

Public Document Pack



COMMITTEE	MID SUFFOLK CABINET
PLACE	Britten Room - Endeavour House, 8 Russell Road, Ipswich
DATE	Monday, 9 April 2018 at 2.30 pm

PLEASE NOTE START TIME OF MEETING

Members

Chair: Nick Gowrley
Vice Chair: John Whitehead

Gerard Brewster
David Burn
Julie Flatman
Glen Horn

Penny Otton
Andrew Stringer
David Whybrow
Jill Wilshaw

A G E N D A

	<u>Page(s)</u>
1 Apologies for absence	
2 To receive any declarations of pecuniary or non-pecuniary interest by Councillors	
3 MCa/17/58 - Confirmation of the Minutes of the meeting held on 5 March 2018	1 - 6
4 To receive notification of petitions in accordance with the Council's Petition Scheme	
5 Questions by Councillors	
6 Matters referred by the Overview and Scrutiny or Joint Audit and Standards Committee	7 - 10
MCa/17/59 – Matter (a) referred by the Overview and Scrutiny Committee	
MCa/17/60 – Matter (b) referred by the Overview and Scrutiny Committee	

Please note the minutes from this Committee held on the 15 March 2018 will follow.

7 MCa/17/61 - Forthcoming Decisions List 11 - 14

Please note the most up to date version can be found via the website:

<http://www.midsuffolk.gov.uk/the-council/forthcoming-decisions-list/>

8 MCa/17/62 - Food Safety Service Plan 15 - 48

9 Date of Next Meeting

The next meeting will be held on TUESDAY 8 May at 2:30pm in the Britten Room, Endeavour House.

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Governance Officer, Sophie Moy on: 01449 724682 or Email: sophie.moy@baberghmidsuffolk.gov.uk

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Agenda Item 3

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK CABINET** held in the Britten room - Endeavour House, 8 Russell Road, Ipswich on Monday, 5 March 2018 at 2:30pm

PRESENT:

Councillor: Nick Gowrley – Chair
John Whitehead – Vice Chair

Councillors:	Gerard Brewster	David Burn
	Julie Flatman	Glen Horn
	Penny Otton	Andrew Stringer
	Jill Wilshaw	David Whybrow

In attendance:

Councillor Roy Barker
Councillor Rachel Eburne
Councillor Diana Kearsley
Councillor Suzie Morley
Councillor Keith Welham

Chief Executive (AC)
HRA Accountant (TA)
Assistant Director – Planning for Growth (TB)
Corporate Manager – Open for Business (LC)
Corporate Manager – Finance (ME)
Assistant Director – Housing (GF)
Assistant Director – Communities and Public Realm (JF)
Corporate Manager – Countryside and Public Realm (PG)
Corporate Business Co-ordinator (SM – notes)
Interim Strategic Director (KN)
Infrastructure Officer (NP)
Managing Director BMS Invest (LR)
Corporate Manager – Democratic Services (JR)
Corporate Manager – Homelessness Prevention (HS)
Assistant Director – Finance (KS)
Professional Lead – Key Sites and Infrastructure Manager (CT)
Investment and Development Consultant (IW)
Assistant Director – Law and Governance (EY)

91 **APOLOGIES FOR ABSENCE**

There were none.

92 **TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY COUNCILLORS**

92.1 Councillor Brewster, Councillor Horn, Councillor Whitehead and Councillor Whybrow declared non-pecuniary interests in Agenda Items 13 and 15, “MCa/17/55 – BMS Invest – Performance, Risk and Governance Update” and “MCa/17/57 – Appointment of Non-Executive Director” as Board Members.

92.2 Councillor Horn declared a non-pecuniary interest in Agenda Item 14, “MCa/17/56 – Local Tourism Strategy Review” as a Trustee of the Museum of East Anglian Life.

93 **MCA/17/49 - CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 5 FEBRUARY 2018**

The minutes of the meeting held on 5 February 2018 were confirmed as a correct record.

94 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

None received.

95 **QUESTIONS BY COUNCILLORS**

There were none.

96 **MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY OR JOINT AUDIT AND STANDARDS COMMITTEE**

No matters had been referred by either the Overview and Scrutiny or Joint Audit and Standards Committees.

97 **MCA/17/50 - FORTHCOMING DECISIONS LIST**

The Forthcoming Decisions List was noted and the following comments made:

97.1 • That the National Planning Policy Framework (NPPF) draft revised consultation, of which responses were due by 10 May 2018, was included to ensure as many members as possible could respond.

97.2 • It was questioned as to whether the HQ Site regeneration proposal should be brought to Cabinet in the first instance and then onto Council. However, it was discussed and agreed it would go to Full Council for debate and then onto Cabinet for the final decision.

97.3 • Why CAB21, End of Year Risk Progress, was scheduled ahead of the budget as it should feed into the budget setting. However, it was agreed it made sense to review the risks beforehand.

98 **MCA/17/51 - COMMUNITY INFRASTRUCTURE LEVY (CIL) - EXPENDITURE FRAMEWORK**

98.1 Councillor Whybrow, the Cabinet Member with responsibility for Planning, introduced report MCa/17/51 and moved the recommendation, which included additional wording of “Officers to consider whether it would be beneficial to administer the

- 98.2 Section 106 monies and CIL within same team.” This was seconded by Councillor Flatman.
- 98.3 Councillor Whybrow gave thanks to both the Members and Officers involved.
- 98.4 A concern was raised as it was felt it was not a professional document, with no public speaking being allowed. As such it was questioned whether it would stand up in court due to lack of accountability.
- 98.5 Cabinet noted the template would be clear and robust and would be part of an ongoing review. They were therefore comfortable with supporting the recommendation. However, the final report, which would go before Full Council, required further information on the financial cap with a full explanation on the limitations.

By 9 votes to 1

It was RESOLVED:-

- (1) The detailed CIL Expenditure Framework (including details of implementation and review) forming Appendices A and E to report MCa/17/51 and the joint CIL Expenditure Framework Communications Strategy (Appendix B) be approved and refer the proposals to Full Council for final adoption. (Appendices C and D comprise the CIL “Regulation 123 lists” and were approved in January 2016 and accompany the other documents for reference purposes only).
- (2) That the Joint Member Panel (alongside Overview and Scrutiny) inform the Review of the CIL Expenditure Framework within the timescales contained in the Appendix E of report MCa/17/51.
- (3) Officers to consider whether it would be beneficial to administer the Section 106 monies and CIL within same team.

Reason for Decision: Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL in April 2016. There is no prescribed way for Councils to decide upon the spend of money collected through CIL so the Councils have to agree their own approach.

99 MCA/17/52 - FINANCIAL MONITORING 2017/18 - QUARTER 3

- 99.1 Councillor Whitehead, the Cabinet Member with responsibility for Finance, introduced report MCa/17/52 and moved the recommendation which was seconded by Councillor Horn.
- 99.2 Additional information on the HRA fund was tabled during the meeting. Due to the amended figures being a considerable sum Members did not feel they could vote on this part of the paper and as such moved and seconded an amendment and requested the HRA fund go to Overview and Scrutiny in order for them to investigate the cause of the variation.

By a unanimous vote

It was RESOLVED:-

- (1) That the potential or likely variations in relation to the General Fund, Housing Revenue Account and Capital Programme compared to the Budget be noted.
- (2) That, subject to any further budget variations that arise during the rest of the financial year, the following net transfers of £1,158k be noted:
 - (a) The balance of the General Fund surplus of £938k referred to in section 11.7 of the report be transferred to the Business Rates Equalisation reserve to support the 2017/18 deficit on the Business Rates Collection Fund which will materialise in 2018/19.
 - (b) Transfer of £78k, being the favourable variance for Planning legal costs to the earmarked reserve, referred to in section 11.8 of this report.
 - (c) Transfer of £175k, being the £75k favourable variance for Homelessness and the additional £100k contribution to the earmarked homelessness reserve, referred to in section 11.8 of this report.
- (3) That the causes of the variations between Quarter 2 and Quarter 3 within the HRA Strategic Priorities Reserve be investigated by the Overview and Scrutiny Committee.

Reason for Decisions:

To ensure that Members were kept informed of the current budgetary position for both the General Fund and HRA.

100 MCA/17/53 - PUBLIC REALM TRANSFORMATION PROJECT

- 100.1 Councillor Burn, the Cabinet Member with responsibility for Environment, introduced report MCA/17/53 and moved the recommendation, with an amendment, which was seconded by Councillor Otton.
- 100.2 Members agreed just having one group of members for a Task and Finish Panel was sensible.

By a unanimous vote.

It was RESOLVED:-

- (1) That the findings of the Public Realm Review be noted, including the overall conclusions that standards of street cleansing and grounds maintenance are generally good and that the in-house service in Mid Suffolk represents value for money.

- (2) To agree the priority actions for 2018/19, set out at paragraphs 13.1 – 13.4 of report MCA/17/53, to take forward public realm provision within Mid Suffolk.
- (3) To agree the principles for future Public Realm provision in Mid Suffolk, outlined at paragraph 12 of this report.
- (4) To agree to establish a Member Advisory Task and Finish Group to:
 - (a) Develop standards and performance measures for public realm services;
 - (b) Establish a policy for the adoption of open spaces and other public realm assets;
 - (c) Review and extend the policy on trees; and
 - (d) Develop a policy on public toilets.
- (5) To utilise the public realm principles and public realm policies in the development of both the emerging Environment Strategy and the emerging Communities Strategy.

Reason for Decisions:

To set out the Council's principles and plans for the future development of public realm services.

101 **EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

By a unanimous vote

It was RESOLVED:

That pursuant to Part 1 of Schedule 12A of the Local Government Act 1972, the public should be excluded from the meeting for the business specified below on the grounds that if the public were present during these items, it was likely there would be the disclosure to them of exempt information as indicated against each item. The authors of the reports proposed to be considered in Part II of the agenda were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

102 **MCA/17/54 - INCREASE IN PROVISION OF TEMPORARY ACCOMMODATION UNITS**

By a unanimous vote.

It was RESOLVED:-

- (1) The recommendation as set out in the report MCA/17/54 be approved.

103 **MCA/17/55 - BMS INVEST - PERFORMANCE, RISK AND GOVERNANCE UPDATE**

By 8 votes to 2.

It was RESOLVED:-

- (1) The recommendation as set out in report MCA/17/55 be noted.

104 **MCA/17/56 - LOCAL TOURISM STRATEGY REVIEW**

Members made an amendment to the recommendation.

By 9 votes to 1

It was RESOLVED:-

- (1) That the recommendations set out in report MCA/17/56 be approved with a minor amendment.

105 **MCA/17/57 - APPOINTMENT OF NON-EXECUTIVE DIRECTOR**

By a unanimous vote.

It was RESOLVED:-

The recommendation as set out in the report MCA/17/57 be approved, and that the decision was taken on the grounds of urgency and as such cannot reasonably be deferred because previous delegation did not allow for additional capacity to be appointed to the Board, necessary at the initial stages. Under paragraph 17 of the Overview and Scrutiny Procedure Rules within Part 3 of the Council's Constitution **THIS DECISION IS EXEMPT FROM CALL-IN ON THE GROUNDS OF URGENCY.**

The business of the meeting was concluded at 4:20pm.

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Chair (date)

Agenda Item 6

MID SUFFOLK DISTRICT COUNCIL

From: Mid Suffolk Overview and Scrutiny Committee	Report Number: MCa/17/59
To: Mid Suffolk Cabinet	Date of meeting: 9 April 2018

CABINET ARE ASKED TO CONSIDER THE RECOMMENDATIONS BELOW FROM THE MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE HELD ON THE 15 MARCH 2018.

1. Recommendations
1.1 To recommend to Cabinet to review the resources required to improve the efficiency of all housing delivery

2.

Title	Location
(a) The Draft MOS Minute for the Five-year Housing Land Supply (MOS/17/37)	To follow

Authorship:
Henriette Holloway
Governance Support Officer

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THE MINUTE RELATING TO THE RECOMMENDATION TO CABINET FOR THE MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE 15 MARCH 2018

MOS/17/37 THE FIVE-YEAR LAND SUPPLY

- 26.1 The Corporate Manager – Strategic Planning presented report MOS/17/37 to Members.
- 26.2 Members thanked the report authors for writing a comprehensive explanation of the process and the related implications for the Five-year Housing Land Supply.
- 26.3 Members queried, which sites could be included in the Five-year Housing Land Supply, and it was clarified that sites with planning permission and sites allocated for development were included, as long as they were available, suitable, sustainable, achievable and viable. It was established that allocation of sites was based on the judgement of experienced officers and on the confidence that the above criteria were met.
- 26.4 Members asked for clarification on how they could be involved, especially regarding the point of contacting developers (page 18, 10.28 and 10.29) and discussed the possibilities of this suggestion. However, Members agreed that as long as they operated within their Code of Conduct and remembered they represented their constituency it was an option for Members to consider, but not a necessity.
- 26.5 The Government had put pressure on Councils to deliver more housing and despite that during the recession the timescale for the applications had been shortened to accommodate this demand, it was still a fairly lengthy and time-consuming process. The problem with calculating the Five-year Land Supply was that after planning permissions had been granted, planning conditions and other requirements had to be met, before actual building could commence, and this could delay the process for up to 24 months. The rate of housing developments was also a contributing factor in the timeframe for completions and therefore on larger sites only part of the development was likely to be completed within the five-year period. It was left up to the discretion of the developers to inform the Council of finished developments. This meant that the annual amount of planning permissions did not reflect the annual amount of properties being built.
- 26.6 The Assistant Director – Planning for Growth expanded on the process for developments and said the Council could invest in work, which would ‘de-risk’ sites to be able to bring them forward for planning consideration. However, this was not necessarily good use of the Housing Revenue Account’s Funds (HRA) as it was not a direct investment in development of housing. There were constraints on how the Council could use its own borrowing to be able to deliver housing and Mid Suffolk District Council was at the limit of the borrowing headroom within the HRA. However, the Council could use Council Funds for market housing.
- 26.7 The draft revised National Planning Policy Framework (NPPF) had only been available for a week and a consultation was currently being conducted for Councils to respond

to the draft. One aspect of this was the ability for Councils to fix the Five-year Housing Land Supply for one year, which meant that developers could not take planning applications to appeal for that one year. A statement for an exemption required Councils to provide substantial proof that the five-year land supply was achievable. The new NPPF policies were published in September 2018, but officers estimated that a statement to fix the Five-land Housing Supply would not be possible until 2018/19.

- 26.8 Another aspect of the new NPPF was the potential new rules for housing delivery and this caused concern amongst Members. Officers responded that a detailed explanation could be found on page 75 of the NPPF, but if a Council had met the criteria for the Five-year Housing Lan Supply, but failed to physically deliver the supply even for a couple of years, then the Council would revert to a status of having no Five-year Housing Land Supply. This would have consequences for the Council, including planning appeals for developments in the District.
- 26.9 Members were assured that the Council was providing a robust answer to the NPPF consultation on the issues raised above.
- 26.10 Currently the Mid Suffolk's land supply for the previous two years was at 70%, however the third year was anticipated to be below that.
- 26.11 Members asked if there was any means of increasing the rate of developments and if it was possible to improve the Section 106 funding negotiation process. Officers responded that the legal implications of the Section 106 funding process were just one issue; another issue was the restriction on resources. This had been recognised by the Administration and further investment was allocated to increase delivery of the Five-year Housing Land Supply for a Section 106 officer to be recruited.
- 26.12 Members raised concerns about Suffolk County Highways and the complications of their representation at planning committees. Officers explained that work was being undertaken to improve the collaboration between departments and that a dialogue with Suffolk County Highways department was ongoing.
- 26.13 Officers explained that a quarterly estimate of the Five-year Housing Land Supply would require additional resources, as it was a lengthy process and currently all extra resources were allocated to the preparation of the Local Plan. There was also the risk that due to the difficulties of collecting the data, a quarterly estimate could be less robust and that this in turn would have consequences for the annual Five-year Housing Land Supply. However, there was a possibility that the CIL funding application could contain a Commencement and Completion form for developers to complete and in the future, this could enable officers to collect more accurate data to estimate the Five-year Housing Land Supply more frequently.
- 26.14 In repose to the importance of increasing the delivery of housing, the Assistant Director – Planning for Growth, said that this could only be achieved if the Council was less concerned about developers including affordable housing in their developments. This would speed up the process of the Section 106 funding, however he was sure that the Council did not wish to compromise on affordable housing and the process had to undergo the necessary requirement for affordable housing to be included in

developments. Members were reminded that each planning application had to be considered individually.

By a unanimous vote

It was RESOLVED: -

- 1.1 To recommend to Cabinet to review the resources required to improve the efficiency of all housing delivery**

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MID SUFFOLK DISTRICT COUNCIL

From: Mid Suffolk Overview and Scrutiny Committee	Report Number: MCa/17/60
To: Mid Suffolk Cabinet	Date of meeting: 9 April 2018

CABINET ARE ASKED TO CONSIDER THE RECOMMENDATIONS BELOW FROM THE MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE HELD ON THE 15 MARCH 2018.

1.	Recommendations
1.1	That Cabinet notes the points raised in the minutes from the Mid Suffolk Overview and Scrutiny Committee meeting on 15 March 2018
1.2	That the Overview and Scrutiny Committee endorsed Appendix B Mid Suffolk District Council Medium Case Scenario Quarter 3 compared to Quarter 2 outturn for the Housing Revenue Account

2.

Title	Location
(a) The Draft MOS Minute for Recommendations from Cabinet to the Overview and Scrutiny Committee (MOS/17/39)	To follow

Authorship:
Henriette Holloway
Governance Support Officer

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THE MINUTE RELATING TO THE RECOMMENDATION TO CABINET FOR THE MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE 15 MARCH 2018

MOS/17/39 RECOMMENDATION FROM CABINET TO THE OVERVIEW AND SCRUTINY COMMITTEE

- 28.1 The Chair explained that Paper MOS/17/39 had been referred to the Committee by Cabinet for scrutiny and asked the Committee to consider options A and B on the Agenda.
- 28.2 Councillor Eburne proposed the recommendation from Cabinet in respect of the variation between Quarter 2 and Quarter 3 on the Outturn paper for the Housing Revenue Account on page 87 of the report and that the Committee conducted the scrutiny at the meeting.
- 28.3 Councillor Osborne seconded the proposal.

By a unanimous vote.

It was RESOLVED: -

- 1.1 That Cabinet recommend to Overview and Scrutiny that the causes of the variations between Quarter 2 and 3 within the Housing Revenue Account be investigated.**
- 28.4 The Assistant Director – Housing explained that the Budget Monitoring report for the Housing Revenue Account (HRA) was a forecast based on the quarterly income and expenditure budget for the past nine months.
- 28.5 The HRA had not previously been subject to a monitoring report and the request for such had been made after the agenda deadline and therefore the paper had been tabled at the Cabinet meeting.
- 28.6 Members had been presented with a best and worst-case scenario in the forecast to allow for the eventualities of the budget variance. He explained the variance between Quarters 2 and 3 and said that the original Business Plan for Babergh and Mid Suffolk Building Service (BMBS) had been included in this year's budget. This was one of the main reasons for the variance between the second and the third quarter. Similarly, a roofing contract for tenant housing had been brought forward from the 2018/19 forecast. This contract was included in the RCCO budget line and this had produced a movement of £282,000. The movement for Repairs and Maintenance, BMBS and RCCO alone accounted for over two thirds of the variance.
- 28.7 He assured the Committee that measures had been taken to prevent this from happening again and that the team was monitoring the difference between income and expenditure. The budget was being monitored throughout the year and, and a forecast for the expenditure was to be produced at the end of the year.

- 28.8 The variance for premises costs included the development of the Customer Access points and improvements to the Creting Road and Great Wenham depots. This was to make them suitable as a base for the BMBS team and as touch down points for officers.
- 28.9 Members were concerned that the original Business Plan for BMBS had been insufficient and that other surprises in the outturn, such as the Roofing Contract had not been properly forecasted. Some Members felt this made the Council look incompetent, as the budget contained large variances and asked if Cabinet Members had been involved in the budget and planning process. They also questioned the decision-making process for large expenditures, such as the Roofing Contract.
- 28.10 The Cabinet Member for Housing responded that the decision for BMBS had been made by previous Members and that the final decision had been taken at Full Council based on the Business Plan available. She assured the Committee that she was working closely with the Housing team and with BMBS to develop the services within the budget framework.
- 28.11 The Assistant Director - Housing was confident that an improved management structure and delegation of budgetary responsibility to the HRA team's managers would provide a robust and intelligent prediction for future budgets. Other improvements included the format of reports going to Cabinet, which would include an executive summary, headlines, movement between quarters, sufficient details and explanations, better presentation and plain English. No tabled papers would be presented at Cabinet meetings, and any updated additional papers would be forwarded to Cabinet Members as early as possible.
- 28.12 Cabinet Members for Housing and Finance would be updated frequently, and work would be undertaken with Cabinet Members to avoid any unexpected surprises.
- 28.13 The finance and the HRA teams were working closely on the budget and the best/worst case scenario predictions would not be part of future budgets.

It was RESOLVED:

- 1.1 That Cabinet notes the points raised in the minutes from the Mid Suffolk Overview and Scrutiny Committee meeting on 15 March 2018**
- 1.2 That the Overview and Scrutiny Committee endorsed Appendix B Mid Suffolk District Council Medium Case Scenario Quarter 3 compared to Quarter 2 outturn for the Housing Revenue Account**

Forthcoming Decisions list (KEY, EXEMPT AND OTHER EXECUTIVE DECISIONS)




April to August 2018 (Published 16 March 2018)

Unique Ref No:	Decision Maker & Decision Date	Subject	Summary	Contacts:		Key Decision?	Confidential?
				Cabinet Member(s)/MSR	Officer(s)		
CAB19	Council 24/26 April	Review of Babergh and Mid Suffolk Statement of Community Involvement	To update the Statement of Community Involvement in respect of the changes arising from the Neighbourhood Planning Act 2017 and to align with Local Plan making regulations.	David Whybrow Lee Parker	Robert Hobbs 01449 724812 robert.hobbs@babergh.midsuffolk.gov.uk	Yes	No
CAB20	Cabinet 9/12 April	Food and Safety Service Plan	To agree the way services will be delivered as required by the Food Standards Agency Framework Agreement and the Health and Safety Executive National Local Authority enforcement code.	David Burn Tina Campbell	John Grayling 01449 724722 John.grayling@babergh.midsuffolk.gov.uk	No	No
CAB23	Cabinet 12 April	Proposed Extension to Suffolk Coast and Heaths AONB Boundary	To agree consultation response to Natural Englands proposal to extend the AONB boundary.	Tina Campbell	Peter Garrett 01449 724944 Peter.garrett@babergh.midsuffolk.gov.uk	Yes	No
CAB24	Council 24/26 April	Local Development Scheme	To introduce a revised timetable for the preparation of the Joint Local Plan to reflect further consultation on the document, to be able to incorporate changes to national planning policy, and broadly align the timetable with Local Plan preparation in	David Whybrow Lee Parker	Robert Hobbs 01449 724812 robert.hobbs@babergh.midsuffolk.gov.uk	Yes	No

			neighbouring local authorities.				
CAB18	Cabinet 8/10 May	To consider Battery Storage at all the Leisure Sites	To approve the Battery Storage at the Council's Leisure Facilities	David Burn Tina Campbell	Chris Fry 01449 724805 Chris.fry@babberghmidsuffolk.gov.uk	Yes	No
CAB21	Cabinet 8/10 May	End of Year Risk Progress Report	To provide an update on the Significant Risk Register and progress of risk management during 17/18	Glen Horn Peter Patrick	Claire Crascall 01449 724570 Claire.crascall@babberghmidsuffolk.gov.uk	No	No
CAB25	Cabinet 8/10 May	BMBS Business Plan	To create visibility around the revised business plan and feedback on the first year's performance	Jill Wilshaw Jan Osborne	Justin Wright-Newton 07990 542087	No	No
CAB26	Cabinet 8/10 May	Quarter 4 - 2017/18 Outturn	To approve the 2017/18 Outturn	John Whitehead Peter Patrick	Melissa Evans 01473 296320 Melissa.evans@babberghmidsuffolk.gov.uk	Yes	No
CAB29	Cabinet 8/10 May	Supporting Housing Delivery through Developer Contributions: Reforming Developer Contributions to Affordable Housing and Infrastructure	To make Cabinet aware of the content and potential implications of the Government's consultation in order for Cabinet to endorse the response.	Jill Wilshaw Jan Osborne	Christine Thurlow 07702 996261 Christine.thurlow@babberghmidsuffolk.gov.uk	No	No
CAB22	Cabinet 4/7 June	Quarter 4 Performance Exception Report	To seek agreement that the performance report and the performance outcome information adequately reflects the Councils performance.	Glen Horn Peter Patrick	Karen Coll 01449 724566 Karen.coll@babberghmidsuffolk.gov.uk	No	No
CAB28	Cabinet 4/7 June	Homelessness Prevention Fund Policy	To ensure the Councils are able to fulfil their new statutory obligations under the Homelessness	Jill Wilshaw Jan Osborne	Heather Sparrow 01449 724767 Heather.sparrow@babberghmidsuffolk.gov.uk	Yes	No

			Reduction Act 2017 to prevent homelessness wherever possible.				
CAB14	Cabinet 6/9 August 2018	Review of Housing Allocations Policy	To gain approval for changes to the Housing Allocations Policy	Jan Osborne Jill Wilshaw	Sue Lister 01449 724758 Sue.lister@babergmidsuffolk.gov.uk	Yes	No
CAB11	Council TBC July 2018 Cabinet 12 July 2018	Regeneration Proposal – Former Mid Suffolk District Council Headquarters Site, Hurstlea Road, Needham Market	For debate by Council, determination by Cabinet	Nick Gowrley	Lou Rawsthorne 01449 724772 Louise.rawsthorne@babergmidsuffolk.gov.uk	Yes	<i>This report will be heard in private as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the Council) with regards to detailed financial information to enable negotiated acquisitions.</i>
CAB12	Council 21 June 2018 Cabinet 9 July 2018	Regeneration Proposal – Former Babergh District Council Headquarters Site, Corks Lane, Hadleigh	For debate by Council, determination by Cabinet	John Ward	Lou Rawsthorne 01449 724772 Louise.rawsthorne@babergmidsuffolk.gov.uk	Yes	<i>This report will be heard in private as per Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the Council) with regards to detailed financial information to enable negotiated acquisitions</i>
CAB27	Cabinet 6/9 August 2018	Quarter One Budgetary Control 2018/19	To approve the Quarter One Budgetary Control	John Whitehead Peter Patrick	Melissa Evans 01473 296320 Melissa.evans@babergmidsuffolk.gov.uk	Yes	No

Key:

 Babergh District Council Only
  Mid Suffolk District Council Only
  Joint – Mid Suffolk and Babergh District Councils

If you have any queries regarding this Forward Plan, please contact Sophie Moy on 01449 724682 or Email: Sophie.moy@babergmidsuffolk.gov.uk

If you wish to make any representations as to why you feel an item that is marked as an “exempt” or confidential item should instead be open to the public, please contact the Monitoring Officer on 01449 724694 or Email: emily.yule@babergmidsuffolk.gov.uk. Any such representations must be received at least 10 working days before the expected date of the decision.

Arthur Charvonia
Chief Executive

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Agenda Item 8

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Cabinet Member for the Environment	Report Number: MCa/17/62
To: MSDC Cabinet BDC Cabinet	Date of meetings: 9 April 2018 12 April 2018

FOOD AND SAFETY SERVICE PLAN 2018/19

1. Purpose of Report

- 1.1 To consider and approve the Mid Suffolk and Babergh Food and Safety service plan for 2018/19. This service plan incorporates the Food Safety and Health and Safety service plans which in previous years have been published as separate documents.

2. Recommendations

- 2.1 That Cabinet approves the Mid Suffolk and Babergh Food and Safety service plan 2018/19.

Reason for decision:

To fulfil the requirements of the Food Standards Agency framework agreement and the Health and Safety Executive National Local Authority Enforcement Code.

3. Financial Implications

- 3.1 The proposed plan is in line with the 2018/19 budget identified for the Food and Safety team.

4. Legal Implications

- 4.1 The service plan has been drafted in accordance with the Food Standards Agency framework agreement and the Health and Safety Executive National Local Authority Enforcement Code and fulfils local authority obligations under guidance issued by the FSA and HSE.

5. Risk Management

- 5.1 This report is most closely linked with the Council's Corporate / Significant Business Risks **2a** 'If we do not understand the needs and aspirations of our businesses we may not focus our interventions and resources in a way which will provide the right support' and **5c** 'If we do not have robust governance arrangements that enable good decisions to be taken that are appropriate for the environment that we are operating in, then we will be unable to operate effectively and will be at risk of potential legal challenge'. Key risks relating to these are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Inability to provide support and guidance to help businesses achieve compliance.	Unlikely - 2	Bad - 3	The allocation of sufficient Food and Safety resources enabling business support alongside appropriate enforcement.
Mandatory service plan(s) not in place	Unlikely - 2	Bad - 3	The service plans, that is the subject of this report, is a significant element of the governance mechanism for the Food and Safety service, and in combination with the corporate enforcement policy ensures that a risk-based approach to regulatory service delivery is followed and proportionate enforcement decision making is carried out.

6. Consultations

6.1 None.

7. Equality Analysis

7.1 Although combined, the type of content and broad structure of the 2018/19 plan does not deviate significantly from the plans of previous years. The conclusion from equality analysis screening is that the proposed service plan is neutral in terms of the elimination of discrimination, harassment or victimisation.

8. Shared Service / Partnership Implications

8.1 The service plan is written for a fully integrated service operating across Babergh and Mid Suffolk where the identified resources are planned to be utilised equally in both districts.

8.2 The Corporate Manager – Food and Safety is working with regulators in Norfolk and Suffolk and the New Anglia LEP in a partnership arrangement to help regulatory services support businesses, through a Better Business for All (BBfA) programme.

8.3 The BMSDC Food and Safety Team continues to work with the SCC Public Health team delivering a healthy catering award to Suffolk known as Eat Out Eat Well (EOEW) and should shortly be similarly involved in the launch of Take Out Eat Well (TOEW) aimed at the fast food element of catering.

9. Links to Joint Strategic Plan

9.1 The work of the Food and Safety service contributes to the strategic outcomes of Babergh and Mid Suffolk District Councils relating to 'Business Growth and Increased

Productivity' by engaging with and supporting businesses to thrive. The service also contributes to 'Community Capacity Building and Engagement' through support for Health and Well Being outcomes.

10. Key Information

10.1 The Food Standards Agency (framework agreement) and Health and Safety Executive National Local Authority Enforcement Code mandate the production of service plans relating to food safety and health and safety respectively. Previously, they have been produced as two separate plans but for simplicity and in anticipation of all service areas of the Councils producing service plans following a new corporate format, this year they are combined.

10.2 The plan includes elements of review of the year just ended as well as setting out a work programme for the coming year.

10.3 To ensure local transparency and accountability the plan should be considered and approved by the appropriate member forum. Members are therefore asked to consider the draft plan at Appendix 1 of this report and offer any comments.

10.4 The following are a few points of note from 2017/18:

- More than 1100 planned food safety inspections and initial food safety interventions were carried out.
- The upward trend of broadly compliant food businesses (equating to a food hygiene rating of 3 or better) has continued to 96.93% from 96.05% in 2016/17.
- 1018 food businesses currently hold a food hygiene rating of 5 which is approximately 60% of the total.
- Formal enforcement action has included the service of four food hygiene and 3 health and safety statutory notices, the administering of five simple cautions for food hygiene failures and one prosecution of a food business which had previously received a simple caution.

10.5 Appendix 2 of this report provides some brief case studies to illustrate the work that the Food and Safety Team as been involved in during 2017/18.

10.6 The year ahead:

- 788 planned food premises interventions including 471 food business inspections.
- Development of a warehouse safety campaign.
- Implementation of new animal welfare legislation in relation to breeders, boarders, pet shops, riding establishments and performing animals.
- Introduction of Take Out Eat Well healthy catering award.
- Continuing to develop improved support for businesses through the New Anglia Better Business for All programme.

Appendices:

Title	Location
(a) Food and Safety Service Plan 2018/19	Appendix 1
(b) Brief Illustrative Case Studies from 2017/18	Appendix 2

11. Background Documents

- 11.1 FSA Framework Agreement on Local Authority Food Law Enforcement; Food Standards Agency Food Law Code of Practice: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>
- 11.2 HSE National Local Authority (LA) Enforcement Code: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

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2018-19

Service Plan: Food and Safety

John Grayling
Corporate Manager

Summary

This Service Plan:

- Sets out the key activities the service area delivers;
- Reflects on the key service activity and achievements for 2017-18;
- Sets out the key targets for the service area and the resources allocated to achieve these targets;
- Identifies the main risks and performance measures associated with the delivery of the service;
- Provides a high-level action plan for the service.

Contents

1. Introduction
2. Description of Service
3. Links to the Joint Strategic Plan
4. Resources
5. Service Delivery
6. Performance and Review
7. Challenges to service delivery & Risk Management
8. Service Action Plan

1. Introduction

The Food and Safety Service Plan is an expression of the Councils' continuing commitment to the provision of the Food Safety, Health and Safety and ancillary Services. It covers the key areas of Food Safety and Health and Safety enforcement and the relevant management arrangements and objectives against which Babergh and Mid Suffolk District Councils will monitor service delivery.

It has been compiled both in accordance with the guidance issued by the Food Standards Agency (FSA), including the information required by the Framework Agreement on Local Authority Food Law Enforcement and guidance issued by the Health and Safety Executive (HSE) under the Health and Safety Executive National Local Authority Enforcement Code.

Section 18(4) of the Health and Safety at Work Act etc. 1974 specifically places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the Code sets out what is meant by 'adequate arrangements for enforcement'.

This service plan, agreed by elected members, makes clear the arrangements Mid Suffolk and Babergh District Councils will put in place to ensure that there are adequate arrangements for food safety and health and safety enforcement and how they will take account of local needs whilst contributing to current FSA and HSE priorities.

The plan also identifies other work undertaken by the Food and Safety team and objectives relating to that work.

2. Description of Service

Specific functions undertaken by this service area:

The Food and Safety team provides a range of regulatory services to the business community and the general public as follows:

- **Food Safety.** Sustaining and improving the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk.
- **Health and Safety.** Ensuring that risks in the workplace for both workers and the public are properly and proportionally managed.
- **Infectious Diseases.** Investigating incidents of infectious diseases to control spread and identify causes.
- **Private Water Supplies.** Assessing risk and sampling water to ensure that supplies do not pose a threat to health.
- **Health Promotion and Education.** Facilitating the Mission Possible programme in schools, providing training for food handlers, running campaigns on food safety and hygiene and a healthy catering award (Eat Out Eat Well) amongst others.
- **Animal Welfare licensing.** Maintaining the standards of animal welfare in premises such as breeding and boarding establishments, pet shops and riding establishments.
- **Our business customers** rely on the food and safety service to maintain a level regulatory playing field in the areas they operate so that non-compliant businesses do not gain a competitive advantage. They expect us to be consistent and fair, providing advice and guidance when it is needed, using enforcement tools when appropriate.
- **The public** expect us to ensure that they are protected and increasingly that they have access to information that allows them to make educated choices about the businesses they engage with.

The service area operates in the following way:

The Food and Safety team is mostly made up of qualified Food and Safety Officers who are required to meet and maintain high standards of training and competency. The team also has a Business Support Officer who works with a number of delivery teams, particularly in respect of systems administration for the environmental health IT database and a Technical Officer role providing support to the team and maintaining some of the project work we do such as 'Mission Possible'.

The members of the team at the time this service plan was written are as follows:

- Senior Food and Safety Officers: Wai Jarvis, Robert McDermott, Emma Richbell and Sara Proctor.
- Food and Safety Officers: Caroline Johnson, Jane Gartland, Vincent Dreau and Jo Wyatt.
- Technical Officer - Food and Safety: Sophia Calderley.
- Business Support Officer: Sally Farthing.
- Corporate Manager: John Grayling.

The service operates through a combination of programmes, interventions and initiatives, endeavouring to ensure that people are encouraged to make healthy choices, have safe food, water and workplaces and that businesses are supported in creating an environment where this is possible.

The team works closely with other organisations, in particular Trading Standards and the Public Health teams at Suffolk County Council, the Food Standards Agency and the Health and Safety Executive.

The key outcomes delivered by the service are year on year improvements in the standards of food businesses and the control of locally identified workplace health and safety risks.

3. Links to the Joint Strategic Plan

In operation, the Food and Safety service supports the stated organisational vision of Babergh and Mid Suffolk District Councils relating to ‘Business Growth and Increased Productivity’ and will continue to ‘Engage with and support businesses to thrive’. The service also contributes to ‘Community Capacity Building and Engagement’ through support for Health and Well Being outcomes.

Food businesses are central to the economy of the two districts and food safety important to the wellbeing of residents, visitors and other consumers of food produced in the area. Additionally, food, drink and agriculture are one of the New Anglia LEP priority sectors and so recognised as having regional importance. Consequently, one of the fundamental purposes of the Food and Safety service is to sustain and improve the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk. To achieve this, the service works to support individual food businesses and provides a level regulatory playing field for them through advice, risk-based audits, complaint investigation, training and a programme of sampling as well as through the use of formal enforcement when this proves necessary.

The continued use of a publicised national food hygiene rating system (FHRS) will give well run food businesses the opportunity to demonstrate how good they are in relation to others and this continues to help raise standards generally as it becomes increasingly referred to by consumers and valued by businesses. The FHRS helps those consumers make more educated choices over the food they buy and where they eat. The healthy catering award ‘Eat Out Eat Well’ (EOEW) offered in partnership with the County Public Health service and assessed by officers of the Food and Safety team provides an additional mechanism by which catering businesses can differentiate their offer to consumers whilst contributing to a significant public health objective.

The purpose of the service, with regards to health and safety, is to work in partnership with businesses, the Health and Safety Executive, and other local authorities in Suffolk to protect people’s occupational health, safety and welfare. To achieve this, the service will endeavour to ensure that risks in the workplace are properly and proportionally managed through: targeted and risk-based interventions; investigation of complaints; investigation of accidents and dangerous occurrences and; through business support so that businesses are helped to sustainability and resilience through providing safe places to work.

4. Resources

Financial

The service is split 50/50 between Babergh and Mid Suffolk as there are very similar level of service demand and numbers of relevant business premises in both districts. For 2018/19 the Food and Safety service has a budget of approximately £808.5K (including corporate overheads) of which staff costs are approximately 85%. The food safety functions of the Food and Safety service account for approximately £541.5K of the total service budget and the health and safety function £93.0K with the residual £174.0K going to the delivery of the remaining functions and management of the service.

Staffing allocation

For 2018/19 the Food and Safety service establishment is:

1 full time equivalent (FTE) Technical Officer, 1 FTE Business Support Officer, 4 FTE Food and Safety Officers, 3 FTE Senior Food and Safety Officers and 1 FTE Corporate Manager.

All members of the service team carry out food safety related work with an estimated full time equivalent staffing allocation to food law related matters as follows: 2.0 (of 3) Senior Food and Safety Officers; 3.0 (of 4) Food and Safety Officers qualified in accordance with the Food Law Code of Practice and; 0.5 (of 1) Technical Officer not qualified in accordance with the Food Law Code of Practice.

With approximately 471 planned food business inspections in 2018/19 for 5.0 FTE Food and Safety Officers, there will be approximately 94 planned inspections per FTE competent officer. In addition to this there will be advisory visits, particularly for new businesses and revisits as follow up to the planned inspections which will double that total.

The Food and Safety service also carries out 'alternative intervention' work in relation to monitoring any changes to E rated food premises of which there are over 1000. Around 317 need to be checked during 2018/19 and this work will initially be predominantly the responsibility of the Technical Officer. Some of these checks will also result in inspection visits for the Food and Safety Officers.

The full time equivalent staffing allocation to Health and Safety law related matters in the establishment structure is as follows: 0.5 (of 3) Senior Food and Safety Officers; 0.5 (of 4) Food and Safety Officers; 0.1 (of 1) Technical Officer.

The remainder of the staffing allocation, 1.5 FTE Food and Safety Officers and 0.4 FTE Technical Officer is allocated to the other services provided by the Food and Safety team including the investigation of infectious diseases, the monitoring of private water supplies, health promotion and education, animal welfare licensing and broader business support activities.

The Business Support Officer works across the various food and safety services as well as contributing to database provision and support for other services including Sustainable Environment, Private Sector Housing, Public Realm and Customer Services.

5. Service Delivery

i. Food Safety

a. Inspection of food businesses

The Council is committed to carrying out inspections at a frequency that is not less than that determined by the Food Safety Act Code of Practice. The service has approximately 788 routine or initial food safety interventions scheduled for the period 1 April 2018 to the 31 March 2019.

In line with the Food Law Code of Practice interventions other than inspections have been adopted in respect of certain, particularly low risk, premises. For the lowest risk businesses, a telephone call is made to the business in order to assess whether there have been any changes since the last inspection, the extent of the business and the level of food safety control. Many low risk premises may still need to be visited by an officer to gather information regarding food safety. It is possible to use an officer not qualified in accordance with the Code of Practice to do the initial work thereby maximising the use of resources. The information gathered is assessed and a decision made as to what further action is required. This could range from no further action to a full inspection. A visit is likely to be triggered if other contact cannot be made or if the activity of the business has changes

As in previous years, the concentration of activity for qualified officers will be in carrying out all high risk and approved premises inspections due as part of the inspection programme.

Usually, inspections of food businesses do not need a follow up until the next scheduled date which will be in accordance with the assessed inherent risks but revisits will be made where significant breaches of food safety legislation are found at the time of an initial inspection, where there are a large number of minor offences, where there is a history of non-compliance, where there is little or no confidence in the management of the premises and where businesses have requested and paid for an FHRS rescore visit. Revisits are made if an FHRS is 0, 1 or 2 as these are considered non-compliant to the extent that it is not appropriate to leave them until the next scheduled date.

The breakdown of food safety inspections due in 2018/19 is as follows:

Risk Rating	Inspection Interval	Total Number of premises	Number of planned interventions
A	6 monthly	7	14
B	12 monthly	62	47
C	18 monthly	235	126
D	24 monthly	614	284
E	36 monthly	1036	317
Outside scope and unrated		50	N/A
Total		2004	788

There are 2004 food premises recorded on the Babergh/Mid Suffolk database of which 14 are approved under EC Regulation 853/2004.

In addition to food businesses that are based in the two districts, there are a variety of events and occurrences that involve visiting food businesses where the food and safety team need to spend some time ensuring food safety. These include: regular town markets in Stowmarket and Sudbury; farmers markets in Hadleigh, Sudbury, Lavenham, Harkstead, Hartest, Stradbroke, Rickingham, Needham Market and Stowmarket; fairs and; festivals, amongst others.

The risk rating of food businesses determining the frequency of inspection includes the three factors: hygiene; structure and; confidence in management; which are used to determine the Food Hygiene Rating when that applies and also included in the risk rating are the type of food involved and the method of handling it, the method of processing and the type and number of consumers at risk. The nature of the food business determines these things, i.e. at one end of the spectrum a corner shop only selling packaged foodstuffs that require no temperature control and at the other a manufacturer using high risk ingredients for cook-chill meals and distributing internationally. By this process, a business may be very well managed, but we still audit frequently (up to twice a year) due to the inherent risks.

b. Food complaints and complaints about food premises

The Council investigates all complaints it receives relating to food where it is the enforcement authority and will liaise with Home, Primary and Originating Authorities as appropriate. The Food Safety service aims to make a first response to this type of complaint within one working day.

c. Advice to businesses

Officers are committed to building positive working relationships with food business operators (FBOs) and work with them to help them comply with the law and to improve food safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the FSA although, as with the change in regulations relating to allergens, when appropriate, printed or emailed information is supplied. Both new and existing businesses are encouraged to contact the service for advice and are obliged by law to tell us when significant changes are made.

d. Training for Food Handlers

The service offers a variety of food hygiene training courses on a cost neutral basis fulfilling the need that businesses and food-handlers have as well as to developing a constructive relationship with food businesses in the districts, identifying the local authorities as a source of help and guidance.

e. Food Hygiene Rating System (FHRS)

The FHRS is a system operated by all English local authorities and continues to create a positive environment where, due to the public nature of the ratings (published on the FSA website at: <https://www.food.gov.uk/business-industry/hygieneratings>), there is a desire on the part of businesses to achieve a good rating.

A change in FSA guidance has allowed local authorities to charge for FHRS rescores and BMSDC have implemented this. The charging regime allows businesses to request a rescore visit as soon as improvements are made, unlike previously, and there is no limit to the number of rescores a business can request.

f. Food inspection and sampling

Food samples are taken either in response to complaints or as part of the Council's proactive surveillance procedures for ensuring that food produced and/or sold in Babergh and Mid Suffolk is safe to eat. The Councils also participate in a regional sampling programme, coordinated from the Eastern Region Coordinated Food Sampling Liaison Group. The national sampling programme comes from Public Health England. Both provide intelligence that can help identify the focus of food safety visits.

2018/19 planned sampling will include proactive sampling from Butchers and Approved Premises. The national surveys are still to be advised but will include current study 64, pastry-based products.

g. Export Certificates

Businesses exporting foodstuffs to non-EU countries often need the local authority environmental health service to certify that the food they are exporting is produced in a safe way. BMSDC provide this certification as a chargeable service.

ii. Health and Safety

Section 18(4) of the Health and Safety at Work etc. Act 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the two councils have responsibility for the regulation of health and safety in the following types of businesses:

- Retail shops
- Wholesale shops, warehouses and fuel storage depots
- Offices
- Catering, restaurants and bars
- Hotels, camp sites and other short-stay accommodation
- Residential care homes
- Leisure and cultural services
- Consumer services
- Other premises (not classified above)

There are 2512 recorded businesses in the Babergh and Mid Suffolk districts that fall in these categories. The work involved is described below.

a. Proactive Health and Safety interventions

HSE guidance (LAC67/2) gives local authorities the following overarching principle regarding planning regulatory interventions:

LAs should use the full range of interventions available to influence behaviours and the management of risk.

The National Local Authority Enforcement Code (the Code) advises that LAs should achieve targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

- Having risk-based intervention plans focussed on tackling specific risks;
- Considering the risks that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and
- Using national and local intelligence to inform priorities.

LAC 67/2 states proactive inspection should only be used:

- a) For high risk premises/ activities within the specific LA enforced sectors published by HSE; or
- b) Where intelligence shows that risks are not being effectively managed.

There are 12 activities/issues identified by the HSE where proactive inspections are specifically allowed:

1. Legionella infection.
2. Explosion caused by leaking LPG.
3. E.coli/ Cryptosporidium infection.
4. Fatalities/injuries resulting from being struck by vehicles.
5. Fatalities/injuries resulting from falls from height/ amputation and crushing.
6. Industrial diseases (occupational deafness/cancer/ respiratory diseases).
7. Falls from height.

8. Manual Handling at high volume warehousing/distribution.
9. Unstable loads at high volume warehousing/distribution.
10. Crowd management & injuries/fatalities to the public at large scale public gatherings
11. Carbon monoxide poisoning at commercial catering premises using solid fuel cooking equipment
12. Violence at work at premises with vulnerable working conditions

As is clear from the above, there are significant constraints as to the interventions that the local authorities are permitted to make and combined with resourcing pressures few proactive inspections are now made. Nevertheless, the Health and Safety service at BMSDC has continued to operate proactively where there is a clearly identifiable need as well as providing an appropriate responsive service.

In 2018/19 proactive campaigns in BMSDC are likely to focus on:

- Gas safety in catering premises (continuing programme)
- Warehouse safety (new initiative)

b. Accident Investigations

The law requires employers to report certain types of work related accidents, diseases or dangerous occurrences. Food and Safety Officers will investigate the most serious of these incidents to establish if health and safety law has been broken and also with the aim of preventing similar accidents from occurring and taking any appropriate enforcement action. LAs will, in accordance with their duty under Section 18 of the Health and Safety at Work etc Act 1974, allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health.

c. Complaints

Complaints from the public and employees concerning unsafe practices, poor working environment, excessive working hours and poor facilities e.g. toilet provision, are investigated. We have a range of legal powers to ensure the necessary improvements are made although it is our stated aim to work, wherever possible, with all parties concerned to achieve these objectives without having to take formal action.

d. Advice to Businesses

Officers are committed to building positive working relationships with business proprietors and work with them to help them comply with the law and to improve health and safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the HSE and information is both held on and signposted from the Council website. Both new and existing businesses are encouraged to contact the service for advice.

e. Safety Advisory Group

The Safety Advisory Group (SAG) provides a forum where BMSDC and other agencies may develop a co-ordinated approach to crowd and spectator safety. The Food and Safety team provide advice on event health and safety to the organisers and promoters of events through the SAG.

f. Smokefree

The Food and Safety team enforce the smokefree legislation which since July 2007 has made it illegal for workplaces and indoor public places to permit smoking. Advice is given to businesses and complaint relating to this law are investigated.

g. Registration of skin piercing

Businesses that carry out skin piercing activities, including acupuncture, tattooing, cosmetic piercing, semi-permanent skin-colouring or electrolysis, are required to register both people and premises with the local authority. The Food and Safety service ensure that those operating registered businesses understand what they need to do to prevent the transmission of blood borne diseases.

iii. Infectious Diseases

The Food and Safety service carries out the statutory responsibilities of the two local authorities with regards to infectious diseases. This includes but is not solely in relation to food borne illness so whilst the service will investigate outbreaks of Salmonella and E. coli for example, it will also follow up incidents of Legionella and Hepatitis. The duties include working

with Health Protection England (HPE) to identify sources of disease, reducing the risk of transmission, gathering data, liaising with people suffering from infectious diseases and when necessary taking formal legal action to prevent the spread of disease.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at Public Health England. Investigation, the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Joint Communicable Disease Incident/ Outbreak Management Plan.

iv. Private Water Supplies

The Water Industry Act requires a local authority to keep itself informed about the wholesomeness and sufficiency of every private water supply within its area. This is achieved through statutory duties which include; risk assessments, investigations, authorisations and monitoring (sampling and analysis). Regulations also make provisions for local authorities to charge fees to the relevant person(s) for conducting these duties.

If through these duties the councils deem a private water supply to be unwholesome and/or insufficient then it has the power to serve notices on the supply in order to mitigate against these.

There are 270 private water supplies in the Mid Suffolk and Babergh districts.

v. Health Promotion and Education

There are a variety of health promotion and Health education activities undertaken by the Food and Safety service as follows:

- **Mission Possible**
This is a project-based activity for year 6 school pupils facilitated by the Food and Safety service across the two districts on a first come first served basis. Fitting in with the national curriculum, it involves a combination of food safety, personal hygiene, healthy eating and awareness of allergens. Children are given equipment to carry out an investigation in their homes and to report on what they find.
- **Eat Out Eat Well**

The service promotes and assesses the Eat Out Eat Well (EOEW) healthier catering award in partnership with the Suffolk Public Health team. The award can give businesses that wish to participate, a way of differentiating themselves and providing an additional selling point as well as contributing to combatting the significant issue of obesity faced by the county and forming one of the Health and Wellbeing board priorities.

- **Take Out Eat Well**
With it in mind that achieving an EOEW award is often difficult due to the nature of the cuisine a healthier catering award for take away businesses has been in development and it is hoped will be fully launched in 2018.
- **FSA campaigns**
Campaigns sponsored by the FSA to promote food safety including Food Safety week are participated in as appropriate.
- **Use of social media**
The Food and Safety service uses Twitter to promote the Food Hygiene Rating System in particular including by publicising businesses achieving a 5 rating as well as supporting the health promotions of other organisations around food safety and healthy lifestyles.

vi. Animal Welfare Licensing

The Food and Safety service is responsible for the administration and enforcement of a number of licenses concerning animal welfare. These are Animal Boarding Establishments, Dangerous Wild Animals, Dog Breeders, Pet Shops, Riding Establishments, and Zoos. Recently, there has been a large increase in the number of applications for home boarding of dogs and dog day-care. License fees are charged on a cost recovery basis.

vii. General

a. Enforcement Policy

The two Councils have adopted a joint enforcement policy. All officers are expected to act in accordance with this policy. The policy is freely available for inspection by the public and local businesses and is posted on the Councils' website. The newest version of the policy, approved by both Councils in December 2016, puts the Regulators Code at the centre of the

Councils' approach to regulating businesses and with that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.

b. Home authority and primary authority principles

The Food and Safety service of the two councils supports the Home Authority Principle and will provide advice to businesses where they act as the Home or Originating Authority. Officers have regard to information that they receive from any liaison with Home/Oriinating Authorities and where advice has been received, the relevant Authority will be kept informed of actions taken by this Council.

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have entered an arrangement with a local authority as a primary authority.

c. The Food and Safety team will, when appropriate, endeavour to add value to the contact they have with businesses and will work with the New Anglia Better Business for All programme, the New Anglia Growth Hub and the BMSDC Business Account Manager service provided through the Open for Business project with this in mind.

d. Liaison with other organisations and partnership working
Officers represent the Councils at the following meetings:

- Suffolk Food Liaison Group
- Suffolk and joint Norfolk and Suffolk Health and Safety Liaison Groups
- FSA Food Leads Regional Meetings
- FSA FHRS User group
- Suffolk Event Safety Advisory Group
- The Suffolk Healthier Catering Award Steering Group

These Groups offer the opportunity to share information, organise low cost training for our food and safety officers, help to ensure consistent enforcement and provide an opportunity to influence the development of activity across the County. They also enable our professional officers to have access to regional and national food safety and health and safety information.

The joint warranting arrangements across the Suffolk authorities continue to be maintained. This was an initiative taken to counter the likely problems that would occur if there were an extensive problem in Suffolk such as a major food poisoning outbreak or a significant investigation where many witness statements were needed. The agreement enables officer of one council to take an enforcement role in another should that need arise and improves the resilience of the Suffolk services.

The Corporate Manager - Food and Safety is working with regulators in Norfolk and Suffolk and with the New Anglia LEP to develop partnership arrangements which help regulatory services support businesses, through a Better Business for All (BBfA) programme. A project Manager for the New Anglia BBfA programme is currently hosted by BMSDC.

6. Performance and Review

The current performance of the Service is measured and monitored via the Council's performance manager system.

The table overleaf shows the key indicators that the Corporate Manager for Food and Safety is responsible for delivering.

The data in the table only goes up to quarter 3 as the final quarter data was not available at the time of drafting. The key indicator for the service is that relating to the percentage of broadly compliant food businesses which is measured in terms of them achieving a 3, 4 or 5 rating under the FHRS. The figure in the table is 96.55% (taken at quarter 3). In the data below the table, this is given as 96.93% which was the figure mid-March when additional inspections and rating exercises have been completed.

Food & Safety																		
Carrying out programmed interventions and investigations to detect, eliminate and/or control hazards by engaging with business communities and the public and applying fair enforcement																		
Tracking Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons										
T1. No: of inspections carried out in line with the Food Safety Act Code of Practice NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	I1	2017/18		924		Both	Last Update 10/17 A significant amount of time has been taken up with the office accommodation changes which has distracted from service delivery but the team expects to achieve the targeted inspections by year end.											
		Qtr. 2	163															
		Qtr. 3	281															
		Qtr.4																
Tracking Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons										
T2. No: of complaints received relating to food where the Council is the enforcement authority NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	I2	2015/16	105			Both		Last Update 10/17 In 2016/17 there were 149 food and premises complaints, these relatively low numbers were up from the previous year of 105, however considering the large number of retail food businesses across both districts are an indication of the good levels of general compliance of our food businesses.										
		2016/17	149															
		2017/18																
		Qtr.2	39															
		Qtr.3	80															
Qtr. 4																		
Influencing Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons										
I1. % of broadly complaint food premises (Food hygiene rating 3, 4, 5) NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	T1	2014/15	93.29%		<table border="1"> <caption>Percentage Data for I1</caption> <thead> <tr> <th>Year</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>2014/15</td> <td>93.29%</td> </tr> <tr> <td>2015/16</td> <td>94.35%</td> </tr> <tr> <td>2016/17</td> <td>96.05%</td> </tr> <tr> <td>2017/18</td> <td>96.55%</td> </tr> </tbody> </table>	Year	Percentage	2014/15	93.29%	2015/16	94.35%	2016/17	96.05%	2017/18	96.55%	Both	Last Update 10/17 Please note 2017/18 is figure at Qtr.3	Last Update 10/17 One of the primary purposes of the Food and Safety service is to improve the safety of food produced in BMSDC and whether businesses are broadly compliant is a reasonable indicator of this. Total businesses 1935 at the start of 2017/18
		Year	Percentage															
		2014/15	93.29%															
		2015/16	94.35%															
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Influencing Indicator	Linked to	Data	Total	Target	Trend	Council	Report on Progress	Additional comments/ comparisons										
I2. No: of food premises achieving 5 ratings NEW MEASURE Cabinet Member: Tina Campbell/ David Burn Corporate Manager: John Grayling	T2	2017/18	1015			Both	Last Update 10/17 Please note 2017/18 is figure at Qtr.3	Last Update 10/17 This is a figure that will gain meaning when year on year comparisons can be made										

Monitoring arrangements are in place to assist in the quality assessment of the work being carried out by the team as follows:

- Annual peer review of inspections (shadowing)
- Structured quarterly review of a sample of post inspection records
- Regular team meetings
- Individual performance review
- Regular FHRS consistency training exercises with the FSA

2017/18 in numbers

- Food Safety planned interventions carried out - 1100
- Health and Safety proactive interventions carried out - 38
- Number of Food Hygiene notices served - 4
- Number of Health and Safety notices served - 3
- Prosecutions - 1
- Simple Cautions Administered - 5
- Food Businesses rated as broadly compliant (3 rating or greater) - 1863 which is 96.93% of the total (from 96.05% 2016/17)
- Food Businesses with a 5 rating - 1018 which is 60% of the total
- Accidents investigated - 21
- Infectious diseases investigated - 76
- Number of food samples taken - 81
- Number of water samples taken - 123
- Number of licenses issued - 117

Service Standards

The Food and Safety service has adopted the following service standards:

Food hygiene

- Provide an inspection report at the time of inspection clearly indicating required and recommended actions.
- Respond to requests for advice and information about food safety within 3 days.
- Respond to complaints of poor hygiene and unsatisfactory food within 3 days.

Health and safety enforcement

- Respond to complaints of poor health and safety within 3 days.
- Respond to requests for advice and information about health and safety within 3 days.

Infectious diseases - control

- Respond to reports of any notifiable infection where the risk to public health is immediate and significant, including outbreaks, within the same working day.
- Respond to reports of less serious notifiable infections within 3 days.

Until now, measurement against these standards has been made only by failure. The way information is collected on the environmental health database has recently been modified so that in the future, it will be possible to extract the data necessary to measure and report against standards set.

7. Challenges to Service Delivery & Risk Management

Challenges to service delivery

- **Brexit.** The food law currently enforced by local authorities is predominantly based on European regulations and will require reproducing domestically.
- **The FSA Regulating Our Future (ROF) review** includes some proposals that may change the focus of the way we currently regulate food businesses. These are quite complex and still under development and consultation.
- **New animal welfare licensing law** is due to be enacted during 2018 which will simplify and modernise the current multiplicity of licensing acts we enforce.
- **The FSA require Food Safety Officers** to do at least 20 hours food related training (continuing professional development/CPD) each year to maintain competency. Unfortunately, the FSA have stopped providing funding for training so that it will be more difficult to sustain the required CPD.
- **Office Arrangements.** Loss of the offices in Hadleigh and Needham Market has created challenges for the Food and Safety team as a predominantly field based service. Mitigation measures, ensure that touchdown points and interview facilities are all regularly available and accessible. Communication between team members is more challenging with the previous opportunities for informal office conversations now lost.

Risk Management

The Food and Safety service currently has no significant risks identified on the corporate risk register. Identified service level risks relate to resourcing, having appropriate structural elements in place (service planning, enforcement policy and delegation of authority) and to maintaining the level of skills needed within the team (retention and recruitment).

Service level Risks:

No	Risk Description	Owner	Current Risk			Planned Control Measures (including timescale)	Target Risk (after Mitigation)		
			Probability/Likelihood	Impact/Consequence	Risk grading		Probability/Likelihood	Impact/Consequence	Risk grading
1	<ul style="list-style-type: none"> If food and safety team resources are insufficient, then there will be an inability to provide support and guidance to help businesses achieve compliance. 	Corporate Manager - Food and Safety	2	3	6	<ul style="list-style-type: none"> Service planning. Food and Safety service plan to be taken to April 2018 Executive and Strategy Committees. 	1	3	3
2	<ul style="list-style-type: none"> If mandatory service plan(s) not in place, then BMSDC at risk of potential legal challenge 	Corporate Manager - Food and Safety	2	3	6	<ul style="list-style-type: none"> Food and Safety service plan to be taken to April 2018 Executive and Strategy Committees. 	1	3	3
3	<ul style="list-style-type: none"> If team members holding key skills are lost or they do not maintain competency, then some elements of the professional and technical service will be difficult to provide 	Corporate Manager - Food and Safety	3	3	9	<ul style="list-style-type: none"> As far as is possible, all Food and Safety Officers maintain competency across the range of services the team provides and a training matrix for the team is maintained and monitored to identify training gaps. This reduces the impact from the loss of any one individual. Nevertheless, it is impossible for all to maintain the high-level skills needed in every discipline. 	3	2	6

Page 48

Impact / Consequence	Disaster	4 (Medium)	8 (High)	12 (Very High)	16 (Very High)
	Bad/Serious	3 (Low)	6 (Medium)	9 (High)	12 (Very High)
	Noticeable / Minor	2 (Low)	4 (Medium)	6 (Medium)	8 (High)
	Minimal	1 (Low)	2 (Low)	3 (Low)	4 (Medium)
		1	2	3	4
		Highly Unlikely	Unlikely	Probable	Highly Probable
		Probability / Likelihood			

8. Service Action Plan 2018/19

- To undertake a food premises intervention programme in accordance with the requirement of the FSA Code of practices to protect the public.
- Continue to engage with the Food Standard Agency on promotion of food safety initiatives.
- Continue to promote and publicise the FHRS.
- Participation in local and national sampling programmes.
- Continue to promote and implement the Eat Out, Eat Well healthier catering award and assist in the launch of the Take Out, Eat Well award for takeaway food businesses.
- Continue to work with schools using the Mission Possible project to improve knowledge of food safety, personal hygiene, healthy eating and allergens.
- Undertake an intervention programme in accordance with the requirements of HSE guidance LAC67/2 and the National Local Authority Enforcement Code to protect people in the workplace and the public. This will include continuing interventions relating to gas safety in catering premises and the planning and initiation of work relating to warehouse safety.
- Continue to engage with the HSE and other Suffolk local authorities on promotion of health and safety initiatives and interventions.
- Continue to improve support for small and medium sized businesses in Babergh and Mid Suffolk in conjunction with other council services, external regulatory services and the New Anglia LEP.
- In partnership with the New Anglia LEP, the Growth Hub and all Norfolk and Suffolk local authorities, deliver a Better Business for All programme for Suffolk and Norfolk as the strategic regulatory approach for those counties.

Food and Safety Service Plan 2018/19

Corporate Manager: John Grayling

Date: 01.04.2018

Date

Version

Description/Section Affected

02/03/2018	1.1	First Draft
05/03/2018	1.2	Revisions 1
07/03/2018	1.3	Revisions 2
08/03/2018	1.4	Revisions 3

Brief Illustrative Food and Safety Case Studies from 2017/18

1. Unfit Private Water Supply

The tenants of a farmhouse with a private water supply contacted the food and safety team. They were concerned that the water they were drinking was not fit for human consumption and therefore requested the water be sampled and advice be provided as their water was often cloudy with an orange tinge.

Under the Private Water Supply Regulations BMSDC does not routinely monitor or regulate single dwelling private water supplies, unless requested to do so by the owner or occupier.

Following this request, a visit of the property took place and some samples were taken. It was clear during the visit that the water supply was not fit for purpose; the water had a very strong smell and taste of iron, water storage tanks were not suitable protected and there were evidence of pests around some of the storage tanks.



Water supply with inadequate filtration system



Uncovered storage tank



Dead body of rat by the water tank

The samples of water failed for excess iron concentrations and bacteriological contamination. Following legislative requirements, improvement notices were served on the owner of the supply. Based on the requirements of the notices and advice given by BMSDC the owner undertook some extensive works on the supply. The supply route was simplified, the supply protected from the ingress of contaminants and a new treatment plant was fitted to address the inherent iron issue.

Now deemed a commercial supply BMSDC will continue to regularly monitor the quality of the water provided by the supply.

2. Pest Control Problem in a Food Business

An employee of an outside catering company contacted the Food and Safety team concerned that a rodent problem where they worked was not being dealt with. Officers visited the same day and found a serious rodent infestation which posed an imminent risk to health. The food business operator undertook to voluntarily close the premises and over the following week carried out improvements under the guidance and supervision of Food and Safety Officers and a pest control company. Officers of the Food and Safety team advised the food business operator on the use of temporary

alternative premises, allowing them to cater for some events whilst improvements were underway at their base. The business was rated 0 under the Food Hygiene Rating Scheme because of the infestation.

After a week the officers were satisfied that the premises could re-open, although the food business operator chose to remain closed for a further three weeks to review management systems and staff training. In the meantime, the food business operator was interviewed under caution and admitted a number of food safety offences. Although the offences were very serious, a combination of the previous good level of compliance of the business and cooperation with the Food and Safety team in resolving the issues lead to the food business operator being offered a Simple Caution, rather than facing a prosecution which would very likely have resulted in the business closing.

The food business operator subsequently requested a visit for the score to be re-assessed and achieved a rating of '4 – Good'.

3. Start Up Advice and Guidance for a Community Pub

Prior to the opening of a Community Pub, the Food and Safety team provided considerable advice and guidance. Initially, the operators wanted advice on food hygiene matters as they were new to that kind of operation and meetings were held on site. A pre-inspection was made in anticipation of the bar opening in the summer 2017 and subsequently much advice was given in relation to such things as pest control and staff training.

The kitchen opened at the end of 2017 and after an inspection at the beginning of 2018 a food hygiene rating of 5 was awarded.

4. Legionella Investigation in an Hotel

Towards the end of 2017 Public Health England (PHE) reported three legionella infection cases to BMSDC which, although the individuals concerned were geographically dispersed, were linked by visits to a hotel within the BMSDC districts.

An investigation was carried out at the hotel to ensure that management systems were in place and being implemented for the control of legionella and, with the assistance of the PHE, water samples were taken for analysis.

The investigation found that the business did have management systems in place but as a precautionary measure, some flushing of systems and replacement of old taps was carried out by the business.

Contact with the HSE was made to obtain information about registered cooling towers near the hotel that could have been the source of infection. The HSE were satisfied that the owners of relevant cooling towers had suitable legionella management in place.

None of the 17 samples taken were found to be positive for legionella and the source of infection remains a mystery.

5. Prosecution of a Food Business for Repeated Food Safety Failures

In September 2016 a routine food hygiene inspection of a restaurant was carried out. The inspecting officer found a number of serious contraventions of food hygiene legislation and being aware that the premises had had a poor history of compliance, invited the company director to an interview under caution. The director admitted the offences and subsequently accepted a Simple Caution on behalf of the limited company, thereby avoiding a court appearance and further damage to the business.

Almost exactly a year later the Food and Safety team received a complaint of poor hygiene standards at the same restaurant. An officer visited the same day and found the premises and equipment to be dirty and in poor repair, food at risk of contamination and failure to implement a food safety management system. Of particular concern was the failure to store potentially allergenic foods such as flour and nuts safely, which could have caused a dangerous allergic reaction in a susceptible individual.

Further interviews under caution were carried out and as a result the matter was referred to the legal team. The restaurant subsequently ceased trading but the decision was made to proceed with a prosecution as there was no guarantee that it would not re-open and should it do so, the Food and Safety Manager had very little confidence that the required improvements would be made. In March 2018 the company director pleaded guilty to four charges under the Food Hygiene (England) Regulations 2013. The limited company was fined £2200 and ordered to pay over £600 in costs as well as a £100 victim surcharge.

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