Act 1990 (and associated Practice Guidance), and other recognised guidance such as that issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS).
- Focused on risk, giving greater priority to higher risk premises and any premises requiring approval under product-specific hygiene legislation.

3.1.2 Officers will determine the inspection frequency using the risk rating scheme defined in the CoP. This establishes risk by reference to three factors:
1. Potential hazard
2. Compliance
3. Confidence in Management/Control Systems

Minimum inspection frequencies are detailed in the CoP. A projection of the (programmed) premises inspection workload for the period 1st April 2010 to 31st March 2011 is given below:

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Projected No. of Programmed Inspections (as at 11th February 2010)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>14</td>
</tr>
<tr>
<td>B</td>
<td>56</td>
</tr>
<tr>
<td>C</td>
<td>165</td>
</tr>
<tr>
<td>D</td>
<td>74</td>
</tr>
<tr>
<td>TOTAL</td>
<td>309</td>
</tr>
</tbody>
</table>

Note:
1. The precise number of programmed inspections due in 2010-11 can only be finalised once all inspections for 2009-10 have been completed.
   In addition, all new catering or manufacturing food businesses will receive an initial inspection as a matter of priority, wherever possible before opening. Other new (low risk) food businesses will be inspected as soon as can be accommodated within the work programme and in any case no later than 3 months after opening.
2. Low risk food businesses (Category E) are covered by an approved Alternative Enforcement Strategy, comprising self-assessment questionnaires and a combination of random and follow-up inspections.

3.1.3 All officers undertaking inspections, investigating complaints, giving advice and taking samples will be authorised in accordance with the qualifications and experience laid down in the CoP.
3.1.4 Helping businesses understand and comply with the Food Hygiene (England) Regulations 2006, particularly with the important requirement for a documented food safety management system, continues to form a major element of the work of the food safety team. The Food Standards Agency (FSA) package to help caterers comply with the requirement for a documented system is Safer Food Better Business. The Council actively promotes this package and also has close links with the Catering and Hospitality Department at North Warwickshire & Hinckley College, who deliver occasional SFBB workshops throughout the year. Officers will also be focusing on the ‘Four Cs’ of the FSA national food hygiene campaign as follows:

- Chilling
- Cross-contamination
- Cooking
- Cleaning

3.1.5 Revised guidance in the FSA Code of Practice (CoP) has allowed local authorities to adopt alternative enforcement strategies instead of 'primary' inspections for lower risk food businesses. The latest revision of the CoP introduces the concept of interventions (as opposed to just inspections) that can be used by LAs in dealing with food businesses. It is the intention that the scope for utilising a range of interventions, in accordance with guiding principles contained in the CoP, will be considered in 2010-11.

3.2 Food-related Complaints

3.2.1 Food-related complaint work generally falls into one of the following broad categories:

- Complaints about food businesses (hygiene, pests, food handlers etc.)
- Food complaints (foreign bodies, mould etc.)
- Food labelling (‘use by’ date contraventions only)

3.2.2 The Council receives about 50 complaints about food products every year and almost 265 other food-related service requests.

3.2.3 Service requests are investigated in accordance with established policies, procedures and guidance notes. The initial response will in any event be within 3 working days but can be sooner (immediate or within 24 hours) if the complaint is of a more serious nature (e.g. a significant food complaint, an allegation of food related illness or of a potentially hazardous food handling practice).

3.2.4 A significant number of food complaints relate to food sold in the borough but manufactured elsewhere in the UK or abroad. These investigations can be more lengthy and time-consuming where they involve liaison with other food authorities and assessment of any supplied documentation.

3.3 Home Authority Principle (HAP) Activity

3.3.1 The authority endorses and supports the Home Authority Principle as advocated by LACORS. The Food Safety Team gives advice to companies and other food authorities on either a ‘Home Authority’ or ‘Originating Authority’ basis.
4. In 2001 the authority entered into a Home Authority arrangement with the Heart of England Co-operative Society Ltd., which has its headquarters in Nuneaton. The Team will be receptive to the development of a home authority relationship with other local businesses, subject to adequate resources being available.

5. The Primary Authority Scheme is a new statutory initiative (under the Regulatory Enforcement and Sanctions Act 2008) designed to ensure more consistent regulation of businesses that trade across council boundaries. At the time of writing the Local Better Regulation Office (LBRO) is seeking to increase the number of partners operating in the scheme. The ability of the service to participate in the any requested partnership scheme would depend on (staff) resources available.

3.4 Advice to Businesses

3.4.1 The authority is committed to helping food businesses comply with food law. It sees itself as a major facilitator of knowledge and understanding in all issues relating to food safety. It will do all it can to maximise access to relevant sources of information and advice and to encourage continual progress in standards of food hygiene and safety through these endeavours.

3.4.2 The food safety service provides free and full advice to food businesses to help them comply with food law. This is done in the following ways:
- most frequently through on-site discussions with proprietors and managers during the course of inspections and other visits
- the distribution of free advice leaflets published by the FSA and others, including leaflets in minority languages
- through responding to requests for advice (approximately 315 per year)
- the preparation and distribution of newsletters to all food premises
- facilitation of awareness of food hygiene training providers
- the team has developed a 'Support for Ethnic Food Businesses' section on its website, giving direct links to relevant websites and ethnic minority versions of food safety leaflets as well as publicising food hygiene training delivered locally in ethnic minority languages.

3.4.3 The food safety service also maintains a comprehensive information/support system for food businesses - 'Food Safety Matters' (www.nbbcfood.info) - containing content on food hygiene and healthy eating. By February 2010 the site had attained more 5 million page views and downloads, giving an average of nearly 83,000 per month.

3.5 Food Inspection and Sampling

3.5.1 The food safety service will undertake microbiological food sampling activities in accordance with the Warwickshire Food Sampling policy and county-wide Annual Sampling Programme. Food and environmental samples are likely to be taken from the following types of food business:
- those engaged in the handling or preparation of high risk foods
- those selling foods identified for sampling as part of national or regional sampling programmes
- premises selling food subject to consumer complaints
3.5.2 All sampling undertaken by officers will be done in accordance with:
- relevant legislation
- CoP/Practice Guidance issued by the FSA
- Guidance from LACORS and other recognised bodies
- departmental standard operating procedures and guidance notes

3.5.3 As a baseline figure the food safety service aims to sample those foods specified for each local authority in microbiological survey programmes. This currently equates to approximately 120 samples, subject to the availability of the foods being sampled.

3.5.4 Environmental swabs and samples of food and water requiring microbiological analysis are examined by the Council’s Food Examiner - the Birmingham Heartlands Hospital.

3.6 Investigation and Control of Outbreaks and Food-Related Infectious Disease

3.6.1 The food safety service will investigate food-related infectious disease notifications in accordance with procedures agreed with the Consultant in Communicable Disease Control (CCDC). All notifications are recorded, and necessary investigations are deemed to require an urgent response (immediate or within 24 hours, depending on circumstances). Investigations are carried out in accordance with the departmental standard operating procedure and, if applicable, the Outbreak Control Plan produced by the CCDC, in consultation with the local authorities.

3.6.2 The Team receives more than 100 notifications of food-related infectious disease every year. In the event of an outbreak, officer deployment will be significantly higher due to the intensive staffing demands in controlling the spread of infection in the community, identifying the source and investigating potential offences.

3.7 Food Alerts

3.7.1 The food safety service will, on receipt of any food alert (concerning serious problems where food does not meet food safety requirements or where some constituents are found to be allergenic), respond as appropriate and in accordance with:
- the departmental standard operating procedure
- the FSA CoP and practice guidance
- instructions issued by the FSA

3.7.2 Emergency cover is provided out of hours by officers who can be contacted through the Council’s emergency call-out service.

3.7.3 Given the nature of food alerts it is difficult to quantify, with any accuracy, the likely work demand and resources required. It is estimated that approximately 70 food alert warnings will be received requiring different levels of action.
3.8 Liaison with Other Organisations

3.8.1 The Council is committed to ensuring that the enforcement approach is consistent with other local authorities. Accordingly, it is a member of the following:
- Warwickshire and Coventry Food Liaison Group
- Warwickshire Sampling Group
- Warwickshire Combined Health Protection Forum

3.8.2 The food safety service also looks to benchmark its activities, with the aim of continual improvement. In addition to considering good practice identified by the FSA during its audits (and which are posted on the LACORS website) it also seeks opportunities to process benchmark with authorities that receive good audit reports from the FSA. Consistency exercises within Warwickshire LAs feature regularly in the Liaison Group’s annual training/competency programme.

3.9 Food Safety Promotion

As it has been estimated that between 40 - 60% of food poisoning outbreaks arise as a result of poor food handling in the home, the Team is committed to the promotion of food hygiene/safety for all residents of the borough. This activity is a complementary strand to the promotion of food safety to food businesses and food handlers. Promotional work typically includes support for the National Food Safety Week and the FSA Food Hygiene Campaign (the ‘4 Cs’).

3.10 Team Management

Management of the Team has both strategic and operational considerations. As regards the former, contributing to the Corporate Plan objectives, and ensuring the service is able to meet the demands placed upon it by new EC legislation, the revised FSA Code of Practice and Practice Guidance and the FSA Framework Agreement are seen as the main management objectives. Operational management includes ensuring a customer-focused service, monitoring the quality and quantity of work undertaken, holding regular meetings (both individual and team) and reviewing, on regular basis, compliance with policies and procedures relevant to the Team.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The cost of the Business Regulation and Support service for 2010/2011 is projected to be £444,863. In the event of legal proceedings having to be taken, any associated costs are met from within the overall approved budget. Requests for funds to pay for Counsel’s opinion or case presentation in Court are considered on their merits using the Service’s enforcement policy as a guide.

4.1.2 Investment in IT results in all enforcement officers having access to a desktop terminal containing Civica Flare Environmental Health software and MS Office (Word, Excel, Outlook and PowerPoint). All officers have access to the Internet and a comprehensive on-line professional information system. Officers also receive EH Bulletin and relevant EHCNet messages directly to their screen. The Council achieved 100% electronic access to services in 2005.
4.2 Staffing Allocation

4.2.1 Details of 2010-11 staff resources and competencies in food law enforcement and related matters is as follows:

<table>
<thead>
<tr>
<th>Post</th>
<th>Post No.</th>
<th>FTE (food work)</th>
<th>Competency Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Business Regulation &amp; Support</td>
<td>EP015</td>
<td>.3</td>
<td>Lead Officer for Food Hygiene, Higher Risk Establishments, Approved Premises, Service of (H) INs, Service of (H) EPNs, Service of RANs/DNs, Inspection, Detention &amp; Seizure of Food</td>
</tr>
<tr>
<td>Senior Environmental Health Officer</td>
<td>EP018</td>
<td>.7</td>
<td></td>
</tr>
<tr>
<td>Senior Environmental Health Officer – job share</td>
<td>EP022(a)</td>
<td>.4</td>
<td>Higher Risk Establishments, Approved Premises, Service of (H) INs, Service of (H) EPNs, Service of RANs/DNs, Inspection, Detention &amp; Seizure of Food</td>
</tr>
<tr>
<td>Senior Environmental Health Officer – job share</td>
<td>EP022(b)</td>
<td>.4</td>
<td></td>
</tr>
<tr>
<td>Senior Environmental Health Officer</td>
<td>EP016</td>
<td>.1</td>
<td></td>
</tr>
<tr>
<td>Senior Environmental Health Officer</td>
<td>EP017</td>
<td>.1</td>
<td></td>
</tr>
<tr>
<td>Technical Officer</td>
<td>EP021</td>
<td>1.0</td>
<td>Authority to enter food premises, Sampling, Reactive/complaint-based work, Support work for inspections, Low risk inspections, under supervision of SEHO.</td>
</tr>
<tr>
<td>Technical Officer</td>
<td>EP019</td>
<td>1.0</td>
<td>Frozen</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>4.0</td>
<td></td>
</tr>
</tbody>
</table>

4.2.3 On occasions, it may prove necessary to employ external contractors as consultants in order to deliver elements of the Team’s workload. This could arise, for example, when a specific intervention is sought to assist in achieving an important objective in the team’s work, e.g. the successful completion of the premises inspection programme. Any consultant so engaged will be required to meet all relevant competency criteria, as specified in the Food Standards Agency Code of Practice.

4.2.4 All food law enforcement officers meet the relevant qualification/competency criteria for their areas of work as specified in the FSA CoP (section 1.2.9 refers).

4.3 Staff Development Plan

4.3.1 The structure to ensure competency comprises:
• the employment of enforcement officers capable of food law enforcement
• evidence of formal qualification (copy of original qualification certificates prior to commencement of work)
• assessment of training needs so as to meet competency requirements, as part of annual employee reviews

4.3.2 Great importance is attached to the maintenance and development of professional and technical knowledge. In addition to an extensive, fully indexed technical library of more than 300 items currently (all made freely available to view to local businesses), the Council also subscribes to the following:
• EHCNet
• A professional on-line information service

4.3.3 The highly technical and continually changing nature of food safety work means that officers need to attend courses, seminars and training sessions on specialist food safety issues. The Council will ensure that officers in the food safety service are appropriately qualified and receive regular training to maintain and develop their competency. During 2010/2011 all officers will have access to the equivalent of at least 10 hours update training on food-related topics, in accordance with the qualification requirement contained in the FSA CoP.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment of Food Safety Work

5.1.1 The following monitoring arrangements are in place and subject to periodic review, to assist in the quality assessment of the work carried out:
• inspection feedback questionnaire sent out to businesses after an inspection
• a quality procedure for accompanied inspections and review of post inspection paperwork by the team leader
• peer review of risk ratings
• regular team meetings
• annual employee reviews, supplemented by regular 1:1 meetings
• commitment to participate in benchmarking activity


SECTION 6: PERFORMANCE REVIEW

6.1 Review of Service Plan - Introduction
Information relating to the main planned performance of the food safety service is reported on a monthly basis to the Cabinet Member for Planning and Public Protection. Performance against national and local indicators is reported to the Environment Scrutiny Panel and published on the Council’s website/Intranet. Any variance from meeting the requirements of the service plan is identified, together with explanations or proposals to address the variance.

6.2 Areas of Improvement

6.2.1 Any specific service or activity issues identified by routine monitoring for improvement will be recorded as necessary and addressed in an appropriate
forum (one-to-one meetings with officer, Team meetings or Management Team meetings).

6.2.2 The table below shows the areas of improvement that were planned during 2009/2010, together with their status:

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Action</th>
<th>Planned Outcome</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>Complete the revision and updating of all food safety procedures and policies.</td>
<td>High standards of service quality and consistency delivered to businesses and consumers alike.</td>
<td>Work in progress; some delays due to maternity leave and frozen post.</td>
</tr>
<tr>
<td>F2</td>
<td>Consider the introduction of alternative interventions, as detailed in the FSA CoP, Section 4 - ‘Interventions’.</td>
<td>Application of a more flexible and proportionate level of regulatory and enforcement activities to food businesses.</td>
<td>Discussions held; planning to introduce any changes after review and updating of procedures.</td>
</tr>
<tr>
<td>F3</td>
<td>Consider the introduction of online access to hygiene ratings of food businesses – ‘Scores on the Doors’ – in accordance with the recommended FSA national scheme(s), when established.</td>
<td>Empowerment of consumers. Additional tool to encourage higher levels of compliance by food business proprietors. Improvement in the level of ‘broad compliance’ by food businesses in the borough (NI 184)</td>
<td>National scheme still being finalised by FSA Working Party. Likely to be launched later in 2010, so planning to join national scheme as an ‘early adopter’</td>
</tr>
<tr>
<td>F4</td>
<td>Achieve compliance with EU Services directive</td>
<td>Online access to information and the facility to submit applications for licensing etc of relevant business activities.</td>
<td>Reasonable compliance with national timetable of ‘Tasks’; currently awaiting resolution of technical issues.</td>
</tr>
</tbody>
</table>

6.2.3 The key programmes for 2010/11 will be as follows.

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Action</th>
<th>Planned Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>Implementation and monitoring of all new/revised SOPs</td>
<td>Full compliance with FSA Framework Agreement</td>
</tr>
<tr>
<td>F2</td>
<td>Development of an integrated Business Support Service for Small &amp; Medium Sized Enterprises (SMEs) (supported by a specialist Technical Officer)</td>
<td>Improved advice and support for smaller businesses covering all regulatory services</td>
</tr>
<tr>
<td>F3</td>
<td>Implementation of the national ‘Scores on the Doors’ food hygiene star rating system</td>
<td>Improved business performance and scope for using hygiene ratings as a business development/marketing tool. Informed consumers</td>
</tr>
</tbody>
</table>
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Contact us on: typetalk

Lëngüagê Liñê
**INDIVIDUAL CABINET MEMBER DECISION**

**Report Summary Sheet**

<table>
<thead>
<tr>
<th>Date:</th>
<th>16th June 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portfolio:</td>
<td>Planning and Public Protection</td>
</tr>
<tr>
<td>From:</td>
<td>Assistant Director Ian Powell</td>
</tr>
</tbody>
</table>

**Summary:**


**Recommendations:**

That the proposed Occupational Health and Safety Service Plan for 2010/2011 is agreed.

**Reasons:**

Requirement for approval of an annual service plan is contained in the HSE’s mandatory S18 guidance.

**Options:**

Reject or revise the proposed service plan

**Subject to call-in:**

N/A

**Forward plan:**

N/A

**Corporate priorities:**

Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.
Aim 1 Priority 3: To work in partnership to improve health and reduce health inequalities for residents in the borough.

Aim 4 Priority 1: To continue to improve the performance and quality of key services

| Relevant statutes or policy: | The Health and Safety Executive has issued mandatory guidance under s S18 of the Health and Safety at Work etc. Act 1974 that local authorities must produce an annual service plan for their occupational health and safety regulatory service. |

| Equal Opportunity Implications: | Contained within the Plan |
| Human Resources Implications: | Contained within the Plan |
| Financial Implications: | Contained within the Plan |
| Health Inequalities Implications: | None |
| Risk Management Implications: | None |
| Environmental Implications: | None |
| Legal Implications: | Health and Safety at Work etc. Act 1974 |

Contact Details: Ian Powell – Assistant Director PPP  
Tel: 024 7637 6396  
Steve Moore – Head of Business Regulation & Support  
Te: 024 7637 6138
1. **Purpose of Report**
   To consider the proposed Occupational Health and Safety Service Plan for 2010/2011.

2. **Recommendation**
   That the proposed Occupational Health and Safety Service Plan for 2010/2011 is agreed.

3. **Background**

   3.1 The draft Occupational Safety Service Plan for 2010-11(Appendix A) has been drawn up in accordance with guidance issued by the Health and Safety Executive (HSE). It is mandatory that Local Authorities perform their duties in accordance with the guidance, issued under Section 18 of the Health and Safety at Work etc Act 1974.

   3.2 The S18 guidance requires local authorities to produce a clear statement on their commitment to improving health and safety outcomes and to set out its priorities and plan of interventions for the current year. These should take into account:
   - HSE’s priorities
   - national & regional priorities, targets and plans
   - locally derived objectives
   - relevant guidance and policies.

IAN POWELL

Appendix A – Agenda Item
CONTENTS
Section 1: Aims, Objectives and Priorities
Section 2: Background
   2.1 Authority Profile
   2.2 Organisational Structure
   2.3 Scope of the Service
   2.4 Demands on the Service
   2.5 Enforcement Policy
Section 3: Service Delivery
   3.1 Recent National Developments
   3.2 Health and Safety Interventions
   3.3 RIDDOR Notifications and Investigations
   3.4 Complaints about Working Conditions
   3.5 Requests for Advice and Information
   3.6 Statutory Notifications
   3.7 Registration
   3.8 Advice to Businesses
   3.9 Liaison with Other Organisations
   3.10 Health and Safety Promotion
   3.11 Premises Database Maintenance
   3.12 Training and Competency
   3.13 Team Management
Section 4: Resources
Section 5: Performance Targets / Monitoring
Section 6: Review of Interventions Plans
SECTION 1: OCCUPATIONAL HEALTH AND SAFETY SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

The overall aim of the Business Regulation and Support (BRS) Team’s Occupational Health and Safety (OHS) Service is:

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

It seeks to achieve this through the following key objectives:

- To fulfil the Health and Safety Executive’s (HSE) objective of reducing risks and protecting people
- To implement HSE aims and priority programmes, having due regard to the ‘Revitalising Health and Safety’ strategy statement published in June 2000.
- To achieve the balance of enforcement processes which optimises overall effectiveness
- To help duty holders, employees and their representatives achieve appropriate standards of health and safety
- To continue to seek improvements in the performance and quality of key services, particularly with regard to opportunities for better regulation (as promoted/advocated by the Local Better Regulation Office) and enhanced co-ordination of regulatory activities locally.

Our key delivery priorities are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses – a targeted approach to risk in line with the Better Regulation agenda
- Investigating fatalities, major injury and significant injury incidents – used to assess and target poor management in line with the Better Regulation agenda

Our local priorities for 2010-2011 will be:

- Working in Partnership – to develop a co-ordinated approach to business support for Small and Medium sized Enterprises (SMEs), supported by a specialist Technical Officer
- Delivery of a countywide, co-ordinated (Fit3) Programme of Interventions
- Workplace violence – with 2 projects, as follows:
  - An enhanced and co-ordinated approach to higher risk licensed premises (involving joint work on this Crime and Disorder issue with Warwickshire Police and officers from the Licensing service)
  - A project focusing on the occupational health/violence at work issues in the transport sector (primarily taxi drivers)
- Disease Reduction Programme – dermatitis (targeted at the local retail catering industry).
- Motor Vehicle Repair (MVR) Project. The initial phrase will involve initial visits to ascertain work carried out and enforcement responsibility. This will be followed by inspection of those premises for which we have enforcement responsibility.
- LPG inspection campaign. HSE will provide a list of the premises that may require pipe work replacement to their LPG installation. This is a national campaign.
• A project on sun bed use. This will promote the need for management arrangements to ensure that under 18s do not use sun beds and that coin-operated salons are supervised by trained staff.
• To review and update as necessary policies and procedures within the service to ensure compliance with the principles and standards of the revised S18 Guidance by March 2011
• Develop and implement an alternative enforcement strategy and procedure for lower risk premises
• To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE’s Enforcement Policy Statement and the Enforcement Management Model, thereby ensuring proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda
• Undertake a review of all Inspectors’ skills, competencies etc. using the Regulators Development Needs Analysis (rDNA) tool to ensure competence (encourages staff retention/recruitment and ensures credibility with local business)

1.2 Links to Corporate Objectives and Plans

1.2.1 The Corporate Plan 2007 – 2021 states the Council’s ambition is: ‘By 2021 we shall achieve the greatest improvement in quality of life and social justice in Warwickshire, providing value for money services in a safe and pleasant environment’.

1.2.2 The aims in the Corporate Plan with the most direct relevance to the work of the OHS Service are as follows:

Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Aim 1 Priority 3: To work in partnership to improve health and reduce health inequalities for residents in the borough.

Aim 4 Priority 1: To continue to improve the performance and quality of key services.

1.2.3 The Council gives due consideration to national performance indicators, with the main indicator of relevance being National Indicator NI 182: Business satisfaction with regulatory services. In addition to this national performance indicator, the OHS Service aims to meet local performance indicators, e.g. depending on their nature, a ‘standard’ (within 3 working days) response and an urgent (immediate/within 24 hours) response time to accidents or complaints about health and safety. The OHS Service also works to a target that aims to complete 80% of enforcement complaints within 45 working days. A system is also in place to monitor customer satisfaction (target 80% of respondents expressing overall satisfaction with the service) and to capture comments and suggestions for service improvements.

SECTION 2: BACKGROUND

2.1 Authority Profile

Individual Cabinet Member Decision - Planning and Public Protection - 16th June, 2010
2.1.1 The Borough of Nuneaton and Bedworth covers an area of 30 square miles to the east of the West Midlands conurbation. It is predominantly bordered by rural areas of Warwickshire and Leicestershire, and by the city of Coventry to the south. It is the most urban and densely populated District within Warwickshire.

2.1.2 The population of the Borough is approximately 120,000. The economic base of the Borough now relies to a large extent on manufacturing, wholesale, retail and distribution industries, which make up a significantly larger proportion of the local than of the national economy.

2.2 Organisational Structure

2.2.1 Senior Management Structure
The Council’s administrative structure currently comprises the Chief Executive, 2 Corporate Directors and 9 Assistant Directors. Planning and Public Protection is part of the Environmental Services Directorate and falls within the remit of the Cabinet Member for Planning and Public Protection.

2.2.2 The OHS Service is delivered by the Business Regulation and Support Team within the Planning and Public Protection service unit, as shown below. In addition to occupational health and safety, the Team is also responsible for food safety, licensing and land charges.

2.3 Scope of the Occupational Health and Safety (OHS) Service

2.3.1 The OHS Service covers the following areas of work:
- Health and safety enforcement (inspection, licensing/registration, accident and complaint investigation) in premises for which the Council is the enforcing authority
- Health and safety education and promotion
- Other registration/licensing activities such as skin piercing, cooling towers and Sunday trading.

2.3.2 The service operates on a multidisciplinary basis, with officers possessing specialist competencies in occupational safety, food safety and licensing. Officers from the Environmental Protection Team based within Planning and Public Protection are responsible for investigating complaints relating to noise or odours from health and safety premises and would, where appropriate, liaise with officers within the BRS Team.

2.3.3 Health and safety standards in premises not enforced by the Council are the responsibility of the Health and Safety Executive. In addition to regular, formal
contact within the Warwickshire Health and Safety Liaison Group, direct liaison takes place, via the She’s Partnership Manager, on specific problems and issues.

2. 4 Demands on the OHS Service

2.4.1 Premises:
The OHS Service is responsible for the enforcement of health and safety law at some 1863 premises locally. Due to national changes in the risk/priority rating system and associated changes currently being made in the Flare software package, the updated classification and risk rating profile of premises in the borough is not yet available for inclusion in this service plan.

2.4.2 Access to the OHS Service:
The OHS Service is located on the second floor of the Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA. Service users can contact the Council/officers in the following ways:
- In person or by telephone between 9am – 5 pm Monday to Friday, via the Council’s Contact Centre located in the Town Hall, Coton Road, Nuneaton. Tel: (024) 7637 6328/6404
- Officers may also be contacted on dedicated ‘phone extensions, usually between 9am – 5 pm Monday to Friday. Such contact might also be made between 8-9am and 5-6pm if the officer is at work.
- By fax on (024) 7637 6214
- By e-mail: env.health@nuneatonandbedworth.gov.uk
- Via the Council’s website – www.nuneatonandbedworth.gov.uk
- An arrangement also exists through the Council’s Out of Hours service (Tel. (024) 7638 2153) whereby officers can be contacted to respond to emergencies.

2.5 Enforcement Policy

2.5.1 Nuneaton and Bedworth Borough Council formally adopted the principles of the Enforcement Concordat in July 2000, committing it to good enforcement policies and procedures. The Council subsequently agreed, in February 2001, a corporate Enforcement Policy and this was updated in 2009. An enforcement policy for Planning and Public Protection was introduced in 2006 and was updated in 2009. The service is also QA accredited (ISO 9001:2000).

2.5.2 The Council will also have regard to the Code for Crown Prosecutors’ Guidelines when considering prosecution of offences.

SECTION 3: SERVICE DELIVERY

3.1 Recent National Developments

3.1.1 On 1st April 2008 the Health and Safety Commission and the Health and Safety Executive merged to form a single entity known as the Health and Safety Executive (HSE). The Board subsequently developed a revised strategy ‘The Health and Safety of Great Britain - Be part of the solution’ as a clear statement of core principles and a sensible approach to health and safety in Great Britain.

3.1.2 In addition to adhering to relevant enforcement policies, the Health and Safety at Work etc. Act 1974 [S18(4)(b)] requires LAs to perform their duties as enforcing
authorities in accordance with guidance issued under Section 18 of the Act. The recently revised **Section 18 Standard** (called ‘Making a Difference’) sets out the requirements for Enforcement Authorities when complying with their duty to make ‘adequate arrangements for enforcement’. The guidance requires a shift of focus in terms of interventions planning by LAs and their Officers. It reflects the HSE Board’s new strategy, key outcomes from the Hampton Review and sets out a new approach to developing effective health and safety regulatory interventions justified by risk. The new Standard reinforces the need for effective management systems, consistent enforcement, partnership working and sensible risk management, and abides by the five principles of better regulation as proposed by the Hampton report – consistency, accountability, transparency, proportionality and targeting.

Local authorities are required:
- from 1st April 2008, to work towards compliance with the requirements of the Standard, and
- from 31st March 2011, to comply fully with all the requirements of the Standard.

3.1.3 The HELA (Health and Safety Executive/Local Authorities Liaison Committee) guidance on priority planning (LAC 67(2)) was revised in September 2009. The guidance covers the way information gathered during **proactive** work is used to:
- assess health and safety standards
- evaluate the effectiveness of an intervention strategy
- inform the targeting of future work
- generate a risk rating

The approach is mirrored through the guidance on **reactive** interventions contained in LAC 22/13 ‘Incident Selection Criteria Guidance’, also issued in September 2009.

The main implications of the two guidance documents above are:
- a reclassification of risk bands (from a six to four) and an associated specification of frequency of intervention related to risk (ranging from not less than once per year for the highest risk to the use of non-inspection intervention methods/techniques for the lowest risk)
- a revised approach to the selection/assessment of incidents notified under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) that gives guidance on the factors to be considered when deciding which incidents to investigate and the level of resource to be allocated to the investigation.

### 3.2 Health and Safety Interventions

3.2.1 A national portfolio of possible health and safety interventions has been made available for reference by all LA/HSE Partnerships throughout the country, with interventions being focussed around identified high risk topics and sectors. A proposed Health and Safety Interventions Plan for the OHS Team is attached as Appendix 1. In addition to elements based on local priorities, it includes proposed co-ordinated interventions throughout the county arising from discussions between Warwickshire local authorities and the HSE.
3.2.2 It is estimated that the following key interventions will be undertaken in support of the Plan in 2010-11 (full details in Annexe A):

- Proactive inspections/visits to all Category A and all due Category B1 (Medium Risk – 1) Note: Numbers subject to variation due to revised risk rating/coding and findings from the Motor Vehicle Repair survey
- More than 400 proactive inspections/visits to other Category premises based on Fit3 project allocation
- 2 newsletters/mailshots (taxi drivers project and European Safety Week)
- A SHAD (Safety and Health Awareness Day) to take place between January 2011 and March 2011, which will include how to manage the risk from work-related violence
- A SHAD on sensible risk assessment in conjunction with the other Warwickshire Authorities (provisional). This will promote sensible risk management and is in support of a national campaign

3.3 RIDDOR – Notifications and Investigations

The OHS service receives an average of 133 RIDDOR notifications per year. Notifications will be assessed and investigated in accordance with LAC 22/13 Incident Selection Criteria Guidance, see para 3.1.3 above. The initial response will in any event be within 3 working days but can be sooner (immediate or within 24 hours) if the notification is of a more serious nature, for example a major injury or a fatality.

3.4 Complaints about Working Conditions

The OHS service receives on average 39 complaints every year concerning standards of health and safety at work. Depending on the nature of the complaint/request the response may be immediate/within 24 hours, and in any case within 3 working days.

3.5 Requests for Advice and Information

Officers deal with an average of about 148 requests for advice and information on health and safety every year. In addition to providing tailored information and guidance for service users, the Team also maintains and distributes a wide range of HSE advisory leaflets. The Council also operates a health and safety information system that is available in hard copy and on-line.

3.6 Statutory Notifications

The OHS service receives notifications throughout the year relating to the following:

- asbestos removal
- defective lifting equipment
- defective electrical installations

Subsequently, officers will ensure that work is carried out in a satisfactory manner or that appropriate remedial action has been taken. The response standard for these notifications is 3 working days.

3.7 Registration

The OHS Team is responsible for the registration of the following:

- cooling towers and evaporative condensers – for Legionella control purposes
• skin piercing activities.

The service standard is that registration applications will be processed within 20 working days of receipt.

3.8 Advice to Businesses

3.8.1 The authority is committed to supporting the successful growth of local businesses through the proper and sensible management of their health and safety risks. It sees itself as a major facilitator of knowledge and understanding in this area. It will do all it can to maximise access to relevant sources of information and advice and to encourage continual improvement in standards of health and safety through these endeavours.

3.8.2 The OHS service provides free and full advice to businesses to help them understand and comply with health and safety law. This is done in the following ways:
• most frequently, through on-site discussions with proprietors and managers during the course of inspections and other visits
• the distribution of free advice leaflets published by the HSE
• through responding to requests for advice
• the preparation and distribution of ‘Health and Safety Matters’ newsletters to relevant premises
• facilitation of awareness of health and safety training courses
• dissemination of information arising from specific national concerns about certain activities or products.

3.9 Liaison with Other Organisations

3.9.1 The Council is committed to ensuring that the enforcement approach is consistent with other local authorities. Accordingly, it is a member of the Warwickshire Health and Safety Liaison Group and networks with other regional liaison groups through the HSE Partnership Manager.

3.9.2 The OHS service also looks to benchmark its activities and processes, with the aim of continual improvement.

3.10 Health and Safety Promotion

The OHS service works to promote health and safety for the benefit of employers and employees alike. In 2010/2011 this will be pursued through the following:
• support for the annual European Week for Safety and Health at Work
• support for events such as Careers Conventions, where the focus will be on providing advice and information for young people entering work for the first time.
• liaison with Training Providers, such as the North Warwickshire and Hinckley College and Nuneaton Training Centre, responsible for trainees working in local businesses
• promoting sensible risk management through press releases on priority topics, where appropriate

3.11 Premises Database Maintenance
It is important that the premises database is kept up to date. Consequently, it is the aim of the OHS service that:

- new businesses will be risk-rated at an early stage
- new businesses will be provided with an information pack and other advisory materials relevant to their activities.
- periodic checks will be made of industrial estates, managed multi-occupied premises etc.

3.12 Training and Competency

The highly technical and continually changing nature of health and safety work means that all officers undertaking health and safety enforcement work need to undertake training and development activities to retain competency in their work. In addition to qualification training (e.g. NEBOSH Diploma Part 2, Diploma in Enforcement of Health and Safety at Work), officers attend topic-specific seminars throughout the year. The Regulators’ Development Needs Analysis (rDNA) Tool was launched in 2009 and it will be the objective of the OHS service that all officers undertaking inspection and enforcement duties will have completed a competency review and be using this tool by March 2011.

3.13 Team Management

Management of the Service focuses on securing compliance with the HSE S.18 guidance, with key tasks including performance management and the maintenance of information systems, as detailed in the ‘Capacity and Management’ section of the S.18 Guidance.

SECTION 4 - RESOURCES

4.1 The overall net budget of the Business Regulation and Support Team for 2010/2011 is projected to be £414,354.

4.2 The majority of health and safety law enforcement activities are undertaken by specialists within the OHS Service, with administration provided by the Service Support Team. Occasionally there may be a need for other colleagues in the Licensing Team or Environmental Protection Team to provide support. SEHOs carrying out health and safety enforcement duties are currently Environmental Health Officers’ Registration Board (EHORB) registered. The Technical Officer in the Team has Graduate Safety Practitioner status with the Institution of Occupational Safety and Health.

4.3 Investment in IT results in all enforcement officers having access to a desktop terminal containing Civica (Flare), MS Office (Word, Excel, Outlook, PowerPoint). All officers have Internet access and receive relevant EHCNet messages directly to their screen. Officers subscribe to various health and safety websites that send regular e-mail alerts/updates.

4.4 In addition to an extensive, fully indexed library (all made freely available to local businesses), the Council also subscribes to the following:

- EHCNet
- Gee’s Encyclopaedia of Health and Safety at Work: Law and Practice
- Online professional information service
4.5 In the event of legal proceedings having to be taken on health and safety issues, any associated costs are met from within the overall approved budget. Requests for funds to pay for Counsel’s opinion or case presentation in Court are considered on their merits using the Service’s enforcement policy as a guide.

SECTION 5 PERFORMANCE TARGETS / MONITORING

5.1 Performance targets cover both proactive and reactive work and are detailed in the proposed Interventions Plan 2010-11 (Appendix 1).

5.2 In addition to monitoring that tracks performance against targets, the following arrangements are in place to assist in the quality assessment of the work carried out:
- Inspection feedback questionnaire sent out to businesses after an intervention. In 2009-10 a satisfaction level of 72% was achieved (National Indicator 182 – Satisfaction of Businesses with LA Regulatory Services)
- Team meetings on a regular basis
- Peer review of inspection documentation and chosen enforcement actions
- Team meetings
- Annual employee reviews
- Commitment to participate in benchmarking activity

Within the service, any specific performance issues identified by routine monitoring for improvement will be recorded as necessary and addressed in an appropriate forum (one-to-one meeting with officer, BRS Team meeting or Departmental Management Team).


SECTION 6: REVIEW OF INTERVENTIONS PLAN

7.1 The performance of the OHS Service against the Interventions Plan is monitored throughout the year, with exception reporting on a monthly basis to the Cabinet Member for Planning and Public Protection. Any variance from meeting the requirements of the service plan are identified, together with explanations or proposals to address the variance.

7.2 Performance against last year’s programme can be summarised as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Performance / Status</th>
</tr>
</thead>
</table>
| Carry out planned Fit3 interventions as part of the Warwickshire Fit3 Programme for 2009-10. | On target to be delivered. Performance, as of 10th March 2010:  
- 299 Fit3 inspections had been carried out.  
- 53 Preventative inspections  
- 42 Non-scheduled inspections.  
- 4 Improvement Notices served (gas safety and Legionella controls)  
- 3 newsletters issued  
- 2 press releases issued  
- LACE (Local Authority Construction Engagement) project promotion through |
<table>
<thead>
<tr>
<th>Project Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of packs and messages on NBBC website pages</td>
<td>Note: ‘Watch Your Step in Care Homes’ project postponed countywide due to lack of involvement by PCT.</td>
</tr>
<tr>
<td>In accordance with the better regulation agenda, develop and implement an alternative enforcement strategy and procedure for lower risk premises</td>
<td>Not completed - due to delays in issuing the national S.18 Guidance. To be carried over into 2010-11.</td>
</tr>
<tr>
<td>Health and Safety Myths / Sensible Risk Management Campaign</td>
<td>‘Myths’ messages displayed on plasma screens in reception and on Decaux poster sites in town centres (February to May).</td>
</tr>
<tr>
<td>Adoption of Section 18 Guidance</td>
<td>In progress and on target to complete 2 sections by end of year and target of all sections to be completed by March 2011.</td>
</tr>
<tr>
<td>Updating of SOPs on Inspections and Accident Investigations</td>
<td>Completed</td>
</tr>
<tr>
<td>What</td>
<td>How</td>
</tr>
<tr>
<td>------</td>
<td>-----</td>
</tr>
<tr>
<td><strong>Proactive / Planned Interventions</strong></td>
<td></td>
</tr>
<tr>
<td>Target high risk/poor performing/rogue traders</td>
<td>Inspections and revisits - based on risk rating and local knowledge/intelligence</td>
</tr>
<tr>
<td><strong>Reactive Interventions</strong></td>
<td></td>
</tr>
<tr>
<td>Major Injuries/Accidents</td>
<td>15 accidents investigations (estimate)</td>
</tr>
<tr>
<td><strong>Fit3 Programme</strong></td>
<td></td>
</tr>
<tr>
<td>1. Workplace Violence (1) (High risk licensed premises and retail premises)</td>
<td>Joint campaign with relevant members of the local multi-agency partnership. Promotion of the online toolkit for managing work-related violence</td>
</tr>
<tr>
<td>2. Workplace Violence (2) (Taxis)</td>
<td>Joint campaign with Licensing team; ½ day SHAD (Safety and Health Awareness Day to be held in 3rd Quarter). Taxis / Taxi Companies</td>
</tr>
<tr>
<td>3. 'LACE’ Project</td>
<td>Local Authority Construction Engagement. Increasing awareness of construction, design and management duties by providing information to planning and building control applicants</td>
</tr>
<tr>
<td>4. Dermatitis (Disease Reduction Programme) – targeted at the local retail catering industry.</td>
<td>Integrate issue of dermatitis controls into food safety inspections. Reducing skin disease through changed behaviours and embedding established controls and practices. Ensure that simple control measures are understood and implemented.</td>
</tr>
<tr>
<td>5. LPG inspection campaign</td>
<td>Inspections to cover the complete LPG installation. HSE will provide a list of the premises requiring a visit. To run in parallel with the pipework replacement programme.</td>
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<td><strong>6. Asbestos – Duty to Manage</strong></td>
<td>All Food Safety and OHS officers to raise awareness during visits (ongoing).</td>
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<tr>
<td><strong>7. Radiation (U/V) - Sunbeds</strong></td>
<td>Promote the need for management arrangements to ensure that under 18s do not use sunbeds and that coin-operated salons are supervised by trained staff.</td>
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<tr>
<td><strong>8. Motor Vehicle Repair (MVR)</strong></td>
<td>Initial phase comprises visits to ascertain work carried out and enforcement responsibility. Inspection of premises in Q3/4</td>
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<tr>
<td><strong>9. Gas Safety (Catering Premises)</strong></td>
<td>All programmed catering inspections to have the issue raised. Selection of premises visited to check compliance.</td>
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<td><strong>10. New premises inspections</strong></td>
<td>Inspection of higher risk new businesses.</td>
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<td><strong>11. SHAD on sensible risk assessment in conjunction with the other Warwickshire authorities.</strong></td>
<td>Targeted at SMEs</td>
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</tbody>
</table>

**Performance Indicators:**
Fit 3 Programme – Overall target of 481 (this includes an estimate of 140 new premises) intervention visits/inspections.
This document is also available in other languages on request:

Also available in Large Print, CD Rom, Audio Tape and Braille on request.

Contact us on:

Lãenguáge Liñê
### Agenda item: 5

**INDIVIDUAL CABINET MEMBER DECISION**  
**Report Summary Sheet**

<table>
<thead>
<tr>
<th>Date:</th>
<th>16th June 2010</th>
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<tbody>
<tr>
<td><strong>Subject:</strong></td>
<td>Hackney Carriage/ Private Hire Licensing Policies</td>
</tr>
<tr>
<td><strong>Portfolio:</strong></td>
<td>Planning and Public Protection</td>
</tr>
<tr>
<td><strong>From:</strong></td>
<td>Assistant Director Ian Powell</td>
</tr>
</tbody>
</table>

#### Summary:
To seek approval to recommendations from the Licensing Committee to adopt Policies relating to:
(a) the licensing of Hackney Carriage vehicles intended to work primarily only in the Borough; and
(b) requiring applicants for taxi/private hire driver licences who hold EC/EAA driving licences to first obtain a UK counterpart licence.

#### Recommendations:
That the Licensing Committee recommendations be adopted.

#### Reasons:
(a) to facilitate regular inspection and enforcement of vehicles licensed by this authority but may have been working outside of the area;  
(b) to ensure that any driving endorsements are easily identified during the application process and that the applicant is a fit and proper person to hold a licence.

#### Options:
Reject the proposed policy amendments

Subject to call-in: Yes

Forward plan: No
### Corporate priorities:
Aim 2:- To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.
Aim 2 – Priority 3: Use of the Council’s enforcement powers to support community safety initiatives

### Relevant statutes or policy:
- Town Police Clauses Act 1847

### Equal Opportunity Implications:
EC/EAA driving licence holders to obtain UK counterpart licenses prior to application. Will allow better checking of “fit and proper” requirement.

### Human Resources Implications:
None

### Financial Implications:
None

### Health Inequalities Implications:
None

### Risk Management Implications:
None

### Environmental Implications:
None

### Legal Implications:
None

### Contact Details:
Les Jackson – Principal Business Regulation and Support Officer
024 7637 6228
AGENDA ITEM NO. 5

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Councillor N J Phillips – 16th June 2010

From: Assistant Director, Planning and Public Protection

Subject: HACKNEY CARRIAGE/ PRIVATE HIRE LICENSING POLICIES

Portfolio Holder: Planning and Public Protection - Councillor N J Phillips

1. Purpose of Report

To seek approval to recommendations from the Licensing Committee to adopt policies relating to:

(a) the licensing of Hackney Carriage vehicles intended to work primarily only in the Borough; and

(b) requiring applicants for taxi/private hire driver licences who hold EC/EAA driving licences to first obtain a UK counterpart licence.

2. Recommendation

3. Background – Vehicles Operating Outside the Area

3.1 There have been concerns for some time about vehicle proprietors operating their hackney carriage vehicles licensed by this authority primarily as private hire vehicles outside the Borough. There have been regular discussions between successive Chairs of this Committee and Coventry City Council's Licensing Committee about ways to control the issue.

3.2 The Local Government (Miscellaneous Provisions) Act 1976 acknowledges that hackney carriages may be used for private hire work (pre bookings) and these pre bookings may start and end outside the area in which the vehicle is licensed. The problems have arisen due to proprietors effectively signing on with operators in other areas meaning the vehicles are not available for use in the area in which they are licensed and also causing an over supply in the area in which they are being used. Furthermore enforcement checks also become difficult as reliance is placed on the authority in which the vehicle is operating.

3.3 Similar problems have existed throughout the country in recent years, the most high profile being in the north-east which has culminated in a Judicial
Review involving Newcastle City Council and Berwick upon Tweed Borough Council. The outcome of that Judicial Review means that it is now clear that the Council may take into account where and how proprietors propose to operate their hackney carriages when deciding on an application.

3.4 In light of this Licensing Committee has recommended (minute 74 2009) that that the Council adopt a policy of not granting or renewing hackney carriage vehicle licences [i.e. does not licence hackney carriage vehicles] if it is intended that they are to be used primarily outside the Borough.

3.5 Matters of Hackney Carriage Policy are the responsibility of the Executive and the Licensing Committee recommendation is therefore brought forward for consideration by the Cabinet Member.

4. **Background – Applicants holding EC/EAA Driving Licences**

4.1 In order to be licensed as a taxi or private hire driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

4.2 With EC/EAA licences, however, the applicant is not required to provide a translation and it is not always apparent whether there are any endorsements or disqualifications, and not all driving offences in this country are recorded on the CRB form.

4.3 It is possible for EC/EAA drivers to obtain a UK counterpart from DVLA and it is suggested that this will assist greatly in the determination as to whether a driver is fit and proper to hold a licence.

4.4 When licence holders apply for a counterpart they will be registered with the DVLA and allocated a GB driver number. Any driving convictions and endorsements subsequently incurred by the licence holder in the UK will be recorded by the DVLA and be recorded on the counterpart licence.

4.5 Having a GB counterpart also benefits drivers by allowing them to take part in the fixed penalty system for road traffic offences rather than having to attend court and incur a greater penalty as well as costs. In addition, if a driver loses or has his or her national driving licence stolen, they would probably not be able to get a duplicate from the country it was issued in. However, once registered with the DVLA they will be able to apply for a GB licence.

4.6 Currently licensed drivers who hold a EC/EEA licence would be required to obtain a GB counterpart when they apply to be re-licensed. If a licensed driver cannot obtain a GB counterpart before their existing licence expires,
the new licence could be issued on condition that a GB counterpart is obtained and produced to the Licensing Section within 3 months.

4.7 In order to obtain a UK counterpart, the applicant must be resident in the UK. Any driver who is unable to satisfy this requirement could be licensed on condition that a UK counterpart is obtained within 3 months of the licence being issued.

4.8 All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

4.9 Licensing Committee has recommended (minute 298 2009) that holders of EC/EEA drivers’ licences be required to hold a UK counterpart driving licence, before applying for a hackney carriage/private hire driver's licence in order that we can be satisfied as to the “fit and proper” criterion.

4.10 Matters of Hackney Carriage Policy are the responsibility of the Executive and the Licensing Committee recommendation is therefore brought forward for consideration by the Cabinet Member.

IAN POWELL