



Agenda

Community and Health Committee

Monday, 22 June 2015 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 10)

Cllrs Russell (Chair), Ms Sanders (Vice-Chair), Chilvers, Mrs Coe, Mrs Davies, Faragher, Mrs Hubbard, Poppy and Wiles

Agenda Item	Item	Wards(s) Affected	Page No
1.	Apologies for Absence		
2.	Minutes of the Previous Housing and Health Committee and Community Committee Meetings		5 - 14
3.	Service Plans for Food Safety and Health and Safety 2015-16	All Wards	15 - 90
4.	CCTV Code of Practice	All Wards	91 - 106
5.	Ward Budget Guidance for 2015 -16	All Wards	107 - 114
6.	Mental Health Challenge Action Plan Report to follow.	All Wards	
7.	Urgent Business		117 - 118

A handwritten signature in black ink, appearing to read "P. L. Russell", with a large, sweeping underline.

Head of Paid Service

Town Hall
Brentwood, Essex
12.06.2015

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

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A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

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A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

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Minutes

Housing and Health Committee Wednesday, 11th March, 2015

Attendance

Cllr Carter (Chair)	Cllr Parker
Cllr Mrs Davies (Vice-Chair)	Cllr Tee
Cllr Mrs Hones	
Cllr Mrs Hubbard	
Cllr McCheyne	

Apologies

Substitute Present

Cllr Morrissey (substituting for Cllr Le-Surf, who arrived at the latter part of the meeting)
Cllr Reed (substituting for Cllr Mrs Henwood)
Cllr Lloyd (substituting for Cllr Baker)

Also Present

Maureen Montgomery	Co-Optee (Tenants Talkback Representative)
Linda Skinner	Co-Optee (Tenants Talkback Representative)

Officers Present

Helen Gregory	Interim Head of Housing
Claire Hayden	Governance and Member Support Officer
Chris Potter	Monitoring Officer & Head of Support Services
Angela Williams	Principal Officer (Housing Needs)

492. Apologies for Absence

Apologies for absences were received by Cllr Mrs Henwood, Cllr Reed was in attendance as substitute. Cllr Le-Surf, Cllr Morrissey was in attendance as substitute and Cllr Baker, Cllr Lloyd was in attendance as substitute.

493. Minutes of the previous meeting

The Minutes of the Housing and Health Committee held on 7th January 2015 were approved and signed by the Chair as a correct record.

Cllr Mrs Hones asked if the decision under Min 372 referring to the Resource Room at Hutton Community Centre was still relevant, in view of the recent outcome of the Asset and Enterprise Committee on 18th February and Audit and Scrutiny Committee 16th March.

Cllr McCheyne asked for an update on the Garage sites. Planning permission will be submitted at the end of March. Full update will be given at the next Affordable Workshop meeting.

494. Housing Performance Report

The report updated Members on performance and progress of the 'Getting our House in Order' modernisation programme.

Performance continues to improve overall; which is reflected in the results of the KPIs. The only exception is the number of homeless households living in temporary accommodation KPI; which continues to increase, reflecting the national trend.

Members thanked officers of Appendix A - People living in temporary accommodation, which they found very informative.

A motion was MOVED by Cllr Carter and SECONDED by Cllr Mrs Davies to receive the recommendations set out in the report.

RESOLVED UNANIMIOUSLY to:-

- 1. The Committee is asked to monitor the performance information submitted within the report and the direction of travel of the 'getting our house in order' modernisation programme.**
- 2. The Committee is asked to approve £3,000 to be reserved from the Homeless Prevention grant for the use of an external mediation service to help prevent family evictions and reduce homelessness.**

REASONS FOR DECISION

To keep members informed of the key performance levels within the Housing service to enable Members to monitor our performance.

The service improvements proposed in the 'Getting our house in order initiative' will improve service and value for money for residents and stakeholders.

495. Preparing for Universal Credit

The Welfare Reform Act 2012 has introduced the biggest overhaul to the benefit system in 60 years; with a number of changes introduced to the benefit system to make it easier for claimants to move back into or change employment. The notable changes are the introduction of the spare room subsidy charge and the emulation of all benefits into a single benefit called Universal Credit.

There is a need to gear up for the roll out of Universal Credit. There will be a fundamental change in the way that tenants receive benefits and we need to have robust systems to ensure that we intervene early and provide support to people. The first tranche of the roll out is February/March 2015 for new single person claimants. The big shift is benefits being paid direct and monthly to claimants; as opposed to the rent being paid to the Landlord. There are approximately 60% of our tenants in receipt of full or partial housing benefit.

The need for tenants to budget and ensure that their rent is paid is essential. The new processes will hopefully help to mitigate the possibility of an increase in arrears by early intervention.

Housing Officers have undertaken a review of processes and systems and set up an Income Management Project Team with colleagues from different departments in the Council. A new streamlined process that provides for earlier intervention and personal contact with tenants who fall into arrears has been devised.

A new Income Management policy has also been written to reflect new approach to income collection and tenancy sustainment.

An amendment to the Induction in the Income Management Policy (Appendix A) by the Monitoring Officer to state:-

This policy explains Brentwood Borough Council's usual approach to collecting rent and charges from its housing stock and reflects national best practice. Each case will be dealt on its merits.

A motion was **MOVED** by Cllr Carter and **SECONDED** by Cllr Mrs Davies to receive the recommendations set out in the report.

During the debate, an additional recommendation was **MOVED** by Cllr Lloyd and **SECONDED** by Cllr Mrs Hubbard, which was accepted by the Chair.

RESOLVED UNANIMOUSLY to:-

- 1. Committee is asked to recognise the staff driven improvements to the way we manage income management.**
- 2. Committee is asked to approve the new Income Management Policy.**
- 3. That delegated authority is granted to the Head of Housing Service to depart from the policy in consultation with the Chair of the Committee.**

REASONS FOR DECISION

The Committee is asked to note the work of the project team and their commitment to maximising income and improved tenancy sustainment.

The Committee is asked to approve a new Income Management Policy in line with best practice and to assist in our preparations for universal credit and minimise the risk to our income stream.

This income project forms part of Housing's 'Getting our House in Order' Modernisation Programme.

496. Urgent Business

There were no items of Urgent Business.

Minutes

Community Committee Wednesday, 25th March, 2015

Attendance

Cllr Chilvers (Chair)	Cllr Mrs Hones
Cllr Mrs Squirrell (Vice-Chair)	Cllr Mrs Hubbard
Cllr Barrett	Cllr McCheyne
Cllr Mrs Coe	Cllr Parker

Apologies

Cllr Carter	Cllr Ms Sanders
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Substitutes Present

Cllr Mynott
Cllr Reed

Also Present

Cllr Aspinell
Cllr Clark

Tina Tickner – Chief Executive, Brentwood Community Transport

Officers Present

Kim Anderson	- Partnership, Leisure and Funding Manager
Ashley Culverwell	- Head of Borough Health Safety and Localism
Elaine Hanlon	- Principal Environmental Health Officer
Jean Sharp	- Governance and Member Support Officer

522. Apologies for Absence

Apologies were received from Cllrs Carter and Ms Sanders.

523. Minutes of the previous meetings

Members **RESOLVED** that the minutes of the Community Committee meeting held on 17 December 2014 were a true record.

524. Chair's Verbal Update inc Brentwood Events Plan

The Chair advised Members that an updated Brentwood Events Plan had been tabled for their information.

525. Nomination of Hutton Community Centre as an Asset of Community Value

Members were reminded that the Localism Act 2011 required local authorities to keep a list of assets (meaning buildings or other land) which were of community value. Once an asset was placed on the list it would usually remain there for five years. The effect of listing was that generally speaking an owner intending to dispose of the asset must give notice to the local authority. A community interest group then had six weeks in which to ask to be treated as a potential bidder. If it did so, the disposal could not take place for six months. The theory was that this period known as the "moratorium" would allow the community group to come up with an alternative proposal - although, at the end of the moratorium, it was entirely up to the owner whether a disposal went through, to whom and for how much. There were arrangements for the local authority to pay compensation to an owner who lost money in consequence of the asset being listed.

A nomination had been received by Hutton Community Partnership in relation to Hutton Community Centre as indicated on the site plan attached as Appendix B to the report.

The report informed Members in consideration of whether to list or not to list Hutton Community Centre as an Asset of Community Value as indicated in Appendix A to the report.

Cllr Chilvers MOVED and Cllr Mrs Squirrell SECONDED recommendation 2.1 in the report. A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that the land as indicated in Appendix B to the report be listed as an Asset of Community Value.

Following a discussion regarding the risk to the Council of having to pay compensation in relation to listing Assets of Community Value, Cllr Chilvers MOVED and Cllr Mrs Squirrell SECONDED that, in addition, the risk to the Council in this regard should be monitored by the Audit and Scrutiny Committee through inclusion on its Risk Register.

A vote was taken on a show of hands and it was RESOLVED UNANIMOUSLY that the risk of having to pay compensation in relation to Assets of Community Value be monitored by the Audit and Scrutiny Committee through being added to the Council's Risk Register.

526. Community Transport - Presentation

Mrs Tickner, Chief Executive of Brentwood Community Transport (BCT), gave a presentation to update the Committee on the work of the organisation.

Members thanked Mrs Tickner for her presentation and for the service provided by Community Transport to residents of the Borough.

The Chair advised that she intended to discuss with the BBC comms team ways in which BCT could be promoted.

527. Presentation regarding Weald Park Event

The Chair advised that the presentation had been deferred to a later date and further information would be provided in due course.

528. Report on Progress with the Health and Wellbeing Strategy and Work Plan 2014 -2017

Members were advised that the report before them updated the progress made with the Health and Wellbeing Strategy and Work Plan which had been developed by the Brentwood Health and Wellbeing Board. It included the three priorities identified in the Joint Strategic Needs Assessment carried out by Essex County Council. The actions for the priorities were addressed in the Work Plan.

Cllr Barrett was the Council's Mental Health Champion and he referred to the ECC funded Mental Health First Aid course which was open to all and which he had undertaken. He had found this course valuable and recommended other Members attend when it was run again later in the year. He thanked Lucy Gill for her work which had resulted in Mental Health Services being more accessible in Brentwood.

Cllr Chilvers requested that the Health and Wellbeing Strategy and details of the course be circulated to all Members and be included on the Council's website.

Cllr Chilvers MOVED and Cllr Mrs Hubbard SECONDED the recommendation in the report and after a discussion it was RESOLVED UNANIMOUSLY that:

The Committee agreed to the continuation of the work necessary to develop health and wellbeing as outlined in the work plan and strategy, noting the progress made in key areas as described in the report.

529. Ward Budgets

Members were reminded that the Ward Budget scheme was launched in April 2012 to enhance the role of Councillors in their communities and engage with organizations in their area to develop projects and schemes. Ward budgets were one way in which the Locality Strategy could be implemented, encouraging the ethos of the Big Society and Localism i.e. encouraging volunteering, local involvement and building skills within the community. In the 2014/15 budget, £1,000 was allocated to each individual Councillor. It was agreed that the underspend of the Brentwood Community Fund would be added to the Members' allocation which meant that each received an additional £385.

An updated version of Appendix A to the report, which detailed the expenditure of individual ward budgets, was provided for Members' information and the Committee was asked to determine what to do with the underspend of the ward budget allocation which amounted to £3912.24.

Cllr Mrs Squirrell MOVED and Cllr Barrett SECONDED the recommendation that the underspend be allocated to the development of the Volunteer Centre managed by Brentwood Council for Voluntary Services.

Following a discussion, a vote was taken on a show of hands and it was RESOLVED that the underspend be allocated to the development of the Volunteer Centre managed by Brentwood Council for Voluntary Services.

(Cllr Reed declared a non-pecuniary interest under the Council's Code of Conduct by virtue of his employment at Brentwood Theatre which received assistance from volunteers and he took no part in the vote).

530. Festive Lights 2015

Members were reminded that a report was presented to the Community Committee on 21 October 2014 which set out the current festive light provision across Brentwood Borough and looked at ways in which the festive lights and activities could be enhanced in and around the Town Centre and in Shenfield.

It was now proposed to put out to tender the lighting contract to test the current lights, purchase any new replacement lights required and install and dismantle them in accordance with the current specification as attached in Appendix A to the report.

Cllr Chilvers MOVED and Cllr Mrs Squirrell SECONDED the recommendation in the report and following a discussion, a vote was taken on a show of hands. It was RESOLVED UNANIMOUSLY that:

1. Officers put out to tender the Lighting contract to purchase any new replacement lights, test, install and dismantle them as indicated in the specification set out in Appendix A.
2. Delegated authority be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Community Committee to appoint the successful bidder.

531. Achievements and Progress of Community Committee 2014-15

The report before Members provided an update and progress report on the decisions made by Community Committee during the financial year.

Cllr Chilvers thanked Committee Members for their contribution to meetings during the year and **MOVED** and Cllr Mrs Squirrell **SECONDED** the recommendation in the report and it was **RESOLVED UNANIMOUSLY** that Members note the report and the progress that has been made to date.

532. Urgent Business

There were no items of urgent business.

The meeting ended at 20.25pm.

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Community and Health Committee

22 June 2015

Food Safety and Health & Safety Enforcement 2015/16 Service Plans

Report of: Ashley Culverwell

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Borough Council must provide Service Plans for approval by Members with respect to its statutory obligations to enforce all relevant provisions of food safety and health and safety legislation within its area. These Service Plans identify how the service intends carrying out the proactive and reactive elements of inspections and investigations to ensure the continuing safety of both business employees and the public. It also includes measures taken to aid businesses in compliance such as the provision of training and the food hygiene rating scheme.

2. Recommendations

- 2.1 That the Food Safety and Health and Safety Enforcement Service Plans 2015/16 (Appendices A & B) be approved by Members.**

3. Introduction and Background

Both Service Plans are required by legal Code of Practice produced by the Health and Safety Executive and Food Standards Agency. These documents dictate the measures necessary to ensure that all relevant businesses are inspected relative to risk. Such Service Plans are approved by Committee on an annual basis.

4. Issue, Options and Analysis of Options

- 4.1 Member approval is sought in compliance with Codes of Practice and because these service plans impact upon businesses. In following the requirements of the Governments' Better Regulation Agenda, this will be

done in a transparent and accountable way having proper regard to the sensitivities of business and the local economy. There are no other options available as an alternative to legal enforcement and compliance with regulatory codes.

5. Reasons for Recommendation

- 5.1 Members are requested to approve these Plans as they directly affect the welfare of businesses, the public and visitors to the Borough. The Food Safety Plan ensures that high standards are maintained in commercial food production, and the Health and Safety Plan ensures the safety of local employees, the public and visitors to businesses.

6. Consultation

- 6.1 No consultation is required in advance of submission of these Plans to Committee.

7. References to Corporate Plan

- 7.1 With regard to the priority; 'Prosperous Borough' these service plans support businesses by safe-guarding public safety through risk-based regulation as applied in accordance with the 'Regulators Code produced under the Governments' Better Regulation Agenda'.
- 7.2 With regard to the priority; 'Localism' the service plans encourage businesses to invest through improvements directly in Brentwood's communities.

8. Implications

Legal Implications

Name & Title: Chris Potter - Monitoring Officer and Head of Support Service

Email christopher.potter@brentwood.gov.uk

Telephone: 01277312860

- 8.1 The Legal Officer has been consulted and is in agreement with the legal information provided in these reports.

Financial Implications

Name & Title: Chris Leslie, Finance Director

Email: christopher.leslie@brentwood.gov.uk

Telephone: 01277 312542

- 8.2 The financial resources required to carry out the Service Plans are included in the existing budget.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 There are no corporate health and safety or asset management implications. There are no equality/diversity or risk management implications.

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

Food Law Code of Practice

<http://www.food.gov.uk/enforcement/enforcework/food-law/>

Food Law Practice Guidance England

<http://multimedia.food.gov.uk/multimedia/pdfs/practiceguidanceeng.pdf>

Food Standards Act

<http://www.legislation.gov.uk/ukpga/1999/28/contents>

National Local Authority (LA) Enforcement Code

<http://www.hse.gov.uk/lau/la-enforcement-code.htm>

10. **Appendices to this report**

Appendix A Food Safety Service Plan 2015/16

Appendix B Health and Safety Service Plan 2015/16

Report Author Contact Details:

Name: Mark Stanbury, Environmental Health Manager

Telephone: 01277 312510

E-mail: mark.stanbury@brentwood.gov.uk

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BRENTWOOD BOROUGH COUNCIL
BOROUGH HEALTH, SAFETY AND LOCALISM

**STATUTORY FOOD SERVICE PLAN FOR FOOD
LAW ENFORCEMENT
2015/16**

Drawn up in accordance with the Food Standards Agency's
Framework Agreement (July 2004)

Approved by the Community and Health Committee - 22nd June
2015

CONTENTS

	Page
INTRODUCTION	4
SECTION 1: FOOD CONTROL SERVICE AIMS AND OBJECTIVES	7
1.1 Aims and Objectives	7
1.2 Links to Corporate Objectives and Plans	8
SECTION 2: BACKGROUND	9
2.1 Organisational Structure	9
2.2 Scope of the Food Safety Service	10
2.3 Demands on the Food Service	11
2.4 Enforcement Policy	14
SECTION 3: SERVICE DELIVERY	14
3.1 Food Premises Interventions Programme ('Primary' and 'Secondary' inspections)	14
3.2 Carry Over	16
3.3 Inspections of imported food	16
3.4 Inspection revisits and revisits for the purpose of rescoring	16
3.5 Appeals against food hygiene scores	16
3.6 Non Programmed Inspections	16
3.7 Food and Food Premises Complaints	17
3.8 Primary Authority Principle	17
3.9 Advice to Businesses	17
3.10 Food Sampling	18
3.11 Outbreak Control and Infectious Disease Control	18
3.12 Food Safety Incidents	19
3.13 Food Standards work	19
3.14 Liaison with other organisations	19
3.15 Specialist Food Safety Information	20
3.16 Food Safety Promotion	20
3.17 Food Hygiene Training	20
3.18 Conflicts of Interest	20
3.19 Health and Safety inspections and interventions within food premises	21
SECTION 4: RESOURCES	21
4.1 Financial Allocation	21
4.2 Staffing Allocation	22
4.3 Staff Development Plan	22
SECTION 5: QUALITY ASSESSMENT	23
5.1 Quality Systems	23
SECTION 6: REVIEW	24
6.1 Review against the Service Plan	24
6.2 Identification of any variation from the Service Plan	24
6.3 Areas of Improvement	24
SECTION 7: TARGETS/STANDARDS	24
7.1 Targets and standards applied	24
SECTION 8: PERFORMANCE INDICATORS	25
8.1 Performance indicators applied	25

Appendix 1	Service Structure of the Council	26
Appendix 2	Structure diagram of Environmental Health	27
Appendix 3	Environmental Health Enforcement Policy	28

DRAFT

INTRODUCTION

This is Brentwood Borough Council's 2015/16 Food Service Plan dedicated to the food safety enforcement function. It covers all the elements of food safety and hygiene for which the authority has statutory enforcement responsibility. The Service Plan also covers objectives relating to non-enforcement activity including food hygiene education/promotion which the Council is also required to undertake in accordance with Government guidance.

The Food Service Plan is an expression of the authority's commitment to the development of the Food Service and is a requirement of the Food Standards Agency as the body that monitors and audits local authorities' activities on food enforcement.

The Food Standards Agency's (FSA's) Framework Agreement issued in September 2000 and subsequently amended (amendment number 5 of 2009) provides service planning guidance and promotes the importance of service planning in ensuring that national priorities and standards are addressed and delivered locally.

Brentwood Borough Council's Food Service Plan has been drawn up in accordance with the guidance in the Framework Agreement and follows the Service Plan template. This is to enable the FSA to assess the Councils' delivery of its service and to allow local authorities to compare service plans written in the common format for any fundamental performance reviews under the local government Best Value agenda. This Service Plan also takes into account the updated Food Law Code of Practice (England) Guidance issued in April 2015.

The FSA in its Framework Agreement requires that the Food Service Plan be submitted to members for approval to ensure local transparency and accountability.

In 2015 the consumer watch-dog magazine '*Which*' looked once again at local authority performance with regard to inspection frequencies; completing due inspections within target dates, and the level of legal compliance within food businesses by District/Borough and City Councils. The results show that when considering these aspects and for the second year running, Brentwood has scored the highest in Essex and second highest within the U.K as a whole. This evidence clearly demonstrates the continued commitment of this authority to food safety enforcement, its ability to work with businesses in increasing their food standards and consequent enhanced levels of protection for residents and visitors to the Borough. It also demonstrates the excellent standards and performance within Brentwood food businesses and their ability to give their customers confidence whilst strengthening the local economy.

Over ninety seven percent of food premises now meet the FSA criteria of '*broadly compliant*' within Brentwood. This score would be even higher were it not for having to take account of new businesses which feature as 'non-

compliant' until they are inspected within the established 28 day limit. All premises identified for inspection in 2014/15 received an appropriate intervention together with revisits where necessary to improve compliance.

The Authority continues to operate the food hygiene rating system in cooperation with the Food Standards Agency where inspected food premises receive a rating of between 0 and 5. The Borough has very few low rated premises (less than 1%), however, additional work is done with these businesses to encourage and help them improve their scores in accordance with the available options within the Food Safety Code of Practice. This approach has noticeably improved standards.

The Authority continues to train food handlers working mainly in the Borough. Food Hygiene Foundation Level II courses are held bi-monthly. 84 food handlers received training with over 90% of candidates passing first time. This adds further to the high standards now being witnessed within the Borough's food premises.

The Borough continues to obtain food samples for bacteriological analysis from both catering and retail establishments for testing against EU legislation. Where any have been found to be borderline or unsatisfactory then appropriate action has been taken to improve standards. Some of this work has brought about hygiene improvements in major food companies. Over 115 food samples were taken in 2014/15.

In June 2010 the authority was audited by the Food Standards Agency with regard to its assessment of Hazard Analysis Critical Control Points (HACCP) application within food businesses. This was followed up in 2011 and there are no outstanding matters. The Authority continues to apply these standards within its delivery of the food safety function.

From 2015 onwards the Council will be running the 'Tuck-In' Scheme. This scheme, run jointly with other authorities in Essex aims to encourage takeaway food businesses to pledge to reduce the amount of sugar, salt and fat and calories in their products. The scheme also seeks to reduce portion size. This also forms part of Brentwoods' Health and Wellbeing Strategy and its intention to reduce levels of obesity within the Borough.

The food safety team also deal with food complaints and complaints about food premises in relation to issues such as foreign bodies, food handling and the cleanliness of food areas.

The Service Mission statement for the whole of Borough Health, Safety and Localism is included within this service plan as well as an aspirational aim for this individual service area.

The General Service objectives are designed to reflect and contribute towards the achievement of Corporate Objectives whilst covering ongoing service activity or potential new areas of service activity. The Service recognises the

contribution of well run compliant food businesses and the success of the local economy.

In order to give a contextual framework reference is made to links with the Corporate Plan 2013-2016. This is followed by a section which outlines the authority's policy approach to various elements of the Food Service.



Ashley Culverwell
Head of Borough Health Safety and Localism

April 2015

DRAFT

SECTION 1: FOOD CONTROL SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

1.1.1 The Food Safety Service Mission Statement is: -

“To ensure that food and drink intended for human consumption originating from or consumed within the Borough is safe, wholesome and healthy”

1.1.2 It seeks to pursue this through a number of key objectives which include: -

- To secure compliance with food safety law having regard to official codes of practice and Better Regulation Delivery Office (BRDO) guidance, particularly concerning the frequency of food safety interventions;
- To secure the protection of consumers from the potential dangers of suspect or contaminated food, particularly that which may result in food borne infections;
- To ensure; *‘so far as is reasonably practicable’* that food is fit for human consumption and free from extraneous matter;
- To increase the knowledge of food handlers, food managers and the general public about the principles and practice of food hygiene and food safety management;
- To increase the knowledge of food business operators in the area of food safety management thereby assisting to raise standards and enable improved food hygiene rating scores under the National Food Hygiene Rating Scheme;
- To assist in the control and prevention of the spread of food borne diseases;
- To carry out food safety interventions (*activities that are designed to monitor, support and increase food law compliance within a food establishment*) in accordance with minimum frequencies and to standards determined by the FSA;
- To respond to and investigate Food Standards Agency ‘Food Alerts for Action’ in accordance with published guidance where these impact upon food originating or traded within the Borough;
- To alert the Food Standards Agency to any situation where a contaminated food purchased or sampled within the Borough is likely to be sold elsewhere so that they may effect a food recall.

- To respond to and investigate all notified cases of food-borne disease and take effective action to control the spread of infection.
- To carry out appropriate food sampling programmes and take appropriate action on non-compliant samples;
- To respond on a risk assessed basis to and investigate complaints as requests for service in relation to food and food premises and to provide first response with a maximum of five days or sooner as appropriate;
- To ensure so far as reasonably practicable that private water supplies are monitored for their adequacy and wholesomeness by carrying out appropriate bacteriological and chemical water sampling programmes;
- To liaise with relevant water supply companies about the adequacy and wholesomeness of public water supplies.
- To take swift and proportionate enforcement action against food businesses where they present a risk to public safety.

1.2 Links to Corporate Objectives and Plans

1.2.1 The Brentwood Council Corporate Plan 2013-2016 sets out the Council's ambitions, priorities and key pledges to residents and businesses.. The Plan seeks to reduce the burden on well-managed businesses and this Service Plan demonstrates that food safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to provide information via its website and taught courses enabling businesses to understand the law and its application within the Borough.

1.2.2 The authority monitors on a monthly basis the percentage of broadly compliant food premises. This is applied as a local indicator only. The results (Figure 1.0) show that since the Food Hygiene Rating Scheme was adopted by Brentwood overall standards have raised within food premises by 10% to a current figure of over 97% which is the overall target for compliance adopted by this Authority.

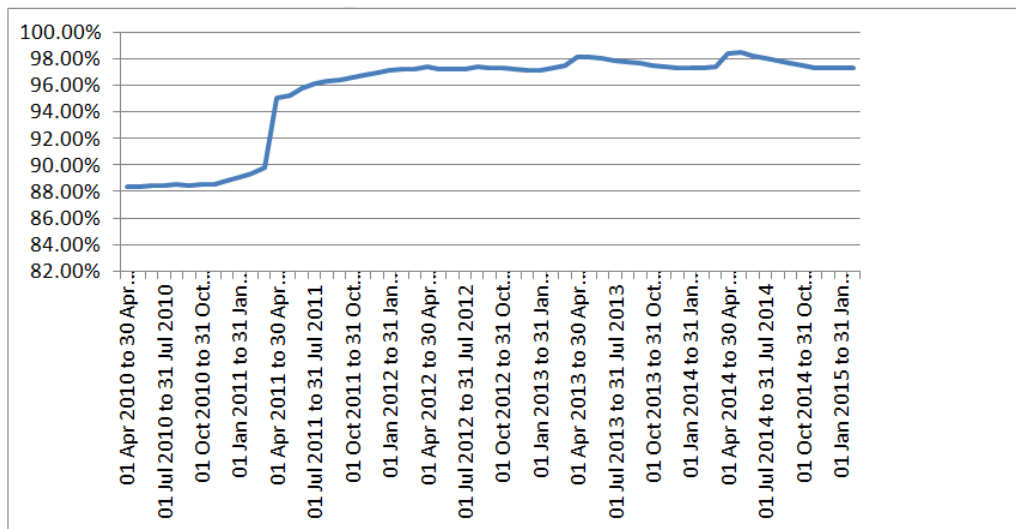


Figure 1.0 Upwards trend in 'Broad Compliance' since 2010

SECTION 2: BACKGROUND

2.1 Organisational Structure

2.1.1 The Structure of the Council and for Borough Health, Safety and Localism are attached as Appendices 1 & 2. The Food and Health and Safety Team are composed of three employed posts, namely; an Environmental Health Manager, a Principal Environmental Health Officer (EHO) and a part-time District EHO. Their roles are described as follows: -

2.1.2 *Environmental Health Manager* - responsible for overseeing all work within the team including setting targets, monitoring performance, training and development. The role includes operational delivery functions and responding to all relevant stake-holders.

2.1.3 *Principal EHO* - responsible for managing the food hygiene and health and safety contracts and inspection scheme, carrying out inspections and interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.4 *District EHO* (0.6FTE) - responsible for carrying out inspections and interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.5 Three contracted EHO's also work for the authority as qualified officers authorised to carry out approximately 85% of the planned food safety interventions for the Borough. They carry out approximately eighty five percent of planned food safety interventions. There is also one further officer devoted to food sampling. These EHO's are remunerated according to the category of food premises they inspect and the numbers of inspections undertaken, and a fixed fee applies to each food sample.

2.1.6 Both the District EHO and the contracted EHO's carry out intervention revisits.

2.2 Scope of the Food Safety Service

2.2.1 The Food Safety Team will provide the following services: -

- Carrying out a programme of food hygiene interventions in accordance with the Food Safety Act 1990 Code of Practice;
- Investigating and resolving complaints about food and food hygiene premises/practices;
- Taking informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) to secure ultimate compliance within food safety legislation;
- Identifying and assessing premises requiring approval in respect of specific food products or processes and to ensure that they are issued with conditional and full approval as necessary;
- Ensuring that all food premises located or trading within the Borough are registered, and to maintain an accurate database of food premises in the Borough. To record inspection information and enable performance data to be provided to the Food Standards Agency;
- Receiving and investigating all relevant Food Standards Agency Food Alerts for Action and their updates as appropriate, and to communicate with business to disseminate relevant information concerning relevant food risks.
- To provide advice and assistance to businesses and consumers on food-related issues through the local authority website and other media;
- Investigate incidences of food borne disease and take action, including liaison with other bodies such as Public Health England (previously the Health Protection Agency), to identify the source and prevent further infection;
- Providing or arranging the provision of food hygiene training courses and one-off courses produced for specific targeted groups and to inform both the trade and the public in relation to food safety issues. This will include courses providing 'Safer Food Better Business workshops', and further workshops to assist businesses in enhancing their food hygiene rating risk-scores;
- As a partner to the National Food Hygiene Rating Scheme – to provide and operate a scheme locally and in accordance with the national guidance. To process and respond to any appeals against scoring or requests for revisits for

the purpose of rescoring. To supply all collected information to the Food Standards Agency as of a frequency laid down by the guidance;

- Carrying out an appropriate food sampling programme based upon received sampling program information, or in connection with any inspection or investigation;
- As a partner to the UK Food Surveillance system (UKFSS) – to provide food sampling data to the Food Standards Agency and to use the information available nationally to inform the Authority's local food sampling programme and assist with food poisoning/food-borne illness investigations;
- Carrying out an appropriate chemical and bacteriological sampling programme for private water supplies;
- Commenting on proposed food legislation codes of practice and other official documents as necessary and as requested.
- To carry out work under the Essex-Wide 'Tuck-In' Project. This will involve additional specific visits to determine current food practices and ingredients, giving advice to food business operators on ways to make food better by changing oil type, reducing sugar, salt and calories through portion size. These visits will compliment routine food hygiene inspections where practicable. This work is funded through the 'Leaders Innovation Fund', - a grant to the Essex Food Safety Group from Essex County Council. The Tuck In project will operate at no additional cost to Brentwood Borough Council.

2.3 Demands on the Food Service

2.3.1 The authority had (*at 1st April 2015*) 658 rated food premises on its database that were subject to programmed food hygiene interventions. In addition to the premises recorded on the database are a number of unregistered premises. It is the intention of the food safety team to ensure that details relative to all known food premises are kept up to date and that as new premises are identified that these are also added to the database. The team will also review and keep up to date the details relative to all food premises registrations. The authority is also mindful that this process will involve scrutiny of local newspapers, mail shots and internet searches. Where any planning applications relating to food premises are received by the authority then the food team are also consulted. At this stage the food team can inform the applicant of applicable legal standards before any building works/alterations take place. This reduces the possibility of legal infringements later once the business has started up, together with costly alterations, and it also reduces the burden on business later when they are inspected. The authority will also respond to any credible information passed to it suggesting any rogue food activities within the Borough. The number of known food premises rated by type can be categorised as follows: -

Food Standards Agency Monitoring Category	PRIMARY PRODUCERS	MANUFACTURERS AND PACKERS	IMPORTERS / EXPORTERS	DISTRIBUTORS / TRANSPORTERS	RETAILERS	RESTAURANTS AND CATERERS	NUMBER OF PREMISES
Premise Rating - A	0	0	0	0	0	1	1
Premise Rating - B	0	0	0	0	3	17	20
Premise Rating - C	0	4	0	0	12	175	191
Premise Rating - D	0	3	0	0	16	153	172
Premise Rating - E	1	8	2	7	95	161	274
Premise Rating - Unrated	0	0	0	0	0	4	4
TOTALS							662

Figure 2.0: Profile of Rated Food Premises – 2015/16

All food premises residing or trading within the Borough are risk rated and their frequency for intervention purposes determined. In accordance with the Code of Practice the risk ratings attained reflect the frequency at which the next hygiene intervention should occur. These are as follows: -

Food Standards Agency Monitoring Category	Minimum frequency of inspection	Number of premises
Premise Rating - A	Every 6 months	1
Premise Rating - B	Every 12 months	20
Premise Rating - C	Every 18 months	191
Premise Rating - D	Every 24 months	172
Premise Rating - E	Every 36 months	274
Premise Rating - Unrated	Unknown until inspected	4
TOTALS		662

Figure 3.0: Inspection frequencies of known food premises – 2015/16

2.3.2 There are two languages other than English identified as being significant among food handlers and proprietors within the district. These are Bengali and Cantonese; however, the majority of these proprietors are able to speak English or have someone present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies.

The Service ensures that appropriate food hygiene guidance leaflets are provided in foreign languages where available and will provide Level 2 Food Hygiene Courses in other than English where demand is sufficiently high.

2.3.3 In delivering the food safety enforcement function, there are a number of uncontrollable variables acting upon its delivery: -

- The food safety team investigates approximately 20 food poisoning notifications and allegations each year;

- There are a number of outdoor events which require the inspection of mobile food premises;
- Where any food premises are inspected and there is also a programmed health and safety intervention due then these inspections can be carried out together. This reduces inspection costs and reduces the burden on businesses. However, in doing this officers are to take into account LAC 67/2 (rev 4.1) – ‘*Targeting local authority interventions*’ which dictates that authorities firmly target their interventions around risk and not just because they are in a premises to carry out a food hygiene inspection. This policy is also referenced within the Authority’s Health and Safety Service Plan. Lac 67/2 (rev 4.1) is currently in draft form but is expected to be adopted without change in 2015.
- The authority receives around 80 food premises and hygiene of premises complaints annually.

2.3.4 The authority may need to take legal action in relation to any significant contraventions. Investigations involving evidence gathering, formal interviews under the Police and Criminal Evidence Act and case preparation are likely to be involved.

2.3.5 The food safety team will also inspect food premises for other health-related issues as they arise such as outbreaks of communal disease (e.g. *Norovirus*) which can occasionally occur in care homes.

2.3.6 The Service is based in the Town Hall which is situated in Brentwood Essex. In taking measures to improve productivity and efficiency in an environment of reducing resources the Food Safety Unit has adopted flexible and remote working. Officers now have full remote access to Council I.T systems wherever the internet may be accessed. The Authority has now been running the Uniform database for organising food premises inspections and other work since April 2012. The system has provided advances in the amount of information stored and the ability to produce credible data for Local authority enforcement data system (LAEMS) returns to the Food Standards Agency. The system also provides for better tracking of complaints and outcomes. It also holds additional data upon which to make more informed decisions about risk and where to target resources most effectively.

2.3.7 The normal hours of service delivery are 8.30 a.m. to 5.00 p.m. Monday to Thursday, and 8.30 a.m. to 4.30 p.m. on Friday’s. Arrangements are made to deliver the Service outside of these hours, e.g. in the case of routine inspections to premises which only open in the evenings. However, out of hours emergency cover for food alerts, outbreaks and premises closures is not guaranteed on a routine basis. The code of practice requires premises to be inspected out of normal hours as appropriate. To meet this requirement the Service will inspect approximately 5% of premises outside of normal working hours. No formal arrangements exist to guarantee emergency cover out of

normal hours although the council is contactable and messages may be taken for officers.

2.4 Enforcement Policy

2.4.1 The Borough Health Safety and Localism Service endorses and adopts the principles laid down in the Enforcement Concordat which recognises that enforcement must be fair, consistent and equitable. The service also has regard to the 'Code for Crown Prosecutors' guidelines. These documents will form the basis of decision making processes in deciding the most appropriate enforcement action. The Council's Food Safety Enforcement Policy outlines the various enforcement options ranging from advice/education to formal action including the service of notices and prosecution for non-compliance with legislation.

2.4.2 The Service operates to the documented enforcement policy in Appendix 3. This has been reviewed and with reference to the enforcement concordat. The Enforcement Policy will be revised in 2015/16 to take account of the Regulators Compliance Code.

SECTION 3: SERVICE DELIVERY

3.1 Food Premises Interventions Programme ('Primary' and 'Secondary' inspections)

3.1.1 It is the intention of the food safety team to inspect all premises due for any food safety intervention (except 'E' rated premises) during 2015/16 and that routine food hygiene interventions are focused on the highest risk premises as a top priority in accordance with the Food Law Code of Practice (2015) and other recognised guidance such as that issued by Local Government Regulation (LGR). This policy was put into practice during 2012/13 and had the effect of reducing inspection costs and burdens upon business at the lower end of the risk spectrum whilst maintaining hygiene standards within all food businesses.

3.1.2 In April 2014 the Government informed local authorities of a change to the food hygiene rating scheme where the bands 'C' and 'D' were modified. This had the effect of moving more category 'B' premises in to the 'C' band, and more 'C' band premises in to the 'D' band. This has been done to reduce inspection frequencies at the end of the lower-risk spectrum thereby freeing up authority resources to allow for more inspections at the high-risk end.

3.1.3 Officers will determine the intervention frequency using the risk-rating scheme defined in the Food Law Code of Practice 2015. The risk rating profile of premises is shown in Figure 3.0 above. High-risk premises ('A' and 'B' rated) will include larger premises such as manufacturers and those which cater to a high number of vulnerable clients or inherently low-risk premises with a poor record of compliance. Medium-risk premises ('C' and 'D' rated) include the majority of cafes and restaurants. Low-risk premises ('E' rated) include

newsagents, home caterers and other small retail shops selling mainly pre-wrapped shelf stable foods. Interventions at E rated premises fall within the 'Alternative Enforcement Programme' (AES).

3.1.4 As a consequence of the National Food Hygiene Rating Scheme and the need to focus resources where most improvement is required - category 'E' premises are no longer be inspected every time they are due but instead are sent a questionnaire enquiring as to various standards and practices in place. However, category 'E' premises will be inspected at every other planned intervention. This has the effect of legitimately reducing the burden on lower risk premises and on the service. This is in line with the Food Safety Code of Practice and is a system conducted successfully by other Essex Authorities. In adopting this scheme the Authority is mindful that it will be necessary to verify the information received otherwise it may not come to the correct conclusions regarding risk in these premises. The authority will therefore carry out random inspections on a sample of premises where questionnaires have been returned. The Authority will also inspect any premises not returning their questionnaire.

3.1.5 The number of programmed food hygiene interventions programmed for 2015/16 is shown below: -

Risk Rating	Min. Frequency	No. of Premises	No. of Inspections
Premise Rating - A	Every 6 months	1	2
Premise Rating - B	Every 12 months	20	20
Premise Rating - C	Every 18 months	191	152
Premise Rating - D	Every 24 months	172	34
Premise Rating - E	Every 36 months	274	86
Unrated	Unknown	4	20
	TOTAL	662	314

Figure 4.0: Numbers of premises (*estimated*) to receive an intervention in each rating – 2015/16

3.1.6 Where any programmed health and safety inspection coincides with any food hygiene inspection then they may be conducted together (*subject to the caveat in 2.3.3*) in order to reduce the burden of inspections upon business and to reduce resources. The authority will also at any inspection consider compliance with smoke-free legislation which prevents smoking in public places.

3.1.7 The Food Safety Service will endeavor to improve the ratings of premises outside the realms of enforcement wherever it is practicable to do so and within existing budgets. In previous years the authority has provided Safer Food Better Business/Food Hygiene Rating System Workshops to low scoring enterprises with good success. However, there are only a very small proportion of premises remaining which require such intervention. For 2015/16 the authority will concentrate on the Category 3 premises and to assist them towards Category 4 or better – 5. This will be done by coaching those businesses wanting individual help. It is intended that at least 10% of category C premises will be improved in this way during 2015/16.

3.2 Carry Over

3.2.1 There are no programmed food hygiene inspections which did not occur in 2014/15.

3.3 Inspections of imported food

3.3.1 The Food Standards Agency requires Local Authorities to include inspection of imported food during routine food hygiene interventions. This activity is included in the calculations and will form part of the overall inspection process. There are currently no border inspection posts, enhanced remote transit sheds or importing agents in Brentwood but officers will routinely look for any food imports during routine visits to check tractability and fitness for consumption.

3.4 Inspection revisits, and revisits for rescoring

3.4.1 It is estimated that of those premises due for inspection, around 3% will require revisits to check compliance and for the purpose of rescoring under the National Food Hygiene Rating Scheme. This will include carrying out revisits to all premises not considered 'broadly compliant' with food hygiene law i.e. those showing elevated risk in the areas of hygiene, structure or confidence in management. This will include revisits to all category 'A' rated premises. Category 'B' premises are also considered eligible for reinspection but only where they are not broadly compliant and where their score is not influenced by their undertaking (such as with residential care homes). The majority of Category 'C' premises will not be expected to be revisited as they are all likely to be broadly compliant with food law. Revisits for the purpose of rescoring will be carried out on demand where a food business has completed all the works necessary to meet the legal requirements set at its previous programmed inspection.

3.5 Appeals against food hygiene rating scores

3.5.1 Under the National Food Hygiene Rating Scheme businesses may appeal against the hygiene score given where they consider it unjust. The matter may be resolved by the Corporate Risk and Enforcement Manager but it may involve reappraisal of the premises in order to properly conclude the score. This may involve a site visit but not in all cases. This may occur in less than 1% of premises. There were no such appeals in 2014/15.

3.6 Non Programmed Inspections

3.6.1 It is estimated that there will be approximately 20 new businesses requiring inspections during 2015/16.

3.7 Food and Food Premises Complaints

3.7.1 The Service seeks to investigate all food complaints with a first response within the target period of five working days. It is estimated that there will be 30 food complaints received during 2015/16. The Service also seeks to investigate all complaints about food premises and food hygiene practices with a first response within the target period. It is estimated that there will be 50 hygiene complaints of this nature. It is also estimated that there will be approximately 20 enquiries concerning the food hygiene rating scheme.

3.8 Primary Authority Principle

3.8.1 Primary Authority gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The Council endorses this approach to food safety. The Service has no formal Primary Authority Agreement with any food business in the Borough, however, it will actively explore such arrangements where suitable candidates are identified.

3.9 Advice to Businesses

3.9.1 Although there is no statutory requirement for authorities to offer free advice to businesses the Service encourages food businesses to seek advice as it encourages levels of compliance. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The 'Hampton Report' entitled '*Reducing administrative burdens: effective inspection and enforcement 2005*' states that; "We expect local authority enforcers to adopt a balance of techniques and approaches in order to ensure the safety and well-being of the public and of the environment and not to rely on any one method. We believe that assisting compliance is every bit as important as detecting non-compliance". This Service then would like to be perceived by food businesses as supportive and helpful and it actively seeks to give this intention.

3.9.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out inspections and other visits but may also be given via telephone calls, newsletters, seminars, leaflets or letters. Officers give advice in accordance with recognised guidance and codes of practice. Currently there are no specific food business partnerships or forums in operation.

3.9.3 In 2011 the Food Standards Agency published the; 'E.Coli 0157 Control of Cross Contamination' guide providing critical information for food business operators and enforcement authorities. The guide aims to increase recognition of the threat of *E.coli* and identifies the need to have stringent measures in place to prevent transmission. It sets out controls in circumstances where food may be contaminated and is handled in the same establishment as ready-to-eat food. Given that very serious outbreaks and fatalities have been associated with this organism this service has produced specialist guidance to assist all

food businesses in their understanding of this organism and on the most effective ways of preventing infection.

3.9.4 In 2014/15 the Food Standards Agency set a 'Campylobacter Target' to: (a) reduce the number of contaminated chickens produced by industry from 27% down to 10%, and, (b) to reduce Campylobacter food poisoning by up to 30% which equates to around 111,000 cases per year. In recognition of this target the Food Safety Team at Brentwood will develop in 2015/16 a 'Safer Food Better Business Manual 'Safe Method' sheet to guide food businesses in the precautions they should take to minimise cross contamination, and where households are concerned they will similarly advertise such precautions via the Council's website and local tabloids through the correct communication channels.

3.10 Food Sampling

3.10.1 The Service participates in food sampling programmes, co-coordinated with Public Health England (PHE) and the Essex Food Liaison Group. This co-coordinated programme includes the organised sampling initiatives. In 2014/15 the Food Team took 110 food samples and 38 swab samples taken in food preparation/server areas. The Service intends carrying out approximately 110 routine programmed food samples in 2015/16 and a similar number of swabs as per last year. In addition, reactive food sampling will also be carried out in respect of food complaints and other suspect food items. Where any samples are found to be unsatisfactory they will be followed up by written communication with the food business and a further inspection or sampling undertaken as necessary in order to improve standards. Targeted food sampling with Brentwood has on occasion identified poor suppliers located outside the Borough. In these cases relevant food businesses within Brentwood are advised to seek their food product from other suppliers producing safer food.

3.10.2 The PHE laboratories located at Collindale will continue to process the analysis of all food samples procured by the authority and provide a no cost courier service to this and other Essex authorities.

3.11 Outbreak Control and Infectious Disease Control

3.11.1 The Service is expected to respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and take action to investigate and attempt to control spread. Officer response should be according to an initial professional assessment of urgency based upon the information available, but in any event no longer than the response period determined in the targets section. Officers are also required to liaise with the Centre for Communicable Disease Control (CCDC) and 'Public Health England'.

3.12 Food Safety Incidents

3.12.1 The procedure followed in respect of food alerts and updates is in accordance with Food Safety Act 1990 Code of Practice. The Service is connected to the Environmental Health Computer Network (EHC Net) to allow the receipt of food hazard warnings, as these are transmitted by the Department of Health (DOH) using this system. The FSA is likewise provided with the contact number of the authority which can be contacted out of hours where necessary. Food safety incidents are responded to on a risk assessed basis. In 2011 the Borough successfully prosecuted a business found to be at the centre of a Scombrototoxin food poisoning outbreak.

3.13 Food Standards work

3.13.1 Although Brentwood Borough Council had an arrangement with Essex County Council to share elements of food safety enforcement this has now ended mainly in response to new legislation giving non-unitary authorities new powers in relation to the control of allergens in food. Therefore, from time to time, officers of this authority will be incorporating related questions concerning allergens in to their routine inspections. Complaints concerning allergens will also be investigated by the relevant authority.

3.14 Liaison with other organisations

3.14.1 Arrangements are in place to ensure that enforcement action taken by the service in the Brentwood Borough is consistent with enforcement action carried out within neighbouring local authorities. This includes:-

- Active support of the Essex Environmental Health Managers Group which includes regular meetings and contact between Essex authorities and also has representatives from Trading Standards, PHE and CCDC representatives;
- Peer review bench marking exercises with all Essex Local Authorities;
- Regular discussions amongst officers in respect of Local Government Regulation guidance;
- Attending Chartered Institute of Environmental Health (CIEH) branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net);
- The Essex Health Protection Team in respect of the investigation of suspect food poisoning outbreaks which involves contact with the consultant in communicable disease control (CCDC). A representative from the Service regularly attends the PHE Liaison Meeting which among other things is the body which devised the Joint Health Authority/Local Authority Outbreak Control Plan.

3.15 Specialist Food Safety Information

3.15.1 This is obtained through the Essex Food Liaison Group of which all Essex councils are members.

3.16 Food Safety Promotion

3.16.1 The Food Safety Team provides up to date information on the Council's website which enables residents and food businesses to view the services available and to download formwork including that for business registration and training.

3.16.2 The Service responds to changes in legislation and current concerns about food by educating proprietors during officer visits and by sending out mail shots.

3.16.3 The Service provides Safer Food Better Business manuals to all new food businesses that wish to enshrine this as their food safety management system.. These are currently obtained free from the Food Standards Agency and where appropriately used and put into practice may conform with the legal requirement of providing a food safety management system based on HACCP (Hazard Analysis, Critical Control Points).

3.16.4 In 2011 the authority produced two supplements for the Safer Food Better Business manual. One was in response to a Scombrototoxin food poisoning outbreak, and the other concerning *E.Coli* was in response to a Food Standards Agency request to bring this hazard more firmly to the attention of business. Both supplements have since been circulated within the Essex authorities and copies provided to the Food Standards Agency. The authority will provide further such information where it is necessary to alert businesses or consumers to significant food risks.

3.17 Food Hygiene Training

3.17.1 The Service offers the CIEH Level 2 Food Hygiene courses at the Town Hall. This qualification provides food handlers with training in food safety which may be deemed compliant with the legislative requirement to receive commensurate training and instruction. The Service plans to offer 6 of these type courses conducted bi-monthly. The courses are chargeable. Many local food businesses use the Council's course as it is local and taught to a high-level.

3.18 Conflicts of Interest

3.18.1 For Services provided by Borough Health, Safety and Localism - the food safety code of practice requires food authorities to ensure that officers are always aware of potential conflicts of interest that can arise in enforcement situations through promotions of its own food authority's services.

3.18.2 Although the authority provides the Level 2 Food Hygiene Course it may not publicise this over and above others that are available. To this end it will also provide details upon request of other local providers within this market.

3.18.3 For enforcement within Local Authority managed premises - where the Council is the operator of food businesses or employs contractors to run food businesses there is scope for conflict of interest. When the Service is enforcing food hygiene legislation it applies the same national criteria in respect of scoring and inspecting businesses to determine the inspection frequency as it does for all its businesses. The council owns some premises providing parks and activity functions that fall within this category. This matter is dealt with within Food Safety Procedure 021 'Food Safety Enforcement'.

3.18.4 In relation to contractors - enquiries are made to ensure that any contracted enforcement officers are independent from any of the food businesses they may be involved with in food safety enforcement work.

3.19 Health and Safety inspections and interventions within food premises

3.19.1 The Health and Safety Service Plan sets out the Authority's intentions for health and safety enforcement and in-line with Health and Safety Executive (HSE) requirements. Authorities are not now expected to carry out a thorough proactive health and safety inspection whenever carrying out a food hygiene inspection. However, HSE document LAC 67/2 (rev 4.1) now specifically points local authorities to dangers relating to electrical safety and encourages them to take on a variety of interventions to reduce related hazards. This includes specific targeted inspections, increasing awareness and visiting new business start-ups.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The financial allocation for inspections and complaint work for 2015/16 is as follows: -

COST CENTRE = FOOD SAFETY ENFORCEMENT	
AREA OF SPEND	AMOUNT £
Equipment	333
Publications	333
Clothing	133
Salaries	65,033
National Insurance Payments (staff)	5,060
Pensions (staff)	9,233
Recharges	81,733
Contractors undertaking food hygiene enforcement and sampling	19,666
Software Support & Maintenance	2,526
Subscriptions	1,000
Payroll allowances	640
Temporary Employees (Food Hygiene Course)	2,000
General fees and charges	-5,000
TOTAL	182,690

Figure 4.0: Financial allocation.

4.2 Staffing Allocation

4.2.1 There are three officers employed: -

- Environmental Health Manager (1.0 Full Time Equivalent) (FTE*)
- Principal Environmental Health Officer (1.0FTE), and
- District Environmental Health Officer (0.6FTE)

4.2.2 Officers in these posts are authorised to enforce food safety legislation consistent with their qualifications in accordance with the relevant Food Safety Act Code of Practice to enforce food safety legislation in food premises rated 'A-E'. These staff not only do food work - they form a team which carries out duties in respect of health and safety, infectious disease control, licensing and animal welfare, etc. The cost of providing officers within these posts is £97,549

4.2.3 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.90 FTE is allocated to the Food Safety Service.

4.2.4 A budget of £19,666 is allocated for the work of outside analysts and consultants each year to cover for food inspections, sampling and complaint work.

4.2.5 The number of staff and financial allocation available at these levels are deemed adequate to carry out the food safety function as required.

4.3 Staff Development Plan

4.3.1 The Service ensures that necessary training is given to officers to enable them to carry out their duties competently. The Environmental Health Manager is a voting member of the Chartered Institute of Environmental Health (CIEH), and has attained Chartered Status of the Institute. Voting members and those with chartered status of the CIEH are required to undergo at least 20 and 30 hours respectively of continuous professional development (CPD) per year. In compliance with the appropriate Food Safety Act Code of Practice, all officers in the food team will receive 20 hours of food training.

4.3.2 Staff receive annual appraisals and one to one meetings with their manager on a routine basis. In addition, regular team meetings take place during which training needs are discussed. A representative from the food team regularly attends the Essex Food Liaison Group Meetings. These meetings provide a useful forum for identifying common training needs for food enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs.

*FTE = The ratio of the total number of paid hours during a period (part time, full time, contracted) by the number of working hours in that period Mondays through Fridays. The ratio units are FTE units or equivalent employees working full-time. In other words, one FTE is equivalent to one employee working full-time. For example: You have three employees and they work 50 hours, 40 hours, and 10 hours per week – totaling 100 hours. Assuming a full-time employee works 40 hours per week, your full time equivalent calculation is 100 hours divided by 40 hours, or 2.5 FTE.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Systems

5.1.1 In recognition of the need to provide an effective food safety service to both the consumers of food and proprietors of food businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

5.1.2 The following systems assist in assessing and ensuring the right level of quality is provided:-

- Regular monthly Food Safety Team meetings which are fully minuted and officers appropriately tasked;
- Bench marking exercises with other food enforcement services in Essex and elsewhere;
- Team meetings for sharing good practice and consistency;
- Joint inspections with the food enforcement officers' by their line manager provides an opportunity to monitor the officers' inspection techniques and to discuss the outcome. Officers are also encouraged to carry out joint inspections with other team members in order to share best practices;
- Counter signing of formal enforcement notices prior to service;
- Monitoring of copy letters which have been sent out by officers;
- Joint visits and auditing of officers during inspections and the paperwork they produce;
- Completion of an aide-memoir form providing permanent record of the findings of each inspection, which can be monitored and discussed;
- Documentation of various procedures;
- Implementation of external third party auditing which will involve scrutiny by food enforcement officers from other local authorities in Essex, co-ordinated by the Essex Food Group;
- The food hygiene training provided by the service delivers is periodically audited by the CIEH;
- Internal audits – the unit received an internal audit in 2011 and attained a 'substantial assurance standard' with no major or critical priorities identified;
- Third party monitoring and auditing of performance targets by the FSA. The service was re-audited by the Food Standards Agency in October 2011. All actions stemming from that audit have now been completed.

SECTION 6: REVIEW

6.1 Review against the Service Plan

6.1.1 Under the current performance management framework service plans include a number of targets and performance indicators. During the course of the year Borough Health, Safety and Localism formally monitors its performance against targets and on a monthly and quarterly basis. Performance indicators in relation to the food service that are currently in the corporate performance management framework documentation may be reported to members during the year.

6.2 Identification of any variation from the Service Plan

6.2.1 The performance levels for the period 2014/15 are broadly in conformance with that period's service plan.

6.3 Areas of Improvement

6.3.1 The Service has prepared various documented internal Quality Management Systems and regularly extends and reviews the number of documented procedures. This exercise is being repeated in 2015/16.

6.3.2 The Service has now fully adopted the Uniform data base system which greatly enhances the type, quality and depth of information held on food businesses as well as complaints. The system has brought about improvements in service and in particular enables historic tracking of compliance within premises plus enhances progressive enforcement as the authority tries to improve standards in food businesses.

SECTION 7: TARGETS/STANDARDS

7.1 Targets and standards applied

7.1.1 The following targets and standards are utilised: -

- To operate a food hygiene interventions system whereby all food premises (100%) within the Borough and in accordance with the Food Safety Code of Practice receive timely interventions in the form of inspections, audits or a process of alternative enforcement in order to bring about compliance with all applicable food hygiene related statute.
- That all new food businesses will be visited and assigned an inspection rating within 28 days of becoming registered with the authority (receipt of the registration form).
- To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to official

Codes of practice, Local Government Regulation Guidance and Borough Health, Safety and Localism Enforcement and Prosecution Policy.

- Officer responses to food related complaints and FSA's Food Alerts will be according to the initial professional assessment of urgency based upon the information available, but in any event not longer than 5 working days.
- To attend the Essex Food Liaison Group and to liaise with other District Councils, Essex County Council, Public Analysts and the Public Health Laboratory Service as required by the official Code of Practice.
- To record cases of notifiable disease and maintain weekly reports to ensure that statistical returns to authorised external agencies are produced as required.
- To respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and to take action to control their spread. Officers' response to communicable disease notification should be according to the initial professional assessment of urgency based upon the information available, and in any event not longer than 5 working days.
- Implement bacteriological food sampling of 110 programmed samples, in addition to any samples required following an inspection. At least 10% of routine samples will be imported food.
- Implement chemical and bacteriological water sampling programme for private well water supplies as required.

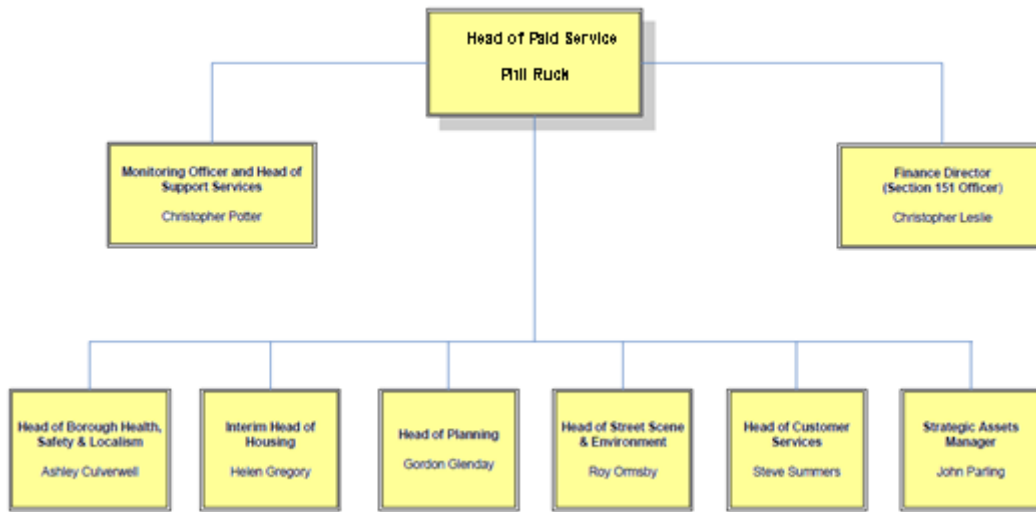
SECTION 8: PERFORMANCE INDICATORS

8.1 Performance indicators applied: -

8.1.1 The following performance indicator is utilised: -

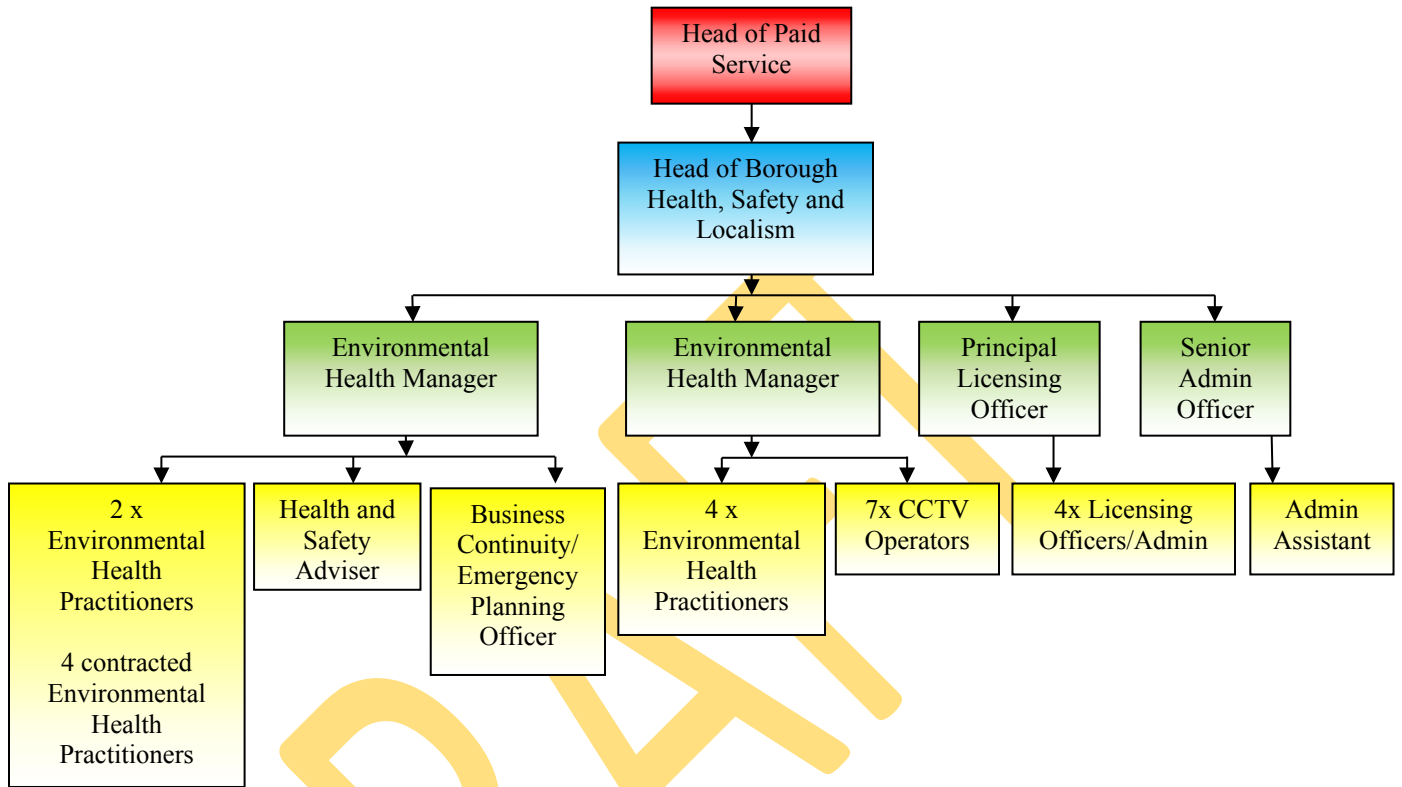
- (i) 97% of food premises are broadly compliant (those with a score of no more than 10 within the categories of food hygiene, structure and food safety management) with food safety legislation. The percentage of food premises now broadly compliant is around 98% which is 10% greater than it was within the Borough four years ago. This is reported on a monthly basis and as a cumulative figure.

Appendix 1 – Structure of the Council



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Appendix 2 – Borough Health, Safety and Localism Structure



Appendix 3 BOROUGH HEALTH, SAFETY AND LOCALISM ENFORCEMENT POLICY

INTRODUCTION

Local Councils enforce legislation to protect individuals and the community as a whole. Borough Health, Safety and Localism carry out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. To help achieve this, the Service will:

- work within the legal framework and apply the law fairly
- deal with customers with honesty and integrity
- remain responsive to customer needs
- work in partnership with groups which represent our customers
- make the service accessible
- use the resources available to the maximum benefit of our customers
- train and develop our staff to ensure their effectiveness
- treat our staff and customers equally, regardless of race, colour, ethnic or national origin, sex, marital status, disability, age, sexual orientation or political beliefs.

The purpose of this document is to publicly summarise how the Council's adopted enforcement policies for Borough Health, Safety and Localism seek to achieve compliance. It should be noted that there are some additional service-specific enforcement requirements i.e. health & safety and food safety. Detailed service-specific policies and procedures, where needed, are separately held, updated, audited and reviewed by the Service. Information on these may be obtained from Borough Health, Safety and Localism.

COUNCIL AIMS AND OBJECTIVES

Brentwood Borough Council has set out its strategic aims and objectives and Borough Health, Safety and Localism at the Council carries out its duties in support of these aims. The specific aims and objectives relating to enforcement services can be found in the Service Plans. These along with the Council's corporate aims and objectives can be obtained from the Town Hall or by visiting www.brentwood.gov.uk.

These objectives will be achieved through education, guidance, advice and warning letters and, where necessary, by appropriate legal action, including the service of statutory notices, compliance notices, suspension notices, prohibitions, formal cautions and prosecution.

The Human Rights Act 1998, which came into force in October 2000, places general obligations on enforcement bodies to ensure fair treatment for all, to prevent any form of prejudice and to provide a right to privacy. This policy reflects the provisions of this Act in general terms as officers are required to follow agreed policies and procedures and work within their legal powers. Individual team procedures and guidance notes will cover specific areas of the Services' work where particular care must be taken to ensure the Act is followed.

Enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act
- Equal rights and anti-discrimination legislation
- Service specific legislation
- All other relevant legislation applicable from time to time
- Crown Prosecution Service guidelines

If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies. This could include situations where there is a shared or complementary enforcement role with other agencies, such as the Police, Health & Safety Executive (HSE), Office of Fair Trading (OFT) or Trading Standards. Any such action will be undertaken in compliance with the Data Protection Act 1998. Other requests for information will be considered having regard to the Freedom of Information Act 2001 and the Data Protection Act 1998.

The Services have incorporated within the enforcement policy all aspects of good enforcement practice in accordance with the elements of the Enforcement Concordat, which the Council has signed (a full version of the Enforcement Concordat is available by visiting www.cabinetoffice.gov.uk the Cabinet Office web site).

The use of enforcement action will be proportional to any offence committed, consistent in application (including, where relevant, consistency with other local authorities or enforcement agencies), transparent in its use and appropriate to the circumstances of the particular case in question. In particular:

- The policy is readily available at The Town Hall or by visiting www.brentwood.gov.uk on the Council's web site or can be sent on request.
- A copy of any relevant service-specific enforcement procedures will be available on request.
- We will consult with our customers to obtain continuous improvements to our policy and procedures.
- We will ensure that businesses are not required to carry out works at unnecessary expense.

Borough Health, Safety and Localism will carry out its enforcement functions in an equitable, practical and consistent manner and to this end the Services are committed to:

- drawing up clear standards, setting out the level of service and performance the public and business people can expect to receive;
- dealing with the public and business community in an open and honest way;
- providing a courteous, efficient and helpful service;
- responding promptly and positively to complaints about the service;
- ensuring that enforcement action is proportionate to the risks in each case.

While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with relevant legislation, the Council will help them,

where possible, to understand their legal responsibilities. The aim of the Council is to secure compliance with the legislation, which it will do by making the most efficient use of the Council's resources and having regard to minimising burdens on businesses.

This policy supports and supplements specific guidance on enforcement action contained in statutory Codes of Practice, government guidelines, approved industry guides, co-coordinating bodies such as the Local Authorities Coordinators of Regulatory Services (Local Government Regulation), the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) and other approved sources.

ENFORCEMENT OPTIONS

Enforcement decisions shall be consistent, balanced, fair and relate to common standards that ensure the public, businesses, employees and the environment are adequately protected.

In order to achieve and maintain consistency of enforcement, officers will have regard to official guidance and codes of practice.

In the areas of food safety the Home Authority Principle set up by Local Government Regulation shall be adhered to and in the area of health and safety the Lead Authority Principle shall be adhered to. Where applicable, the comments of the home, lead or originating authorities shall be considered.

The factors to be considered in coming to an enforcement decision include: -

- the seriousness of the offence;
- the past history of the offender;
- the confidence in management and the degree of wilfulness involved;
- the consequence of non-compliance;
- mandatory/discretionary duties;
- the likely effectiveness of the various enforcement options;
- the different technical means of remedying the situation;
- the impact of the enforcement choice in encouraging others to comply with the law;
- the public interest/benefit.

In the event of a contravention being detected, the following enforcement options are available: -

- Advice or warning letter
- Statutory powers, for example service of notice or seizure provisions
- Simple caution
- Prosecution
- Revocation of a license
- Injunctive restraint

- Execution of work required by statutory notice where the recipient has not complied and recovery of all reasonable costs incurred
- Compulsory purchase /management/control of property
- Fine and statutory charges.

In some cases a combination of these options may be appropriate. Officers will comply with Codes B, C and E of the Police and Criminal Evidence Act 1984 (PACE) as it relates to local authority enforcement.

Code B deals with police powers to search premises and to seize and retain property found on premises and persons. Code C sets out the requirements for the detention, treatment and questioning of suspects not related to terrorism in police custody by police officers. Code E deals with the tape recording of interviews with suspects in the police station.

ADVICE, ISSUE OF INSPECTION REPORTS, WARNING LETTERS

If no breaches of legislation are discovered, or if the officer believes that a complaint or contravention does not warrant investigation or action, then it may be appropriate to take no action.

When a contravention is detected which, in the opinion of the officer should be dealt with by advice or warning letter, where appropriate the officer will issue a report of inspection specifying the details of the alleged infringements. Where the report or letter specifies a period of time in which corrective action should be taken, the officer will make a professional decision having regard to its priority and available resources as to whether a re-visit is appropriate to the premises to check compliance.

It will be appropriate to give advice or a warning when:

- the act or omission is not serious enough to warrant a simple caution or prosecution;
- from past history it can be reasonably expected that such action will achieve compliance;
- confidence in the individual and/or organisation is reasonably high;
- the consequences of non-compliance will not pose a significant risk to public health.

When such an approach is used to secure compliance with legislation, any written documentation issued will:

- specify the legislation that has been contravened;
- specify what remedial action is required, together with the reasons;
- ensure that any recommended areas of good practice which are above the minimum levels required by statute are clearly differentiated within the document;
- where examples are given of how compliance may be achieved, make clear that alternative means of compliance may also be acceptable;

- highlight the right to question works required by raising the matter with the relevant named manager.

In the case of health and safety matters, a copy will be sent to staff representatives.

STATUTORY NOTICES

The statutory notice procedures will, in general, be used to enforce legislation which relates to risks to health or quality of life.

Failure to comply with statutory notices will, other than in exceptional circumstances, result in prosecution and/or works in default.

All statutory notices will be signed by an appropriately trained, experienced and authorised officer. The officer will be satisfied that the contravention is significant and that all appropriate criteria are met.

Sufficient evidence will be available to justify the notice, and details of all evidence will be properly recorded to satisfy PACE and Criminal Procedure and Investigation Act (CPIA) requirements.

Time limits given will be reasonable.

Other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Recipients of notices will always be informed in writing of their rights to appeal and these will normally be on the rear of the notice. They will also normally be informed in writing of the consequences of non-compliance.

In the case of breaches of Health and Safety legislation, copies of notices will be made available to staff representatives. Notices having public safety or environmental implications will be placed on a register accessible to members of the public on request where this is a statutory requirement to do so.

Compliance with the notice will be checked as soon as practicable after the expiry date of the notice. Reasonable requests in writing for time extensions to notices will be considered having regard to the seriousness/threat to public safety and the environment.

Confirmation of an extension of time or reason for a rejection of an extension of time will be put in writing to the applicant.

Works in default: - Where the powers of works in default are available, officers will consider the options and take the most appropriate form of action in each case, having regard to the benefit of carrying out the works, likely resultant harm if the works are not carried out and the practicalities of undertaking the works.

SIMPLE CAUTIONS

National standards for “The Cautioning of Offenders” are laid down in a Home Office Circular.

The option of cautioning is considered on the basis that there is no rule of law that suspected offenders **MUST** be prosecuted and that cautioning represents a possible alternative course of action. Simple cautions will therefore be issued in accordance with the current Home Office circular, and will be considered against the criteria listed below.

A properly administered simple caution (which should not be confused with a letter of warning) may be cited at a future court hearing provided that the caution was administered for an offence committed within three years of the offence for which the prosecution is brought.

A prosecution will only take place where it is in the public interest and where there is sufficient evidence (see prosecution section below) to support that course of action. In cases where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a simple caution may well be appropriate.

Where a simple caution has been accepted other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Simple cautioning will not be used as an alternative to a weak prosecution case.

A simple caution may be issued as an alternative to prosecution. Simple cautions will be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

In considering whether to administer a simple caution the following criteria must be met:

- there must be evidence of the offender’s guilt sufficient to give a realistic prospect of conviction. In other words a conviction should be more likely than an acquittal before a court of law;
- the offender must admit the offence; and
- the offender must be an adult and must understand the significance of a caution and give informed consent to being cautioned. This agreement will not be sought until it is decided that cautioning is the correct course of action.

In deciding whether to caution or prosecute the following factors must be taken into consideration:

- the nature and seriousness of the offence;
- the likely penalty if the offender was convicted by a court;
- the offender's age and state of health;
- the offender's previous criminal history;
- the offender's attitude towards the offence;
- the views of the victim or any aggrieved party;
- whether compensation has been paid;
- public interest;
- the likelihood of re-offending.

If a prosecution is deemed not to be required in the public interest it will often be appropriate to take no further action (other than to give advice) and this course will always be considered. However, the nature of the offence and other factors may make it more desirable to issue a caution.

If an offender refuses to accept a simple caution, the service manager will reconsider the evidence and decide whether or not a prosecution should be instituted.

PROSECUTION

The Council recognises that the decision to prosecute is significant and could have far reaching consequences for the offender.

Prosecution will in general be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

The circumstances where prosecution is appropriate will include one or more of the following:

- Where there is a blatant disregard for the law such that there is a risk to public health, safety, well being or the environment;
- Where there is a failure to correct an identified serious problem after having been given a reasonable opportunity to do so by an authorised officer;
- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Where there is a history of similar offences.

In all cases the prosecution must be in the public interest and there must be a realistic prospect of conviction and sufficient evidence to support proceedings.

There may be circumstances where, as well as prosecution, it will also be appropriate to serve a statutory notice to enforce the remedy.

The final decision on whether to prosecute shall be made after:

- the suspected offender has been given the opportunity to offer an explanation;

- wherever possible a full and complete prosecution report file has been prepared and presented to the service manager; and
- the initiating officer has fully discussed the case with the service manager.

In deciding whether or not to prosecute for an alleged infringement, regard will be had to 'The Code for Crown Prosecutors'. In particular a prosecution should not be commenced unless the 'Evidential Test' and the 'Public Interest Test' criteria specified in the Code have been met.

In considering whether the relevant criteria are met, the following factors will be considered:

- The seriousness of the alleged offence; where there is a risk of harm to public health or a disregard of legal standards for financial reward;
- The previous history, in particular whether there is a history of similar offences, or a failure to respond positively to past warnings or statutory notices;
- Any likelihood of being able to establish a defense;
- The reliability of the evidence available;
- The ability of witnesses and their willingness to co-operate;
- Any willingness by the defendant to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case especially with respect to legal precedent;
- Any explanation offered by the company or suspected offender;
- Whether the offence was premeditated;
- The need to influence the offender's future behavior;
- Whether the evidence shows the defendant is an organiser of the offence;
- Whether the defendant was in a position of authority or trust;
- The effect on the offender's, or a witness's physical or mental health, balanced against the seriousness of the offence;
- The views of any victims;
- Whether the offence, although not serious in itself, is widespread in the area where it was committed;
- Whether the offender has put right the harm caused;
- Whether there is a realistic prospect of conviction.

Factors against prosecution would be that a small penalty is likely to be imposed, or the offence is due to a genuine mistake or misunderstanding, but this must be balanced with the seriousness of the offence.

Consideration will be given to prosecuting directors of bodies corporate where:

- it appears that the offence was committed with his/her consent, connivance or neglect; or
- it is likely that the body corporate may be wound up to avoid criminal proceedings.

Prosecution of employees will only be considered in exceptional cases e.g. where the employee has clearly contradicted the employers' instructions; has been deliberately obstructive or has acted in a grossly negligent or wilful manner.

In cases of obstruction, prosecution will always be considered where this has resulted either in undue delay or in additional work/costs to the local authority, or where false information has been given deliberately.

Where there has been a death at work resulting from a failure to comply with health and safety law, the matter will be referred to the police if the circumstances of the case might justify a charge of manslaughter. The police are responsible for deciding whether or not to pursue a manslaughter case and this may occur alongside a prosecution for health and safety breaches. In all cases, the work related deaths protocol for liaison signed by the Police, British Transport Police, the Crown Prosecution Service, the Health and Safety Executive and the Local Government Association will be followed.

On completion of prosecution cases, officers must inform other interested bodies of the outcome of the case as necessary. In particular, any complainants or victims will be informed. The outcome of the case will be reviewed with the relevant service manager to discuss any necessary future action.

TRAINING, COMPETENCY AND AUTHORISATION

Only duly authorised officers may undertake enforcement duties in accordance with the Council's scheme of delegation. Officers will only be authorised where their level of qualification, training and experience are considered acceptable. Newly appointed or transferred officers will also be assessed by their manager for competency and referred for training where necessary, in accordance with the training policy and the Council's 'Investors in People' appraisal scheme. Only officers with two or more year's experience will be authorised to sign Hygiene Emergency Prohibition Notices served under regulation 8 of the Food Hygiene (England) Regulations 2006 or Emergency Prohibition Notices served under section 12 of the Food Safety Act 1990.

Officers undertaking enforcement duties will be suitably trained and qualified to ensure they are fully competent to undertake their enforcement activities. Qualifications will be based on current government guidance. Appropriate training programmes for officers will be set up to achieve the necessary competence. The training requirements to achieve the necessary level of competence will be regularly reviewed by the service managers. Training will be prioritised within available resources.

Officers are responsible for ensuring they have regard to relevant guidance documents laid out in service procedures.

MANAGEMENT SYSTEMS

The Council will maintain a management system to monitor and review the quality and nature of the enforcement activities undertaken in these services in order to demonstrate the effectiveness of the policy with respect to its aims and objectives and

to recommend changes and improvements. This will be periodically reviewed by service managers.

Service managers will ensure all staff are trained to ensure they are fully conversant with this policy and arrange retraining and updating when necessary.

COMPLAINTS AGAINST THE SERVICE

If any person is aggrieved with the action taken or information or advice given by officers of Brentwood Borough Council or believe they have not received fair or consistent treatment as outlined in this policy, they will be given the opportunity to discuss the matter with the relevant line manager.

If not satisfied by those discussions the matter can be taken up with the service manager, who will consider the complaints, decide whether the enforcement policy has been breached in this instance and give a reply in writing. This is without prejudice to any formal appeal mechanism. If the problem cannot be resolved, the person will be informed of the Council's complaints procedure.

Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

Web site: www.brentwood.gov.uk

Borough Health, Safety and Localism Service
Tel: 01277 312502
Fax: 01277 312526
email: hoehpps@brentwood.gov.uk

Licensing Service
Tel: 01277 312503
Fax: 01277 312526
email: licensing@brentwood.gov.uk

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BRENTWOOD BOROUGH COUNCIL

ENVIRONMENTAL HEALTH

**STATUTORY HEALTH AND SAFETY SERVICE
PLAN FOR HEALTH AND SAFETY LAW
ENFORCEMENT
2015/16**

Drawn up in accordance with the Health and Safety Commission's Guidance issued under Section 18 of The Health and Safety at Work etc Act 1974

Approved by the Community and Health Committee - 22nd June
2015

CONTENTS

	Page
INTRODUCTION	4
SECTION 1: SERVICE MISSION STATEMENT	6
SECTION 2: SERVICE AIMS AND OBJECTIVES	6
2.1 Aim	6
2.2 Objectives	7
2.3 Links to Corporate Objectives and Plans	7
SECTION 3: BACKGROUND	7
3.1 Organisational Structure	7
3.2 Scope of the Health and Safety Service	7
3.3 Demands on the Service	8
3.4 Proactive Planned Interventions Programme	9
3.5 Topic Based Interventions Work Plan	10
3.6 Non-English speaking businesses	11
3.7 Service hours	11
3.8 Enforcement Policy	11
SECTION 4: SERVICE DELIVERY	11
4.1 Health and Safety interventions Programme	11
4.2 Revisits	12
4.3 Health and Safety Related Complaints	12
4.4 Reports of Accidents Diseases and Dangerous Occurrences	12
4.5 Lead Authority Principles	12
4.6 Advice to Businesses	12
4.7 Liaison with other Organisations	13
SECTION 5: RESOURCES	13
5.1 Financial Allocation	13
5.2 Staffing Allocation	14
5.3 Staff Development Plan	14
5.4 Section 18 Compliance	15
5.5 Regulators' Development Needs Analysis RDNA	15
SECTION 6: QUALITY ASSESSMENT	16
6.1 Assessing Levels of Quality	16
SECTION 7: REVIEW	16
7.1 Review against the Service Plan	16
7.2 Identification of any Variation from the Service Plan	17
7.3 Areas of Improvement	17
7.4 Enforcement Policy and Practices	17
7.5 Managed Work Programme and Service Plans	17
7.6 Training and Competence	17
7.7 Investigations and Accidents, Complaints etc.	18
SECTION 8: TARGET/STANDARDS	18
8.1 Targets and standards applied	18
SECTION 9: PERFORMANCE INDICATORS	19
9.1 Performance indicators applied	19

Appendix 1	Structure of the Council	20
Appendix 2	Structure diagram of Environmental Health	21
Appendix 3	Environmental Health Enforcement Policy	22
Annex 1.0	Range of Interventions currently available	32

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INTRODUCTION

This is Brentwood Borough Council's 2015/16 Health and Safety Service Plan dedicated to the health and safety enforcement function. It covers all elements of safety relating to premises and functions falling within this local authority's remit for health and safety enforcement (*refer to the Health and Safety (Enforcing Authority) Regulations 1998 and Operational Circular No. OC 124/11*).

The Health and Safety Service Plan is an expression of this authority's commitment to the development of the Health and Safety Service and is a requirement of the Health and Safety Commission (HSC) as the body that monitors and audits local authorities' activities on health and safety enforcement.

The format and content of this service plan incorporates mandatory guidance issued by the HSC under Section 18 of The Health and Safety at Work etc. Act 1974. This section is the standard which local authorities must reach in relation to priorities and planning.

The health and safety enforcement scene across the UK continues to undergo dramatic change. Through its actions via LA Code of Practice LAC 67/2 (draft revision 4.1) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations the Government has sought to reduce the amount of local authority interventions by approximately 1/3 to lower the burdens upon business and to increase interventions within riskier businesses. As a consequence of this instruction however, local authority inspections have dropped by an average of 95% and prosecutions dropped by 33%. Where health and safety interventions would commonly take place alongside food hygiene inspections this no longer routinely occurs as Councils have been directed away from visiting almost all lower-risk commercial premises. Similarly, few accidents are now reported to local authorities as the requirement to notify has been increased from three to seven days. Furthermore, local authorities are now expected to use 'intelligence information' to root out poor practices but the requirement to register premises for health and safety enforcement has also ended making this task almost impossible. It is arguable that this move has now put more employees within UK businesses at risk including those within Brentwood and local government enforcers including this Borough as part of the Essex Authority Health and Safety Liaison Group have sent warnings to Central Government about this. Concerns have also been sent by the Chartered Institute of Environmental Health which represents local authority Environmental Health Officers.

For 2015/16 then, the interventions likely to be achieved by Brentwood Borough are likely to fall still further on what has been achieved in previous years. The Authority remains under a statutory obligation to enforce health and safety law but cannot carry out interventions where it has been instructed not to. Work in 2015/16 will therefore mainly consist of health and safety projects where risks in certain sectors can still be identified, although such projects cannot be maintained indefinitely as they will become burdens on particular businesses themselves. The situation is unlikely to turn around unless there is change in government policy or UK accident rates increase.

Brentwood Borough Council will therefore continue to inspect/carry out interventions in all permitted premises/activities within its enforcement remit and will investigate all significant accidents and incidents brought to its attention.



Ashley Culverwell
Head of Borough Health Safety and Localism

May 2015

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SECTION 1: SERVICE MISSION STATEMENT

The Environmental Service Mission Statement is: -

Environmental Health - 'seeks to remove or control those adverse factors affecting health, safety and well being in the living and working environment that come within its remit by educating, advising, monitoring and enforcing relevant statutory duties and discretionary powers.'

SECTION 2: SERVICE AIMS AND OBJECTIVES

2.1 Aim

2.1.1 The aim of Environmental Health is to ensure that the health and safety of those who live, visit, and work within the borough is not adversely affected by the work or activities undertaken by any employer – '*so far as is reasonably practicable*' (reference: Health and Safety at Work etc. Act 1974).

2.2 Objectives

The objectives of Environmental Health are: -

2.2.1 To secure '*so far as is reasonably practicable*' compliance with health and safety legislation and seek to ensure that regard is had to Approved Codes of practice and guidance issued by the Health and Safety Commission.

2.2.2 To support the Government's 'Strategy for workplace health and safety in Great Britain to 2010 and beyond' (Ref <http://www.hse.gov.uk/consult/condocs/strategycd.pdf>). This sets the following targets: -

- To develop new ways to establish and maintain an effective health and safety culture in a changing economy, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed;
- To do more to address the new and emerging work-related health issues;
- To achieve higher levels of recognition and respect for health and safety as an integral part of a modern, competitive business and public sector and as a contribution to social justice and inclusion.

2.2.3 To increase the awareness of workers, including safety representatives, and managers in respect of:-

- Health and safety issues
- Specific skills in risk assessment and risk management
- Skills related to the hazards of particular tasks and occupations.

2.2.4 To raise awareness of the importance of health and safety training, encourage substantial improvements in the quality and quantity of health and safety training, and promote an awareness of the importance of competence in controlling risk.

2.2.5 To provide health and safety interventions that form part of the national strategy to reduce accidents, ill health and sickness absence through participation in major and local campaigns.

2.3 Links to Corporate Objectives and Plans

2.3.1 The Brentwood Council Corporate Plan 2013-2016 sets out the Council's ambitions, priorities and key pledges to residents and businesses over the next three years. The Plan seeks to reduce the burden on well-managed businesses and this Service Plan demonstrates that health and safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to provide information via its website.

2.3.2 The policies set out in the Local Plan seek to achieve a balance between community health and development. The Service aims to reduce lost days through work-related ill health and work-related accidents and support economic development. The Borough aims to take a balanced approach to health and safety enforcement which safeguards health but does not act as a disincentive to business.

2.3.3. The Corporate Plan also includes indicators relevant to response times including complaints concerning health and safety.

SECTION 3: BACKGROUND

3.1 Organisational Structure

3.1.1 The structure of the Council and the structure diagram for Borough Health, Safety and Localism are attached as Appendix 1 and 2.

3.2 Scope of the Health and Safety Service

3.2.1 To carry out a risk based health and safety interventions programme having regard to HELA Circular LAC 67/2 (revision 4.1). Although this is currently in draft form with no planned release date it is likely that the guidance will be adopted in its present form.

3.2.2 To investigate and resolve complaints about breaches of health and safety legislation having regard to the Health and Safety Commission's (HSC) guidance regarding 'Incident selection criteria' stipulated under HELA Circular LAC 22/13.

3.2.3 To investigate and take appropriate action following receipt of notifications of reportable accidents, diseases or dangerous occurrences.

3.2.4 To investigate and take appropriate action following receipt of asbestos removal notifications and unsatisfactory lift inspection and pressure systems reports.

3.2.5 To attend premises where allocated to local authorities and perform interventions, inspections, special visits, and revisits in relation to results and other investigations.

3.2.6 Take informal or statutory action including notices, seizure, prohibition, prosecution or issuing simple cautions to secure compliance with the legislation having regard to the Service's enforcement policy and HSC's guidance on the 'choice of appropriate enforcement procedures'.

3.2.7 Maintain an accurate database of health and safety premises in the Borough (*so far as is possible* - given that there is no longer any requirement for premises to notify their existence to Local Authorities) and record information to enable the completion of the six monthly LAE1 return to the Health and Safety Executive's (HSE) Local Authority Unit.

3.2.8 To receive and act upon all warnings sent by the HSE or HSC about dangerous practices or equipment as appropriate.

3.2.9 Provide advice and assistance to businesses and the public on health and safety issues.

3.2.10 Provide or arrange for the provision of health and safety training courses and one off courses designed for specifically targeted groups and promote both trade and public education of health and safety issues.

3.2.11 Comment on proposed health and safety legislation, codes of practice and other official documents as necessary and as requested.

3.2.12 To liaise with other organisations such as the Chartered Institute of Environmental Health, HSE, Essex County Council, the Essex Chief Officers Health and Safety Group, the Essex Health and Safety Liaison Group and the Fire Authority to ensure a consistent approach to the enforcement of health and safety issues.

3.3 Demands on the Service

3.3.1 Demands on the Service include: - carrying out proactive inspections and interventions based on risk categorisation; carrying out health and safety projects targeting certain types of premises and activities for inspections and,

responding to and investigating work related accidents and incidents. Planned interventions account for the major demand.

3.4 Proactive Planned Interventions Programme

3.4.1 There are approximately 1092 known businesses in which this Local Authority is responsible for enforcing health and safety legislation. This number is not accurate as the Government has removed the need for any businesses to register with the local authority (unlike with food businesses). When questioned, the HSE have indicated that this should now be done on 'intelligence' only (but the HSE have produced little guidance on what this means).

The known premises within Brentwood Borough can be categorised as follows:

Type of premises	Approximate Number
Retail shops	282
Wholesale, Warehouse	70
Offices	270
Catering Services	177
Hotels	9
Residential Accommodation	19
Leisure & Cultural Service	119
Consumer Services & other Services	111
Other Premises	35
Total	1092

Figure 1.0: Approximate number of premises in Borough by type

3.4.2 In 2014/15 the Authority carried out a number of health and safety projects centered on known high-risk areas. This included asbestos awareness, and falls from height at residential care premises. A specific letter was written to relevant businesses to explain new guidance on storage and selling fireworks safely. The Authority also made available for the first time a downloadable 'Safer Work Better Business' Manual which can be obtained free of charge to businesses providing them with compliance information in a number of key areas. These formed the majority of interventions undertaken. Some premises were inspected based upon a risk rating they had received previously. This is likely to be the programme for 2015/16. In order for the authority to focus its inspections it is likely that it will once again need to carry out surveys to determine which premises reside within its district and therefore those requiring statutory actions. The Authority intends carrying out fifty health and safety interventions in 2015/16 relative to available premises/activities.

3.4.3 Local Authority Circular LAC 67/2 (rev 4.1) in draft requires LAs to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health, and to develop intervention plans targeted to poorly performing businesses.

3.4.4 The LAC states that; 'It is important that LAs are able to justify any inspections they undertake and to conform to the general Hampton principle of; *"no inspection should take place without a reason"* - 'it is no longer acceptable to target the inspection of a premises on health and safety grounds solely because:- another inspection is happening within the area or; an inspection is happening for another purpose or; there is no evidence or intelligence to suggest that there are significant risk factors present or; to undertake random checks on premises or new premises'. Inspections and interventions then will only therefore be carried out in relation to clear evidence of risk in each case.

3.4.5 The LAC requires LA's to consider the full range of interventions at their disposal for managing health & safety risks in their community, these currently are: -

Proactive interventions:

1. Partnership working
2. Motivating senior managers
3. Supply chain
4. Design and supply
5. Sector and industry wide initiatives
6. Working with those at risk
7. Education and awareness
8. Inspection (restricted to category A premises only)
9. Intermediaries
10. Best practice
11. Recognising good performance

Reactive interventions:

1. Incident and ill-health investigation
2. Dealing with issues of concern that are raised and complaints

3.5 Topic Based Interventions Work Plan

3.5.1 In 2014/15 the Authority carried out a number of topic-based inspection programmes. As the Code is so prescriptive about what interventions can occur the inspection programme must abide by this. The topic-based interventions for 2015/16 will therefore include the following areas: - the dangers of exposure to asbestos, falls from height, electrical safety in food premises, swimming pool safety and gas safety in tandoori type restaurants..

3.6 Non-English speaking businesses

3.6.1 Although a data base is being developed there is limited information available at present about the number of non-English speaking business proprietors. It is believed however that the two languages other than English as being significant are Bengali and Cantonese; however the majority of these proprietors are able to speak English or have some one present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies. The Service ensures that appropriate guidance leaflets are available in foreign languages where appropriate and available.

3.7 Service hours

3.7.1 The Service is based in the Town Hall which is situated in Brentwood. The normal hours of service are 8.30 a.m. to 5.00 p.m. Monday to Thursday and 8.30am to 4.30pm on Friday. Where necessary arrangements are made to deliver the service outside of these hours (e.g. in the case of routine inspections to premises which are only open in the evenings). No formal arrangements exist to guarantee emergency cover out of normal hours however senior officers' contact details are given out but this does rely on them being contactable.

3.8 Enforcement Policy

3.8.1 This Service operates to the documented enforcement policy which forms part of the Service's specification (see Appendix 3). This policy has been reviewed having regard to the Government's 'Enforcement Concordat'.

SECTION 4: SERVICE DELIVERY

4.1 Health and Safety Inspection Programme

4.1.1 The new Code of Practice now clearly dictates what local authorities can inspect within their areas. Where this is ignored then there is a complaints structure in place to take local authorities to task should they stray from this policy. However, since last year the HSE has received only one allegation concerning local authorities' actions. Given that there is now so little to inspect, local authorities must rely on health and safety project work if they are to maintain their statutory duties. These projects will be formulated during the year once preliminary work has been undertaken to identify local risks once again.

4.1.2 During visits officers will also check that smoke free legislation is being complied with i.e. the display of appropriate signage and that smoking is not being allowed in public places and enclosed spaces. .

4.2 Revisits

4.2.1 It is estimated that of those premises which receive a proactive inspection approximately 5% will require revisits.

4.3 Health and Safety Related Complaints

4.4.1 The Service seeks to investigate all health and safety related complaints within the target period. It is estimated that there will be 10 such complaints during 2015/16.

4.4 Reports of Accidents Diseases and Dangerous Occurrences

4.5.1 Notifications of accidents, diseases and dangerous occurrences are all considered upon receipt as soon as is practicable. A decision as to whether a full investigation is required is then made in accordance with the 'Incident Selection Criteria' (to be found within LAC 22/13). It is estimated that there will be 50 such notifications logged for investigation during 2015/16.

4.5 Lead Authority Principles

4.6.1 The Council supports the principle of the Lead Authority system but currently the Service has no formal Lead Authority Agreement for any of the businesses in the Borough. However the Service does act in an informal advisory capacity as Lead Authority for one business.

4.6 Advice to Businesses

4.7.1 The service encourages businesses to seek advice. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The service would like to be perceived by businesses as supportive and helpful.

4.7.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out inspections, interventions and other visits but may also be given via telephone calls, seminars, news letters, leaflets, letters or telephone calls. Officers give advice in accordance with recognised guidance and codes of practice. Currently there are no specific health and safety related business partnerships or forums in operation.

4.7.3 Businesses are now able to download a copy of the Safer Workplace Better Business manual for the Councils' extranet. Each download in full or in sections will count for one intervention under the criteria as outlined under LAC 67/2 (REV 4.1).

4.7 Liaison with other Organisations

4.8.1 Arrangements are in place to ensure that enforcement action taken by the Service in the Brentwood Borough is consistent with enforcement action carried out in the neighbouring local authorities. This is achieved by: -

- Active support of the Essex Environmental Health Managers Group which includes regular meetings and contact between authorities.
- Partnership working with the Health and Safety Executive e.g. joint inspections.
- Brentwood is chair to the Essex Health and Safety Liaison Group where all matters pertaining to health and safety enforcement are discussed.
- Peer review bench marking exercises with other Essex Local Authorities.
- Regular discussions amongst officers in respect of HSE and HSC guidance.
- Attending Chartered Institute of Environmental Health's branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net).

SECTION 5: RESOURCES

5.1 Financial Allocation

5.1.1 The financial allocation for 2015/16 is as follows: -

Cost Centre = Health and Safety (enforcement) 2015/16	
Area of spend	Amount £'s
Public Transport	333
Equipment	167
Publications	233
Clothing	67
Salaries	39,913
National Insurance Payments (staff)	6213
Pensions (staff)	4790
Recharges	36213
Contractors undertaking food hygiene enforcement and sampling	9833
Software Support & Maintenance	1000
Subscriptions	500
Payroll allowances	987
Books and Publications	690
TOTAL	100,939

Figure 2.0: Financial allocation.

5.2 Staffing Allocation

5.2.1 There are two full time employed officers and an additional employed officer on a three-day week: -

- Environmental Health Manager
- Principal Environmental Health Officer (full time), and
- District Environmental Health Officer (3 days per week)

5.2.2 Officers in these posts are authorised to enforce health and safety legislation consistent with their qualifications in accordance with the health and safety statute in place. However, it is intended to formally review comparisons against the published national guidance.

5.2.3 In addition to health and safety work they form a team which carries out duties in respect of food safety, infectious disease control, licensing animal welfare and smoke free requirements etc.

5.2.4 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.3 FTE is allocated to the Health and Safety Service.

5.2.5 A budget of £9,833.00 is allocated for the work of outside consultants to carry out proactive inspections and to undertake special health and safety project work.

4.2.6 The number of staff and financial allocation available at these levels are deemed adequate to carry out the health and safety function as required.

5.3 Staff Development Plan

5.3.1 The Service ensures the necessary training is given to officers to enable them to carry out their duties competently. Annual appraisals of staff, during which training needs are assessed, has taken place for approximately 20 years.

5.3.2 In addition minuted monthly team meetings take place during which training needs are discussed. Brentwood Borough Council chairs the Essex Health and Safety Liaison Group. These meetings provide a useful forum for identifying common training needs for health and safety enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs. Internal training has proved to be a successful way of meeting training needs.

5.3.3 Currently the Environmental Health Officers in this team are voting members of the Chartered Institute of Environmental Health (CIEH), and are Chartered Members of the Institute. The Service supports officers wishing to

obtain Corporate Membership of the CIEH by taking the Assessment of Professional Competence (APC).

5.3.4 All Environmental Health Officers that are members of the CIEH are required to undergo at least 20 hours of continuous professional development (CPD) per year. Officers wishing to maintain their chartered status must undergo at least 30 hours. Officers that are members of the Institution of Occupational Safety and Health (IOSH) are required to maintain their competence with 30 points obtained in continuous professional development over a three year period. The service supports attendance at IOSH meetings in order to facilitate this requirement.

5.3.5 The Environmental Health Manager is qualified to Masters Degree level within the area of occupational health and safety. The Environmental Health Manager also manages the Council's Corporate Health and Safety Service as the Strategic Health and Safety Coordinator. The Principal Environmental Health Officer is qualified to Post Graduate Diploma level in occupational health and safety and is a Chartered Member of IOSH. The District Environmental Health Officer is a Chartered Member of the CIEH and has both a B.Sc (Honours) Degree and NEBOSH Diploma in Occupational Health and Safety.

5.4 Section 18 Compliance

5.4.1 Both the Health and Safety Executive and Local Authorities have a duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work Act. Local Authorities are required to perform this duty in accordance with mandatory guidance from Health and Safety Commission. To this end 'Local Government Regulation' has in partnership with the Health and Safety Commission produced a toolkit with which Local Authorities may assess their current level of service against a prescribed standard. This in turn enables an action plan to be produced in order to address any shortcomings identified and participate in a joint peer review process. The Borough completed this assessment in 2010/11 and received peer review upon it in 2011/12. Any shortfalls identified via the self-assessment and peer review processes have been actioned.

5.5 Regulators' Development Needs Analysis RDNA

5.5.1 Under Section 18 every enforcing authority must: -

- (a) have a system to train, appoint, authorise, monitor and maintain a competent inspectorate, and
- (b) have a documented policy and procedures covering appointment, authorisation and competence.

5.5.2 To meet this standard the authority has put in to place a system for appointing and authorising suitably qualified inspectors under Section 19

HSWA; implementing standards of competence, and making arrangements so that competence levels may be maintained. This will require appropriate officer training.

SECTION 6: QUALITY ASSESSMENT

6.1 Assessing Levels of Quality

6.1.1 In recognition of the need to provide an effective health and safety enforcement service to both the public and proprietors of businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

6.1.2 The following systems assist in assessing and ensuring the correct level of quality is provided:-

- Bench marking (peer review) exercises with other health and safety services in Essex,
- A small number of joint inspections with the health and safety enforcement officers' line manager which provides an opportunity to assess the officers' inspection techniques and to discuss the outcome,
- Monitoring the quality of inspection reports and risk-rating,
- A Section 18 assessment of the health and safety service,
- Implementation of the Regulators' Development Needs Analysis (RDNA) tool for officer competencies,
- Monthly Team meetings for sharing good practice and consistency,
- Counter signing of formal enforcement notices prior to service,
- Monitoring of copy letters which have been sent out by officers,
- Development of an aide-memoir form, providing permanent record of the findings of each inspection, which can be monitored and discussed,
- Documentation of various procedures,

SECTION 7: REVIEW

7.1 Review against the Service Plan

7.1.1 Under the current performance management framework service plans included a number of targets and performance indicators. During the course of the year Borough Health, Safety and Localism formally monitors its performance against targets on a quarterly basis. Performance indicators in

relation to the Health & Safety Service that are currently in the corporate performance management framework document may be reported to members during that year.

7.2 Identification of any Variation from the Service Plan

7.2.1 The performance levels for inspections during the period 2015/2016 will be reported against any indicators adopted by the authority (there are none currently).

7.3 Areas of Improvement

7.3.1 The Service is continuing to develop and review documented internal quality management system in respect of its core processes.

7.4 Enforcement Policy and Practices

7.4.1 During 2007/08 the Council's enforcement policy was reviewed to ensure that it embraced the principles of the enforcement concordat following a consultation exercise. As a consequence the service will: -

- Develop policies and procedures to compliment the enforcement policy and aid consistency.
- Implement further systems for ensuring consistency between officers including: -
 - I. Develop checklists/aide memoirs for sector specific inspections, e.g.in relation to the various project areas identified.
 - II. Revisit premises that have been given deadlines for compliance, particularly if non-compliance would result in formal action such as a Health and Safety Improvement Notice/prosecution.

7.5 Managed Work Programme and Service Plans

7.5.1 The Authority will consider how enforcement activity can be aimed at lower risk premises which are not targeted for inspections, e.g. by the use of questionnaires.

7.6 Training and Competence

7.6.1. In association with its application towards the Section 18 Standard the Borough has provided a written policy for the authorisation of officers to enforce health and safety law, incorporating a statement on competence, authorisation, appointment, training and supervision of officers. The Authority is able to demonstrate that it only appoints inspectors who possess the necessary competencies to perform the tasks which they are authorised to carry out.

7.6.2 In association with the peer review assessments, the Authority will develop a competency assessment procedure that incorporates the standards outlines in Annex 2 of the Section 18 guidance. In particular, it will detail how the Council ensures that officers: -

- Can identify the authority's objectives, plans and priorities and contributed to them effectively.
- Manage their time effectively to ensure efficient use of resources.
- Adequately report their findings from inspections.
- Are able to investigate accidents, incidents, ill health and complaints.
- Can plan, gather evidence and prepare prosecution reports.
- Can draft and serve Health and Safety Notices and similar documents.

7.6.3 The Authority will keep written records for all officers, detailing the results of any competency assessments that have been made. It will similarly review and update assessments on a regular basis.

7.6.4 To avoid any conflicts of interest all officers must disclose any other organisation for which they undertake work as is the policy of this Council. All officers must comply with their professional code of conduct.

7.7 Investigations and Accidents, Complaints etc.

7.7.1 The Authority has: -

- Provided a documented policy for responding to reported accidents and complaints.
- Specified the response times to accidents. The procedure takes into account the HSE publication 'Work-Related Deaths, A Protocol for Liaison' when investigating fatalities.
- Implemented a system for following up on initial enquiries and reviewing investigations on completion.

SECTION 8: TARGET/STANDARDS

8.1 Targets and standards applied

8.1.1 The following targets and standards are utilised: -

- (i) To complete interventions within approximately one hundred businesses
- (ii) To carry out topic-based interventions projects in relation to high risk businesses and activities.

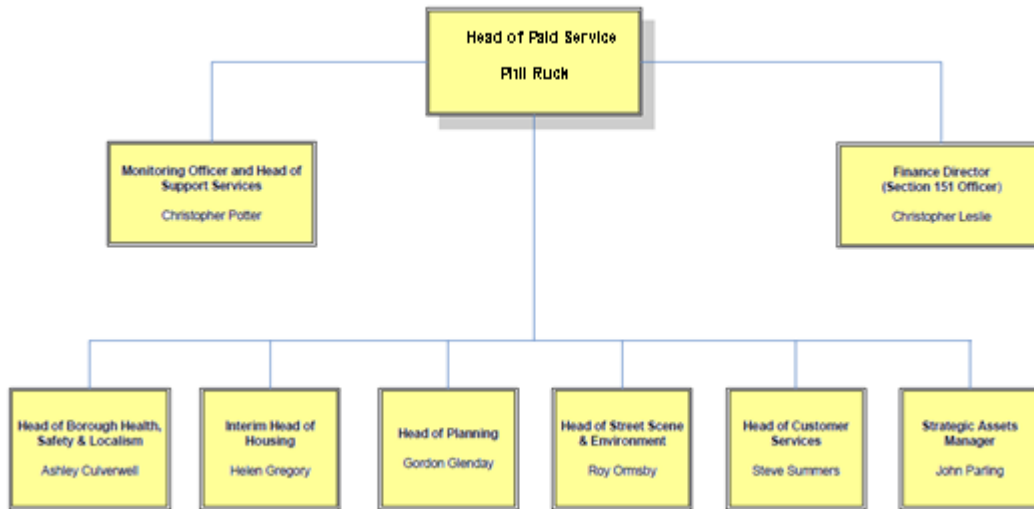
- (iii) To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to Approved Codes of Practice, HSC and HELA guidance and Environmental Health Services Enforcement Policy.
- (iv) To assess and respond to health and safety related complaints including notifications of accidents, asbestos removals, lift reports and other requests for service according to the initial assessment of urgency based upon the information available, but in any event not later than 5 working days.
- (v) To attend the Essex Health and Safety Liaison Group and to liaise with other District Councils, Essex County Council's Trading Standards Department and Fire Authority, and HSE.
- (vi) To accurately record and submit annual LAE1 returns of all the information requested by the HSE local authority unit based on the performance of the Service.

SECTION 9: PERFORMANCE INDICATORS

9.1 Performance indicators applied: -

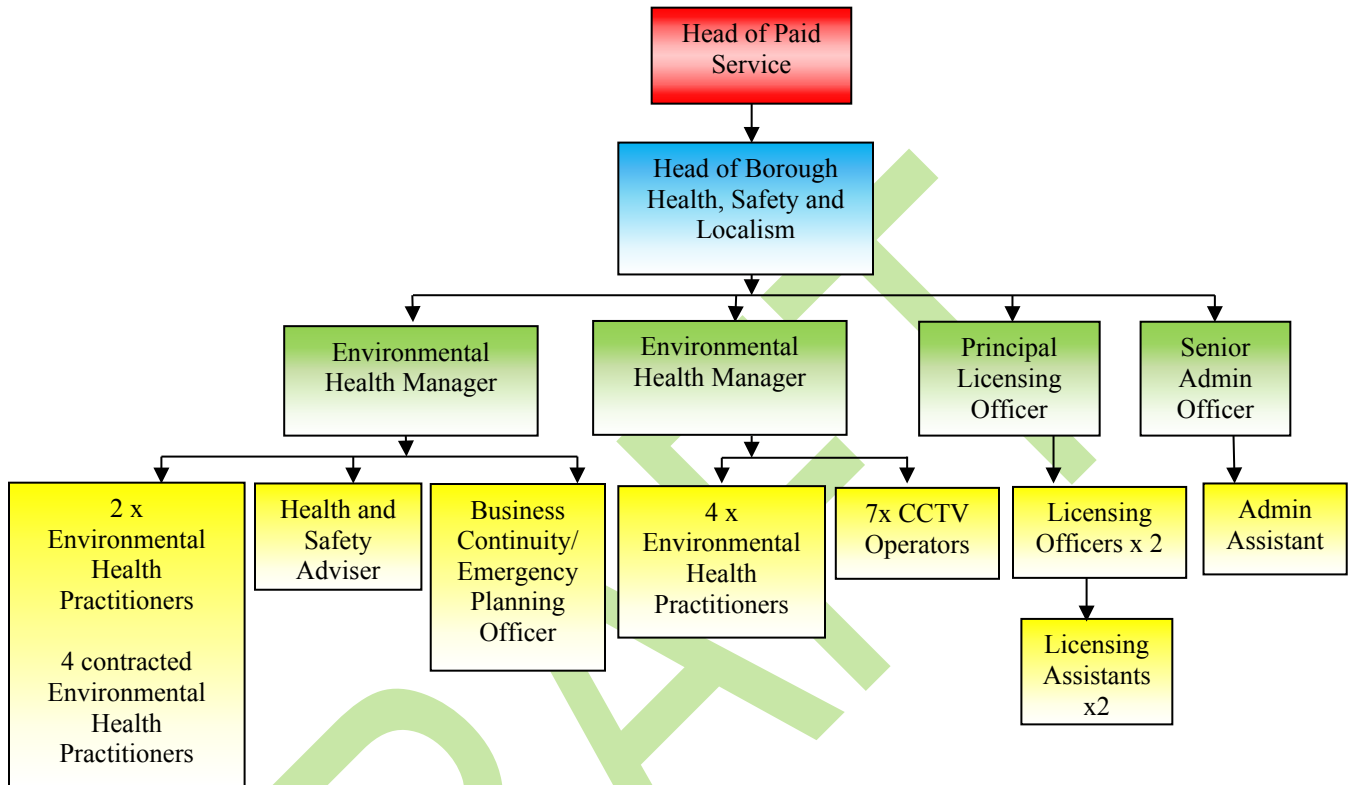
9.1.1 No formerly reported performance indicators are applied, however, routine management performance indicators are maintained.

Appendix 1 – Structure of the Council



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Appendix 2 – Borough Health, Safety and Localism Structure



Appendix 3 ENVIRONMENTAL HEALTH AND LICENSING ENFORCEMENT POLICY

INTRODUCTION

Local Councils enforce legislation to protect individuals and the community as a whole. Environmental Health and Licensing Services carry out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. To help achieve this, the Service will: -

- work within the legal framework and apply the law fairly
- deal with customers with honesty and integrity
- remain responsive to customer needs
- work in partnership with groups which represent our customers
- make the service accessible
- use the resources available to the maximum benefit of our customers
- train and develop our staff to ensure their effectiveness
- treat our staff and customers equally, regardless of race, colour, ethnic or national origin, sex, marital status, disability, age, sexual orientation or political beliefs.

The purpose of this document is to publicly summarise how the Council's adopted enforcement policies for Environmental Health and Licensing seek to achieve compliance. It should be noted that there are some additional service-specific enforcement requirements i.e. health & safety and food safety. Detailed service-specific policies and procedures, where needed, are separately held, updated, audited and reviewed by the Service. Information on these may be obtained from Environmental Health and Licensing Services.

COUNCIL AIMS AND OBJECTIVES

Brentwood Borough Council has set out its strategic aims and objectives and Environmental Health and Licensing Services of the Council carry out their duties in support of these aims. The specific aims and objectives relating to enforcement services can be found in the Service Plans. These along with the Council's corporate aims and objectives can be obtained from the Town Hall or by visiting www.brentwood.gov.uk.

These objectives will be achieved through education, guidance, advice and warning letters and, where necessary, by appropriate legal action, including the service of statutory notices, compliance notices, suspension notices, prohibitions, formal cautions and prosecution.

The Human Rights Act 1998, which came into force in October 2000, places general obligations on enforcement bodies to ensure fair treatment for all, to prevent any form of prejudice and to provide a right to privacy. This policy reflects the provisions of this Act in general terms as officers are required to follow agreed policies and procedures

and work within their legal powers. Individual team procedures and guidance notes will cover specific areas of the Services' work where particular care must be taken to ensure the Act is followed.

Enforcement decisions and actions will be made with due regard to the provisions of:

- The Human Rights Act
- Equal rights and anti-discrimination legislation
- Service specific legislation
- All other relevant legislation applicable from time to time
- Crown Prosecution Service guidelines

If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies. This could include situations where there is a shared or complementary enforcement role with other agencies, such as the Police, Health & Safety Executive (HSE), Office of Fair Trading (OFT) or Trading Standards. Any such action will be undertaken in compliance with the Data Protection Act 1998. Other requests for information will be considered having regard to the Freedom of Information Act 2001 and the Data Protection Act 1998.

The Services have incorporated within the enforcement policy all aspects of good enforcement practice in accordance with the elements of the Enforcement Concordat, which the Council has signed (a full version of the Enforcement Concordat is available by visiting www.cabinetoffice.gov.uk the Cabinet Office web site).

The use of enforcement action will be proportional to any offence committed, consistent in application (including, where relevant, consistency with other local authorities or enforcement agencies), transparent in its use and appropriate to the circumstances of the particular case in question. In particular:

- The policy is readily available at The Town Hall or by visiting www.brentwood.gov.uk on the Council's web site or can be sent on request.
- A copy of any relevant service-specific enforcement procedures will be available on request.
- We will consult with our customers to obtain continuous improvements to our policy and procedures.
- We will ensure that businesses are not required to carry out works at unnecessary expense.

Environmental Health and Licensing Services will carry out their enforcement functions in an equitable, practical and consistent manner and to this end the Services are committed to:

- drawing up clear standards, setting out the level of service and performance the public and business people can expect to receive;
- dealing with the public and business community in an open and honest way;
- providing a courteous, efficient and helpful service;

- responding promptly and positively to complaints about the service;
- ensuring that enforcement action is proportionate to the risks in each case.

While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with relevant legislation, the Council will help them, where possible, to understand their legal responsibilities. The aim of the Council is to secure compliance with the legislation, which it will do by making the most efficient use of the Council's resources and having regard to minimising burdens on businesses.

This policy supports and supplements specific guidance on enforcement action contained in statutory Codes of Practice, government guidelines, approved industry guides, co-coordinating bodies such as the Local Government regulation (LGR), the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) and other approved sources.

ENFORCEMENT OPTIONS

Enforcement decisions shall be consistent, balanced, fair and relate to common standards that ensure the public, businesses, employees and the environment are adequately protected.

In order to achieve and maintain consistency of enforcement, officers will have regard to official guidance and codes of practice.

In the areas of food safety the Home Authority Principle set up by LGR shall be adhered to and in the area of health and safety the Lead Authority Principle shall be adhered to. Where applicable, the comments of the home, lead or originating authorities shall be considered.

The factors to be considered in coming to an enforcement decision include: -

- the seriousness of the offence;
- the past history of the offender;
- the confidence in management and the degree of wilfulness involved;
- the consequence of non-compliance;
- mandatory/discretionary duties;
- the likely effectiveness of the various enforcement options;
- the different technical means of remedying the situation;
- the impact of the enforcement choice in encouraging others to comply with the law;
- the public interest/benefit.

In the event of a contravention being detected, the following enforcement options are available: -

- Advice or warning letter

- Statutory powers, for example service of notice or seizure provisions
- Simple caution
- Fixed penalty notices
- Prosecution
- Revocation of a license
- Injunctive restraint
- Execution of work required by statutory notice where the recipient has not complied and recovery of all reasonable costs incurred
- Compulsory purchase /management/control of property
- Fine and statutory charges.

In some cases a combination of these options may be appropriate. Officers will comply with Codes B, C and E of the Police and Criminal Evidence Act 1984 (PACE) as it relates to local authority enforcement.

Code B deals with police powers to search premises and to seize and retain property found on premises and persons. Code C sets out the requirements for the detention, treatment and questioning of suspects not related to terrorism in police custody by police officers. Code E deals with the tape recording of interviews with suspects in the police station.

ADVICE, ISSUE OF INSPECTION REPORTS, WARNING LETTERS

If no breaches of legislation are discovered, or if the officer believes that a complaint or contravention does not warrant investigation or action, then it may be appropriate to take no action.

When a contravention is detected which, in the opinion of the officer should be dealt with by advice or warning letter, where appropriate the officer will issue a report of inspection specifying the details of the alleged infringements. Where the report or letter specifies a period of time in which corrective action should be taken, the officer will make a professional decision having regard to its priority and available resources as to whether a re-visit is appropriate to the premises to check compliance.

It will be appropriate to give advice or a warning when:

- the act or omission is not serious enough to warrant a simple caution or prosecution;
- from past history it can be reasonably expected that such action will achieve compliance;
- confidence in the individual and/or organisation is reasonably high;
- the consequences of non-compliance will not pose a significant risk to public health.

When such an approach is used to secure compliance with legislation, any written documentation issued will:

- specify the legislation that has been contravened;
- specify what remedial action is required, together with the reasons;
- ensure that any recommended areas of good practice which are above the minimum levels required by statute are clearly differentiated within the document;
- where examples are given of how compliance may be achieved, make clear that alternative means of compliance may also be acceptable;
- highlight the right to question works required by raising the matter with the relevant named manager.

In the case of health and safety matters, a copy will be sent to staff representatives.

STATUTORY NOTICES

The statutory notice procedures will, in general, be used to enforce legislation which relates to risks to health or quality of life.

Failure to comply with statutory notices will, other than in exceptional circumstances, result in prosecution and/or works in default.

All statutory notices will be signed by an appropriately trained, experienced and authorised officer. The officer will be satisfied that the contravention is significant and that all appropriate criteria are met.

Sufficient evidence will be available to justify the notice, and details of all evidence will be properly recorded to satisfy PACE and Criminal Procedure and Investigation Act (CPIA) requirements.

Time limits given will be reasonable.

Other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Recipients of notices will always be informed in writing of their rights to appeal and these will normally be on the rear of the notice. They will also normally be informed in writing of the consequences of non-compliance.

In the case of breaches of Health and Safety legislation, copies of notices will be made available to staff representatives. Notices having public safety or environmental implications will be placed on a register accessible to members of the public on request where this is a statutory requirement to do so.

Compliance with the notice will be checked as soon as practicable after the expiry date of the notice. Reasonable requests in writing for time extensions to notices will be considered having regard to the seriousness/threat to public safety and the environment.

Confirmation of an extension of time or reason for a rejection of an extension of time will be put in writing to the applicant.

Works in default: - Where the powers of works in default are available, officers will consider the options and take the most appropriate form of action in each case, having regard to the benefit of carrying out the works, likely resultant harm if the works are not carried out and the practicalities of undertaking the works.

SIMPLE CAUTIONS

National standards for “The Cautioning of Offenders” are laid down in a Home Office Circular.

The option of cautioning is considered on the basis that there is no rule of law that suspected offenders MUST be prosecuted and that cautioning represents a possible alternative course of action. Simple cautions will therefore be issued in accordance with the current Home Office circular, and will be considered against the criteria listed below.

A properly administered simple caution (which should not be confused with a letter of warning) may be cited at a future court hearing provided that the caution was administered for an offence committed within three years of the offence for which the prosecution is brought.

A prosecution will only take place where it is in the public interest and where there is sufficient evidence (see prosecution section below) to support that course of action. In cases where there is sufficient evidence to warrant a prosecution but the public interest would not benefit from such a course of action, then a simple caution may well be appropriate.

Where a simple caution has been accepted other relevant bodies will be informed of the action as necessary, for example home or lead authorities, originating authorities, and copies will be forwarded on request.

Simple cautioning will not be used as an alternative to a weak prosecution case.

A simple caution may be issued as an alternative to prosecution. Simple cautions will be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

In considering whether to administer a simple caution the following criteria must be met:

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction. In other words a conviction should be more likely than an acquittal before a court of law;
- the offender must admit the offence; and
- the offender must be an adult and must understand the significance of a caution and give informed consent to being cautioned. This agreement will not be sought until it is decided that cautioning is the correct course of action.

In deciding whether to caution or prosecute the following factors must be taken into consideration:

- the nature and seriousness of the offence;
- the likely penalty if the offender was convicted by a court;
- the offender's age and state of health;
- the offender's previous criminal history;
- the offender's attitude towards the offence;
- the views of the victim or any aggrieved party;
- whether compensation has been paid;
- public interest;
- the likelihood of re-offending.

If a prosecution is deemed not to be required in the public interest it will often be appropriate to take no further action (other than to give advice) and this course will always be considered. However, the nature of the offence and other factors may make it more desirable to issue a caution.

If an offender refuses to accept a simple caution, the service manager will reconsider the evidence and decide whether or not a prosecution should be instituted.

PROSECUTION

The Council recognises that the decision to prosecute is significant and could have far reaching consequences for the offender.

Prosecution will in general be restricted to a minority of circumstances where there is a blatant disregard for the law. Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

The circumstances where prosecution is appropriate will include one or more of the following:

- Where there is a blatant disregard for the law such that there is a risk to public health, safety, well being or the environment;
- Where there is a failure to correct an identified serious problem after having been given a reasonable opportunity to do so by an authorised officer;

- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Where there is a history of similar offences.

In all cases the prosecution must be in the public interest and there must be a realistic prospect of conviction and sufficient evidence to support proceedings.

There may be circumstances where, as well as prosecution, it will also be appropriate to serve a statutory notice to enforce the remedy.

The final decision on whether to prosecute shall be made after:

- the suspected offender has been given the opportunity to offer an explanation;
- wherever possible a full and complete prosecution report file has been prepared and presented to the service manager; and
- the initiating officer has fully discussed the case with the service manager.

In deciding whether or not to prosecute for an alleged infringement, regard will be had to "The Code for Crown Prosecutors". In particular a prosecution should not be commenced unless the 'Evidential Test' and the 'Public Interest Test' criteria specified in the Code have been met.

In considering whether the relevant criteria are met, the following factors will be considered:

- The seriousness of the alleged offence; where there is a risk of harm to public health or a disregard of legal standards for financial reward;
- The previous history, in particular whether there is a history of similar offences, or a failure to respond positively to past warnings or statutory notices;
- Any likelihood of being able to establish a defense;
- The reliability of the evidence available;
- The ability of witnesses and their willingness to co-operate;
- Any willingness by the defendant to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case especially with respect to legal precedent;
- Any explanation offered by the company or suspected offender;
- Whether the offence was premeditated;
- The need to influence the offender's future behavior;
- Whether the evidence shows the defendant is an organiser of the offence;
- Whether the defendant was in a position of authority or trust;
- The effect on the offender's, or a witness's physical or mental health, balanced against the seriousness of the offence;
- The views of any victims;
- Whether the offence, although not serious in itself, is widespread in the area where it was committed;
- Whether the offender has put right the harm caused;

- Whether there is a realistic prospect of conviction.

Factors against prosecution would be that a small penalty is likely to be imposed, or the offence is due to a genuine mistake or misunderstanding, but this must be balanced with the seriousness of the offence.

Consideration will be given to prosecuting directors of bodies corporate where:

- it appears that the offence was committed with his/her consent, connivance or neglect; or
- it is likely that the body corporate may be wound up to avoid criminal proceedings.

Prosecution of employees will only be considered in exceptional cases e.g. where the employee has clearly contradicted the employers' instructions; has been deliberately obstructive or has acted in a grossly negligent or wilful manner.

In cases of obstruction, prosecution will always be considered where this has resulted either in undue delay or in additional work/costs to the local authority, or where false information has been given deliberately.

Where there has been a death at work resulting from a failure to comply with health and safety law, the matter will be referred to the police if the circumstances of the case might justify a charge of manslaughter. The police are responsible for deciding whether or not to pursue a manslaughter case and this may occur alongside a prosecution for health and safety breaches. In all cases, the work related deaths protocol for liaison signed by the Police, British Transport Police, the Crown Prosecution Service, the Health and Safety Executive and the Local Government Association will be followed.

On completion of prosecution cases, officers must inform other interested bodies of the outcome of the case as necessary. In particular, any complainants or victims will be informed. The outcome of the case will be reviewed with the relevant service manager to discuss any necessary future action.

TRAINING, COMPETENCY AND AUTHORISATION

Only duly authorised officers may undertake enforcement duties in accordance with the Council's scheme of delegation. Officers will only be authorised where their level of qualification, training and experience are considered acceptable. Newly appointed or transferred officers will also be assessed by their manager for competency and referred for training where necessary, in accordance with the training policy and the Council's 'Investors in People' appraisal scheme.

Officers undertaking enforcement duties will be suitably trained and qualified to ensure they are fully competent to undertake their enforcement activities. Qualifications will be based on current government guidance. Appropriate training programmes for officers will be set up to achieve the necessary competence. The training requirements to

achieve the necessary level of competence will be regularly reviewed by the service managers. Training will be prioritised within available resources.

Officers are responsible for ensuring they have regard to relevant guidance documents laid out in service procedures.

MANAGEMENT SYSTEMS

The Council will maintain a management system to monitor and review the quality and nature of the enforcement activities undertaken in these services in order to demonstrate the effectiveness of the policy with respect to its aims and objectives and to recommend changes and improvements. This will be periodically reviewed by service managers.

Service managers will ensure all staff are trained to ensure they are fully conversant with this policy and arrange retraining and updating when necessary.

COMPLAINTS AGAINST THE SERVICE

If any person is aggrieved with the action taken or information or advice given by officers of Brentwood Borough Council or believe they have not received fair or consistent treatment as outlined in this policy, they will be given the opportunity to discuss the matter with the relevant line manager.

If not satisfied by those discussions the matter can be taken up with the service manager, who will consider the complaints, decide whether the enforcement policy has been breached in this instance and give a reply in writing. This is without prejudice to any formal appeal mechanism. If the problem cannot be resolved, the person will be informed of the Council's complaints procedure.

Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

Web site: www.brentwood.gov.uk

Environmental Health Service
Tel: 01277 312502
Fax: 01277 312526
email: hoehpps@brentwood.gov.uk

Licensing Service
Tel: 01277 312503
Fax: 01277 312526
email: licensing@brentwood.gov.uk

Annexe 1.0 Range of Interventions currently available

LAC 67/2 Rev3 - Annex A

Intervention Types

Intervention Types		
Proactive Interventions		
Type	Description	Examples
<i>Partnerships</i>	Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.	<p>Local Enterprise Partnerships (Leicester and Leicestershire) developing new relationships between businesses and regulatory services to reduce the regulatory burden on businesses; promote two way communication between businesses and regulatory services; supporting regulators to find the right balance between encouragement, education and enforcement and offering support from regulatory services for businesses.</p> <p>Hull City Council worked with work experience co-ordinators, secondary school children and other regulators/enforcement organisations from the coast guard to school wardens. Topics covered included: sensible health and safety, tattooing, road and fire safety, and workplace safety. Further work included supporting a website and Facebook page.</p> <p>The Estates Excellence (South East) project (including Slough BC, Royal Berkshire Fire and Rescue Service, the Federation of Small Businesses, EEF, SEGRO, SERCO, SERTUC and local business groups) set up to fulfil the need for advice and training for businesses and workers. Specially-trained visiting staff visit SMEs on targeted industrial estates to offer advice to managers and workers on how to 'Get it Right', 'Get Efficient' and 'Get Fit for Work' and provide free workshops, training, advice and guidance specifically targeted to a business' individual needs, including free access to basic occupational health testing for noise, vibration, dermatitis and lung function.</p>
<i>Motivating Senior Managers</i>	Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).	Business Engagement Partnership (North West Leicestershire)- Linking to a range of local partners including representatives from the Federation of Small business and Leicestershire Chamber of Commerce to get manager buy-in.
<i>Supply Chain</i>	Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts.	<p>Given an LA's local focus, national supply chain activity is often outside of their remit (although large Primary Authority Schemes may help develop this).</p> <p>However there can be opportunities for LAs to get local supply chains to improve H&S e.g. office cleaning suppliers, builder's merchants.</p> <p>LAs can also be involved in helping to collect intelligence that feeds into supply chain monitoring, often linked to trading standards or public health work e.g. sunbeds, tattoo inks.</p>
<i>Design and Supply</i>	Working with those who can improve health and safety by improving the design of processes or products.	Violence at Work/Retail Violence/Safe Bet Alliance (Similar schemes have been adopted by a number of LAs). Engagement and education have lead to outlets adopting a number of design and procedural changes to improve safety/stress of employees and the handling of incidents and their aftermath.
<i>Sector and Industry-wide Initiatives</i>	"Gearing" achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks, preferably taking ownership of improvement targets.	Care Homes Falls Initiative – Derbyshire LAs working with their County PCT, CQC and Social Services developed an initiative to reduce the incidence of falls in care homes; ensure risk assessments are suitable and sufficient for resident safety; promote a patient-centred approach; and provide knowledge on best practice guidance, including from NHS, CQC and Department of Health.
<i>Working with Those At Risk</i>	Working with safety representatives, trade unions and other organisations that represent people put at risk by work activities to support them in their roles.	Polish Workers Scheme (Slough) - Using the local community structure and support groups to educate and communicate H&S messages to vulnerable migrant workers.
<i>Education and Awareness</i>	Seeking further ways of getting messages and advice across early to key target groups, particularly those who are difficult to reach, using channels such as small business groups, chambers of commerce etc. Promoting risk education as a curriculum item at all levels of the education system.	<p>Take away establishments (North Wales EHO Task Group) - Using awareness days and targeted mail shots to promote H&S messages.</p> <p>Young Persons Road Show (Stockport) - LA working with Educational establishments to raise safety awareness of pupils so they can have a safe and productive work experience placement.</p> <p>Gas safety in catering premises (Ipswich) – Intelligence highlighted a poorly managed significant hazard within local catering premises. Food safety officers, health and safety officers and representatives from Gas Safe developed and organised a training day for the local businesses and enforcement officers. Subsequent intelligence gathering at catering premises, provided to Gas Safe, highlighted issues with gas engineers working out of scope.</p> <p>Talks to local Technical College students (Chichester) e.g. to construction students on asbestos awareness, to student Hospitality managers – on legionella control, to hairdressing students – on dermatitis.</p>

<i>Inspection and Enforcement</i>	<p>The regulators within the system will continue to use all the tools available to them. Targeted, risk based inspection and enforcement will remain a vital intervention.</p> <p>Inspection is the process carried out by warranted inspectors which involves assessing relevant documents held by the duty holder, interviewing people and observing site conditions, standards and practices where work activities are carried out under the dutyholder's control. Its purpose is to secure compliance with legal requirements and to promote improving standards of health and safety in organisations.</p> <p>Enforcement includes all dealings with dutyholders that result in the serving of notices; the withdrawing of approvals; the varying of licences, conditions or exemptions; the issuing of formal cautions; or prosecution; and the providing of information or advice, face to face or in writing.</p>	<p>Tandoo Ovens Initiative (Cheshire, Merseyside, St Helens) - Local concern lead to local knowledge being used to identify 40 restaurants considered to have a high risk and the targeting of these restaurants lead to the issuing of 50 enforcement notices.</p>
<i>Intermediaries</i>	<p>Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders.</p>	<p>Using local HABIA and training college contacts to influence hair dressers and managers to take up published materials and working practices promoted by the 'Bad Hand Day' campaign - (Various LAs).</p>
<i>Best Practice</i>	<p>Encouraging the development of best practice examples with those organisations who are committed to "leading edge" performance and then using these examples to show others the practicality and value of improving their own standards.</p>	<p>Northwest Aerials Digital Switchover (Various LAs) - Campaign promoting best practice recommendations to improve H&S, supported by information packs and awareness days. Reactive inspections used to respond to complaints, using flexible warrants.</p>
<i>Recognising Good Performance</i>	<p>"Where proper management of risks can be assured, HSE and LAs will not intervene proactively. This means we will discourage HSE and LAs from putting resources into issues where the risks are of low significance, well understood and properly managed."</p>	<p>Wakefield Healthy Business Awards – Funded by the Big Lottery this is a joint initiative between Wakefield Council and the local NHS and gives public recognition to workplaces that have taken positive action to improve employee's health and wellbeing.</p> <p>LA (Mendip) has developed an agreement with the Glastonbury Festival organisers (formalised via the license requirements) that they undertake a range of their own inspections and audits using H&S professionals - this releases LA resources who now only undertake an oversight/checking process to have confidence in the events .</p> <p>Islington have adopted a suite of changes to allow the continued delivery of a regulatory H&S function following budget reductions. Including directing regulatory resources away from compliant businesses and low risk activities, and a more direct focus on non-compliant businesses.</p>
<i>Other interventions</i>	<p>Other forms of proactive activity that are distinctly different to the other types of intervention outlined elsewhere on this list. Such interventions should be clearly described and named within your own recording systems to aid any future analysis and to prevent this classification being used as a 'catch-all'.</p>	<p>e.g. Test purchasing of services.</p>
Reactive Interventions		
<i>Incident and Ill Health Investigation</i>	<p>Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action, learning and applying the lessons.</p>	<p>Adopt the 'Managing for Health and Safety' philosophy to use incident and complaint investigations to probe for underlying management failures.</p> <p>When there is only limited information regarding the potential need for a more involved intervention it may be prudent to maintain an active 'watching brief'. This requires an LA to identify a particular sector or premises that they monitor without initiating additional proactive inspections e.g. tracking RIDDORs, complaints, collating details taken from the results of reactive inspections across a sector.</p>
<i>Dealing with Issues of Concern and Complaints</i>	<p>Encouraging duty holders to be very active and making sure that concerns and complaints from stakeholders are dealt with appropriately.</p>	<p>Adoption of the HSE complaints handling procedures to ensure that more resources are concentrated on complaints that are more likely to indicate a significant breach of H&S.</p>



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22 June 2015

Community & Health Committee

CCTV Code of Practice

Report of: David Carter

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 The Council operates public space CCTV within the town centre of Brentwood, Shenfield and other areas of the Borough in accordance with the CCTV Code of Practice which was revised in October 2010.
- 1.2 This report seeks agreement to revise and update the Code of Practice, having regard to current guidance, and to install signs to increase awareness of the areas covered by CCTV in the Borough.

2. Recommendation(s)

- 2.1 That Officers be instructed to revise the CCTV Code of Practice to incorporate the requirements of the Information Commissioner and Surveillance Camera Commissioner's Codes and to consult with the Police and other relevant stakeholders and to bring the new Code back to the next Community and Health Committee meeting for decision.**
- 2.2 That signs informing members of the public of the areas covered by CCTV be erected in accordance with the ICO recommendations**

3. Introduction and Background

- 3.1 Brentwood Borough Council has operated a CCTV system in the town centre and other areas of the Borough since 1994, which has been extended and improved more recently.

- 3.2 The system is operated under a Code of Practice, which was revised in 2010. The Code sets out the details of the system, including the aims and objectives, the areas covered and operational management of the system.
- 3.3 Since the Brentwood Code of Practice was produced the Surveillance Camera Commissioner (SCC) has published his Code of Practice and the Information Commissioner's Office (ICO) has more recently published 'In the picture: A data protection code of practice for surveillance cameras and personal information'.
- 3.4 As a result of the changes to the guidance the Brentwood Code of Practice needs to be updated in accordance with the Codes issued by the SCC and ICO.
- 3.5 It is proposed that the Code will be revised, circulated to Committee Members and sent out for consultation with Essex Police and relevant stakeholders including the Brentwood Chamber of Commerce, Community Safety Partnership, Renaissance Group, Federation of small businesses etc.
- 3.6 Following consultation the Code will be reported to the next Community and Health Committee for approval.
- 3.7 In addition to the revision of the Code of Practice, the Council should improve the public awareness of the surveillance system and provide better information on the areas where surveillance operates.
- 3.8 The ICO guidance states that people must know when they are in an area where a surveillance system is in operation and that the most effective way of doing this is by using prominently placed signs at the entrance to the surveillance system's zone and reinforcing this with further signs inside the area.
- 3.9 The signs should be clearly visible and readable, contain details of the organisation operating the system, the purpose for using the surveillance system and who to contact about the system with contact details.
- 3.10 Suitable signs have been produced, incorporating the Brentwood Borough Council, Essex Police and the Safer Brentwood logos, approval has been obtained from the Police and locations for mounting signs on lamp columns have been agreed with Essex County Highways.

3.11 A sample of the sign layout is shown below:



3.12 Members are also requested to authorise officers to install signage in the town centre area at the locations approved by Essex County Council Highways.

4. Issue, Options and Analysis of Options

4.1 In order to ensure that the Borough's CCTV system is operated in accordance with current best practice and Government guidance it is necessary to regularly review procedures and the Code of Practice.

5. Reasons for Recommendation

5.1 To keep policies and operating procedures up to date.

6. Consultation

6.1 Consultation will take place on the proposed revised Code of Practice with Essex Police and other stakeholders prior to the new Code being adopted.

7. References to Corporate Plan

7.1 A Safe Borough – we further extend and improve our CCTV service to ensure it supports the Council's ambition to keep crime to a minimum. Within the new arrangements, we will work with our partners to put Brentwood at the forefront of the community safety agenda for Essex, and ensure the Borough remains a safe place for residents and businesses.

8. Implications

Financial Implications

Name & Title: Chris Leslie, Finance Director

Tel & Email 01277 312542 / christopher.leslie@brentwood.gov.uk

- 8.1 The cost of the signs will be met from existing budgets earmarked for community safety purposes.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email 01277 312860 / christopher.potter@brentwood.gov.uk

- 8.2 Where surveillance is being undertaken in an overt manner through the use of CCTV, the report makes clear that an effective way of bringing the surveillance to the attention of the public is through means of prominent public notices. Such notices reinforce the open manner in which surveillance is being undertaken to protect the public.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 The use of CCTV helps support the prevention of and reduction in crime and disorder. Under section 17 of the Crime and Disorder Act 1998 the Council is required to have regard to such matters when exercising its functions.

9. Background Papers (include their location and identify whether any are exempt or protected by copyright)

- 9.1 Home Office: Surveillance Camera Code of Practice Crown copyright

- 9.2 Information Commissioner's Office: In the picture: A data protection code of practice for surveillance cameras and personal information

Report Author Contact Details:

Name: David Carter Environmental Health Manager

Telephone: 01277 312509

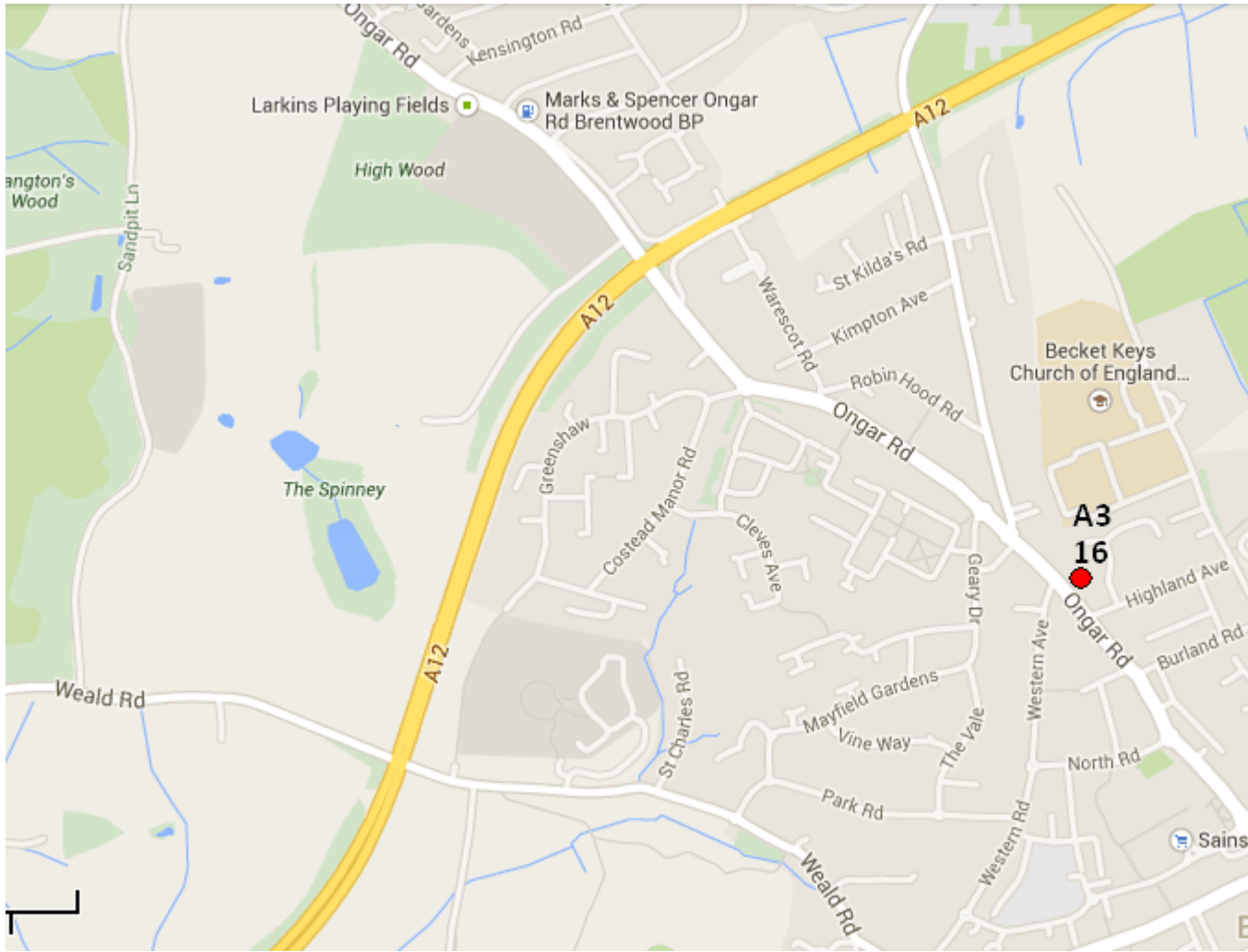
E-mail: david.carter@brentwood.gov.uk

Appendix A



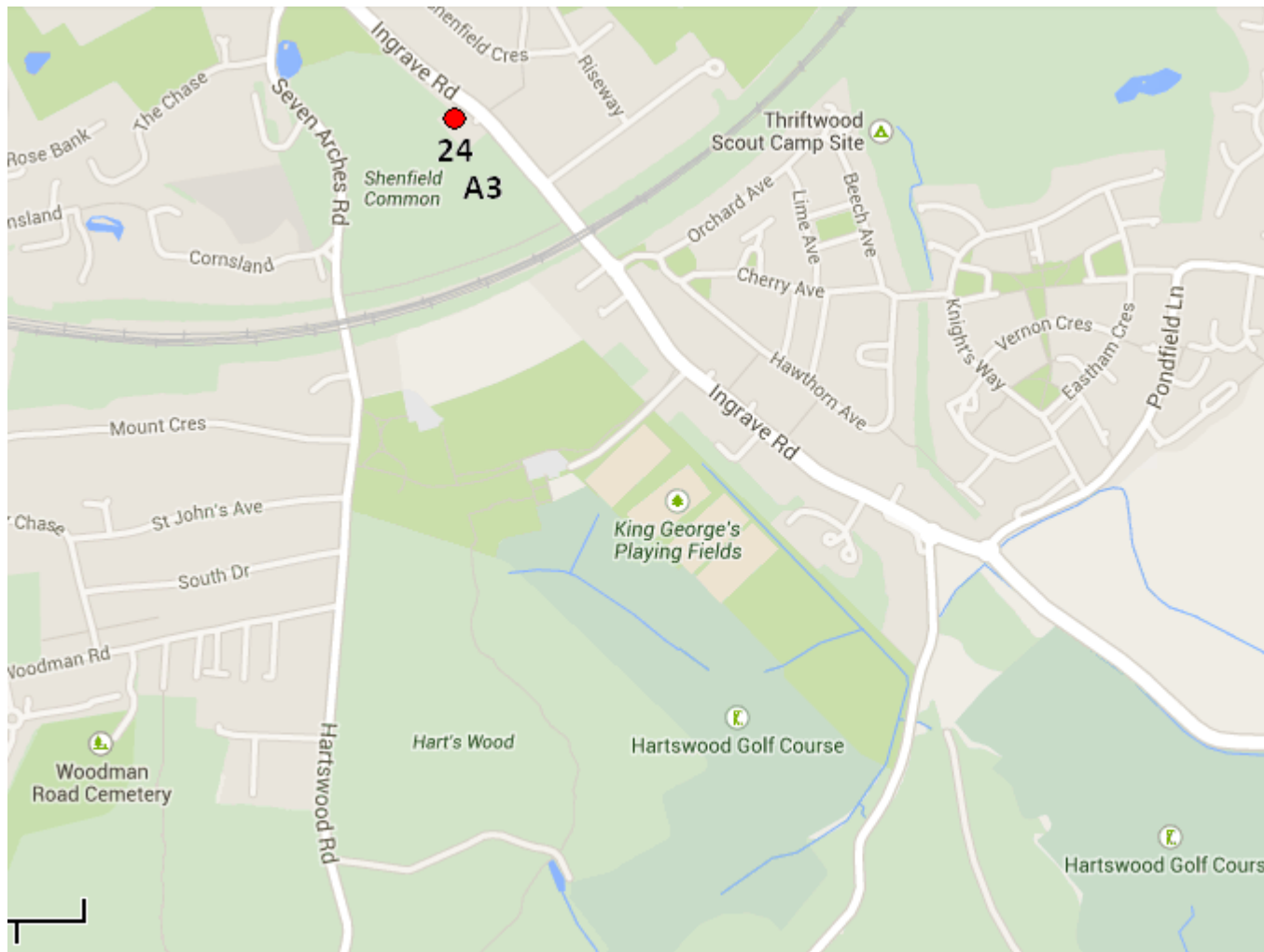
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Appendix B



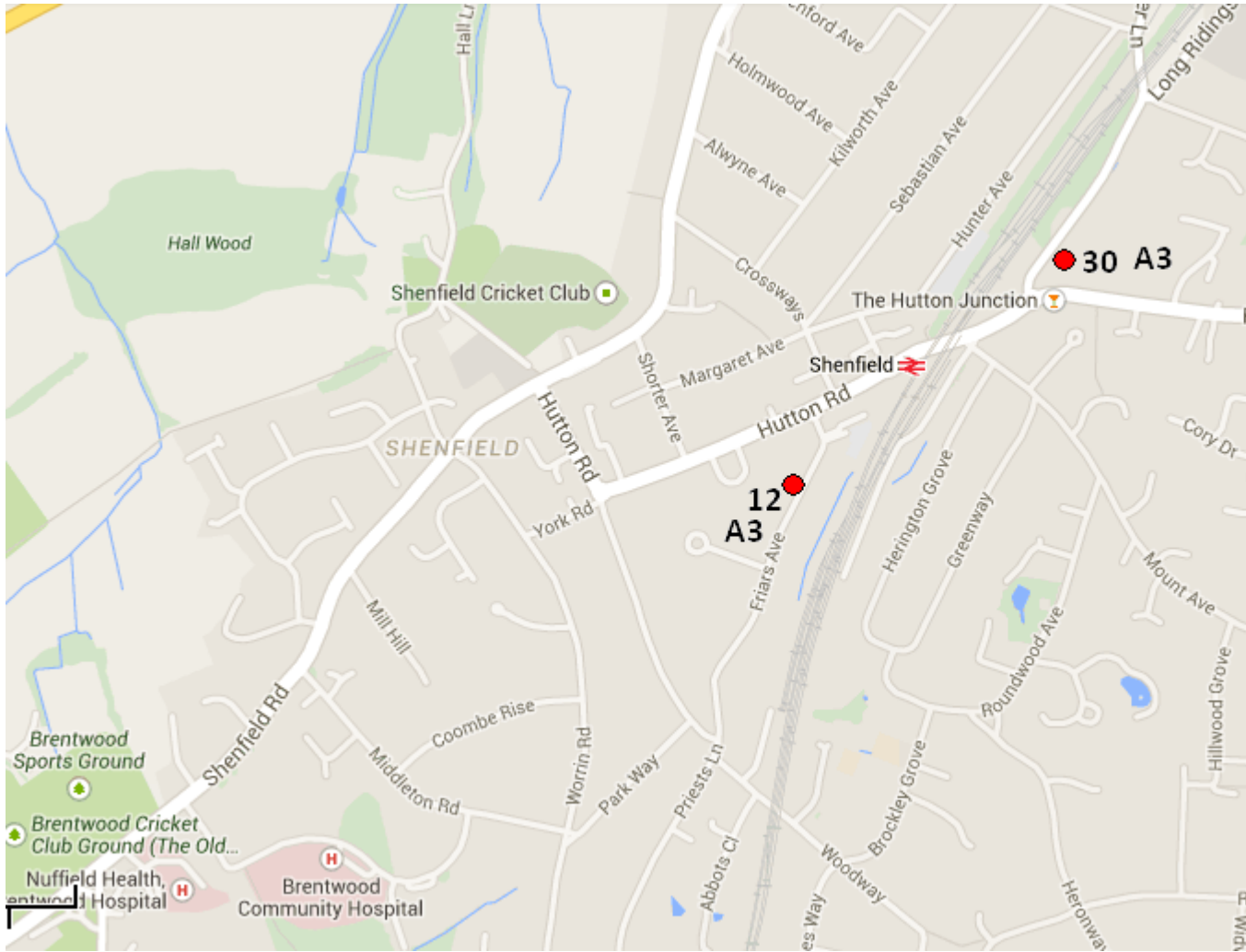
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Appendix C



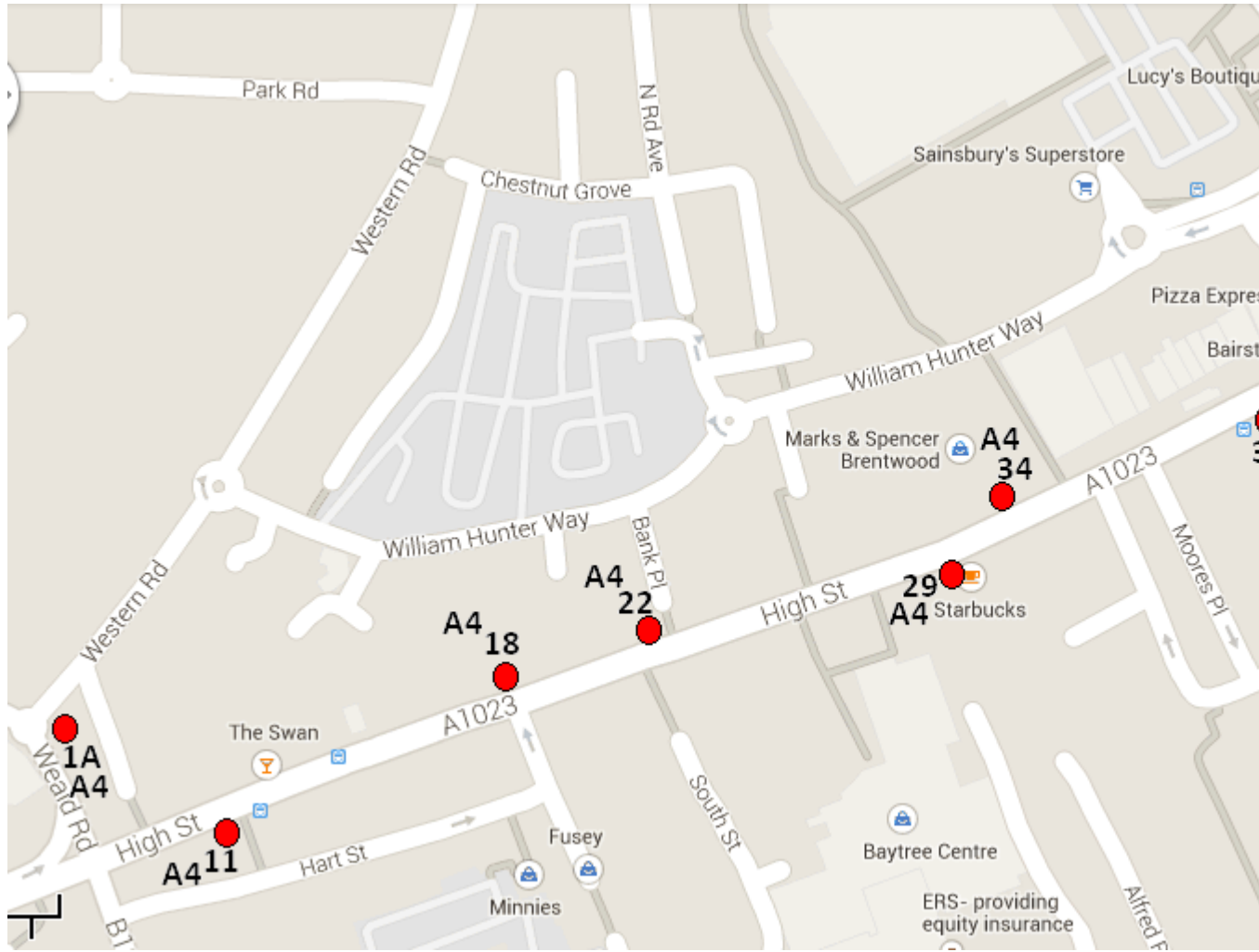
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Appendix D



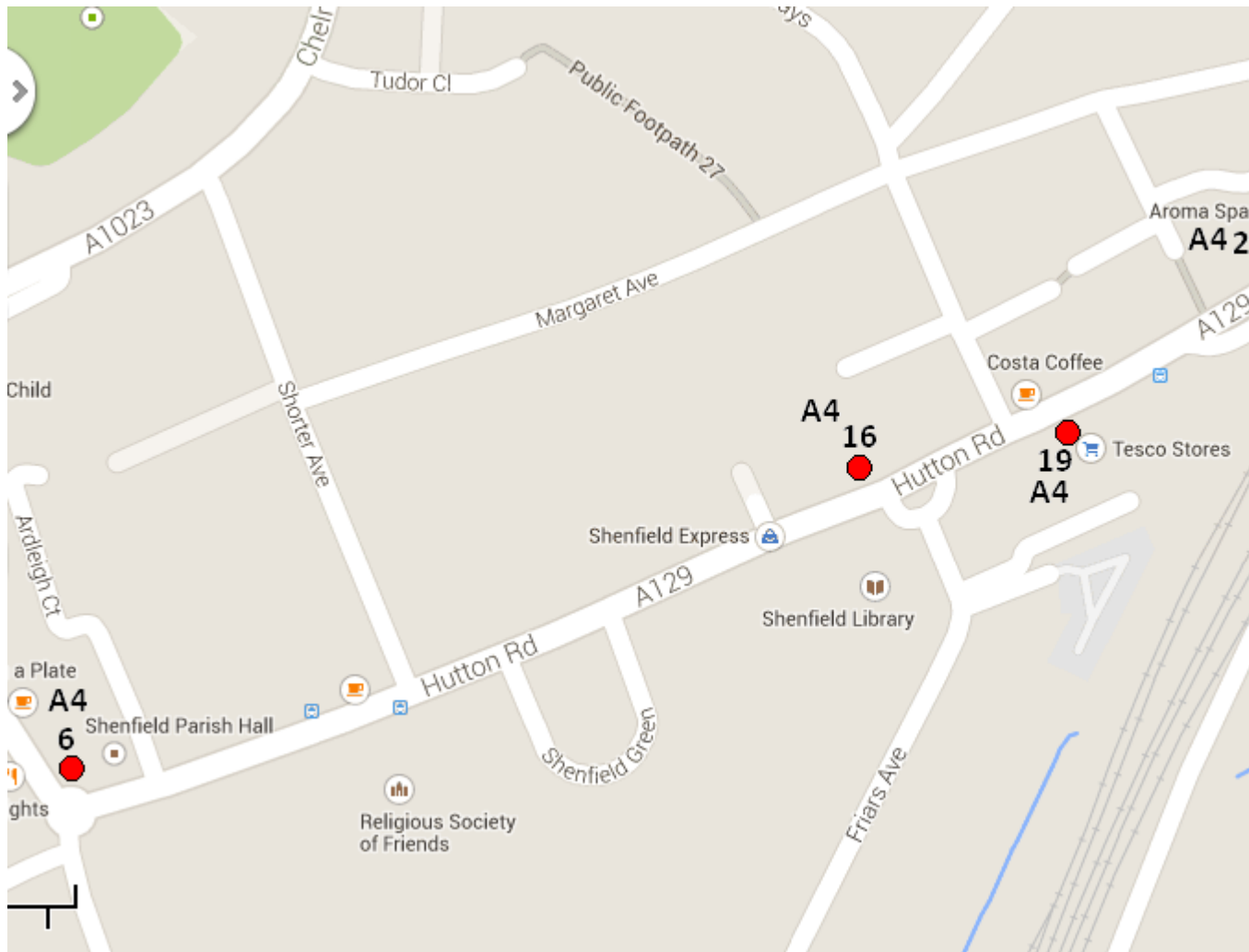
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Appendix E



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Appendix F



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22 June 2015

Community and Health Committee

Ward Budget Guidance 2015- 2016

Report of: *Lucy Gill, Culture, Community and Youth Development Officer.*

Wards Affected: *All wards.*

This report is: *Public report.*

1. Executive Summary

- 1.1 The ward budget allocation has been made available to Members since 2012. The aim of this Localism scheme is to make the process as simple as possible whilst ensuring that key principles are met, and that the Council's legal and financial positions are safeguarded. It has enabled all Councillors to have the ability to make vital contributions to projects carried out in their local communities by local organisations.
- 1.2 Following the success of previous years' Ward Budget schemes, Members will once again have an allocation to distribute to proposed community schemes within their wards.
- 1.3 It is proposed to amend the governance to accord with local elections in order to safeguard the grant for new Members.

2. Recommendations

- 2.1 That the revised Ward Budget Allocation Guidance listed as Appendix A to this report be agreed.**

3. Introduction and Background

- 3.1 The Ward Budget Allocation programme is a Localism scheme that has been running successfully since 2012.
- 3.2 The budget should enhance the role of Councillors in their communities, by engaging with people and organisations in their area to develop the projects and schemes that will support the identified priorities in each ward. By way of direct nomination from Members, it has enabled the Council to support some very worthwhile locally- run projects and

voluntary groups whose endeavours work to increase the overall wellbeing of the local community.

- 3.3 Members are also encouraged where possible to work together on larger schemes and combine their budget allocation if schemes cover more than one ward.

4. Issue, Options and Analysis of Options

- 4.1 The current Guidance allows applications to be made at any point from 1st April to 29th February.
- 4.2 This enables Members who may not be continuing in their role to spend the new financial year's Ward Budget allowance. Consequently any newly elected Members would not have a budget to allocate for their Ward. This is clearly not the intention of the scheme.
- 4.3 In order to ensure that newly elected Members are able to propose the expenditure of their total Ward Budget allowance, it is proposed to move the launch date to 1st June 2015.

5. Reasons for Recommendation

- 5.1 The change of opening date will allow newly elected Members to be able to propose the expenditure of the whole allocation for their ward.

6. References to Corporate Plan

- 6.1 By supporting local communities to do more for themselves and increasing volunteering, the Ward Budget scheme meets the Council's priorities for localism.

7. Implications

Financial Implications

Name & Title: Christopher Leslie, Finance Director

Tel & Email: 01277 312542 / Christopher.leslie@brentwood.gov.uk

The current Ward budget allocation is £25,000. Projects should not have any ongoing revenue costs, and expenses should be incurred in the financial year where possible.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer

Tel & Email: 01277 312860 christopher.potter@brentwood.gov.uk

All proposals put forward should be legal and limited to activities which are functions of the Council – either statutory or discretionary, rather than the function of another body. The proposals should support the Council's priorities and any relevant permissions should be secured prior to the proposal being submitted. Members are required under the Exercise of Functions by Local Councillors (Written Records) Regulations 2009 to record in writing their decisions made or action taken in relation to their particular ward budget and provide such record to the Council within one month of that decision or action.

Asset management - None, unless projects impact on land and buildings in which case this should be considered during project development.

Equality and Diversity – The process provides a fair and transparent process

8. Appendices to this report

Appendix A – Revised Ward Budget Allocation Guidance 2015 - 2016

Report Author Contact Details:

Name: Lucy Gill

Telephone: 01277 312645

E-mail: lucy.gill@brentwood.gov.uk

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Ward Budgets 2015-2016

Information and guidance

It was agreed at Ordinary Council in June 2015 that Members be allocated a total of £25,000 for ward based budgets - this equates to £675.68 for each Councillor.

Members can utilise this money jointly for one scheme within their ward if they so wish, or the budget can be utilised to support smaller projects within the ward.

The scheme is limited to activities which are functions of this Council – either statutory or discretionary (and the power of general competence makes this quite wide with scope for innovation), rather than a function of another body.

When submitting proposals, Members should be mindful of making requests that are proportionate to the processing costs.

Priorities

Schemes should relate to the Council's priorities, which are:

- **Street Scene and environment**

- Projects enable communities to take a more active role in delivering a cleaner and safer environment.
- Projects which encourage more people to be involved in the environmental aspects of their community such as community clean ups or recycling initiatives
- Projects which can deliver street scene services which are efficient and improve the Council's effectiveness

Project example: funds to buy equipment for community litter-picking sessions.

- **Localism**

- Support people to do more for themselves and rely less on public services such as delivering community events or local initiatives.
- Support local communities to run some local services previously undertaken by the Council which meet local needs
- Support the delivery of a young people's event to showcase local opportunities including volunteering
- Support the delivery of local community initiatives and projects, especially those that use volunteers or increase volunteering

Project example: funds to buy a community notice board.

- **A Prosperous Borough**

- Support initiatives that promote a mixed economic base and maximise opportunities in the centres for retail and a balanced night time economy
- Support initiatives that support job creation in the Borough

Project example: funds to pay for an employment skills workshop.

- **Housing Health and Wellbeing**

- Support the creation of a range of housing that meets the needs of our population now and in the future
- Support projects that encourage council tenants (and non council tenants) to be

- socially responsible and good neighbours
- Support schemes which support the Welfare Reform agenda, whilst protecting the most vulnerable
- Support the effective representation of local people's views and needs for improved and accessible health services
- Support the development of a skills matching services that will help claimants apply for jobs
- Support the adaptation of homes to enable independent living

Project example: funds towards benches for older people.

- **A Safe Borough**
 - Support projects/schemes which reduce anti-social behaviour
 - Support projects that work innovatively with young people and families at risk of offending or being involved in anti-social behaviour
 - Support projects which reduce offending by young people
 - Projects which support crime awareness and vigilance across Brentwood residents

Project example: funds towards a diversionary project for young people, such as start up costs for a local youth group.

For more examples of what projects have been previously funded under the Ward Budget scheme, please visit <http://opendata.brentwood.gov.uk/View/grants/ward-based-budgets>

Application and decision process

The scheme will be open for submissions from **1st June 2015 to 29th February 2016**.

Proposals should be submitted via the [online Councillor's Proposal Form](#).

Please complete all boxes on the Councillor's Proposal Form. This will quicken the payment process. Once submitted, proposals will be sent to the Leader of the Council for approval in consultation with the Head of Borough, Health, Safety and Localism. Please allow at least 7 days for approval.

Payment

- **For organisations**

Please ensure you complete the bank details on the application form

Once approval has been made, the request will be processed for payment, which may take up to 30 days.

- **For individuals**

Please note that the Council will not make direct payments to individuals, and in such cases, invoices will be requested to settle directly.

Monitoring

Councillors will be asked to complete a short feedback form at the end of the financial year to confirm that the proposed project has been completed and is benefitting the local community.

There is a requirement that each councillor ensure that a record is made in writing of any decision made or action taken in connection with the discharge of the particular function of the Council and within one month of the date on which the decision is made, or action taken, provide the record to the Council (see the Exercise of Functions by Local Councillors (Written Records) Regulations 2009).

Further Information

For further information about Ward Budgets, please contact: **Lucy Gill** (Mon-Thurs),

Community Services,

Tel: 01277 312645/ 07929 297954

Email: lucy.gill@brentwood.gov.uk

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Community and Health Committee

1. The functions within the remit of the Community and Health Committee are set out below

- 1) Community and Localism Initiatives including Assets of Community Value.
 - 2) The Voluntary Sector and community partnerships.
 - 3) Parish Council liaison.
 - 4) Health and Wellbeing.
 - 5) Grants to organisations/voluntary organisations.
 - 6) Parks, open spaces, countryside, allotments.
 - 7) Environmental Health.
 - 8) Environmental nuisance and pollution controls.
 - 9) Other miscellaneous powers enforced by Environmental Health.
 - 10) Food safety and health and safety.
 - 11) Community Safety and CCTV.
2. To take the lead on community leadership and consultation with stakeholders.

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