

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 10 July 2013

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Board

Councillor Thomas (J) (Chairman)

Councillor Bent
Councillor Darling (Vice-Chair)
Councillor Davies
Councillor Hytche
Councillor Kingscote

Councillor McPhail
Councillor Pentney
Councillor Richards
Councillor Stockman

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Kate Spencer, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207014

Email: scrutiny@torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 4)
To confirm as a correct record the minutes of the meeting of the Board held on 19 June 2013.
3. **Declarations of Interest**
 - a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Home to School Transport Policy** (Pages 5 - 18)
To consider the proposed changes to the Home to School Transport Policy and to make any recommendations to the Council.
6. **Community Safety Service Plan (Commercial Team)** (Pages 19 - 94)
To consider the draft Community Safety – Commercial Services Service Plan and to make any comments and recommendations to the Council.
7. **Meadfoot Beach Chalets Development** (To Follow)
To consider the proposals to renew the beach chalets at Meadfoot Beach and to make any comments or recommendations to the Council.

8. **Acquisition of Torbay and Southern Devon Health and Care NHS Trust** (To Follow)
To consider the Executive Summary of the Business Case for the proposed acquisition of Torbay and Southern Devon Health and Care NHS Trust and the implications for the commissioning of adult social care in Torbay.

To make any comments and recommendations to the Council.
9. **Overview and Scrutiny Work Programme** (To Follow)
To agree the Overview and Scrutiny Work Programme for 2013/2014.



Minutes of the Overview and Scrutiny Board

19 June 2013

-: Present :-

Councillors Addis, Bent, Darling, Davies, Hytche, Pentney, Stockman and Thomas (J)

(Also in attendance: Councillors Cowell, Hill, James, Morey, Pritchard and Thomas (D))

57. Election of the Chairman

Councillor Thomas (J) was elected Chairman of the Board for the 2013/2014 Municipal Year.

Councillor Thomas (J) in the Chair

58. Apologies

An apology for absence was received from Councillor McPhail and it was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillor Addis in place of Councillor Kingscote.

59. Appointment of Vice Chairman

Resolved: that Councillor Darling be appointed Vice-chairman of the Board the ensuing Municipal Year.

60. Minutes

The minutes of the meeting of the Board held on 30 April 2013 were confirmed as a correct record and signed by the Chairman.

61. Urgent Items

The Board considered the item in Minute 62 and not included on the agenda, the Chairman being of the opinion that it was urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

62. Freedom of Information Requests

The Board heard a representation from a member of the public requesting that the Overview and Scrutiny Board consider the effectiveness of the Freedom of Information processes undertaken by the Council.

Resolved: that a briefing note on the issues raised be prepared for consideration by members of the Board.

63. Petition - Uncontrolled Pedestrian Crossing - Dartmouth Road/Fisher Street, Paignton

The Board considered a request for a review from a petitioner who had previously submitted a petition regarding the visibility at the uncontrolled pedestrian crossing at the junction of Dartmouth Road and Fisher Street in Paignton. The petition raised concerns that the tree at the junction reduced the visibility for pedestrians crossing the road.

Following a presentation to the Transport Working Party in April 2013, the petition had been considered by the Service Manager (Streetscene and Place) in May 2013. As a result, the bottom branches of the tree had been removed to improve visibility and the tree would be reviewed again in a year's time.

Resolved: (i) that the petition was dealt with in accordance with the Council's Petition Scheme and appropriate action had been taken; and

(ii) that no further action be taken.

64. South Devon Link Road - Use of Local Labour - Update

Following its meeting in September 2012, the Board had requested an update on the use of local labour within the contract to construct the South Devon Link Road.

Whilst the contract did not include specific clauses that required the contractor to use a set percentage of local labour or sub-contractors, it was noted that 62% of the 37 full time staff on site were recruited locally (with it envisaged that, when the full team of 45 staff were in place, 54% would be recruited locally). In addition, 53% of the 30 sub-contractors were either based locally or had a local regional office.

During the course of the debate members highlighted the effective communications strategy being employed by Galliford Try (the contractor) and asked questions in relation to the archaeological implications of the construction of the road.

Resolved: (i) that the Board welcomes the encouraging progress being made in the construction of the South Devon Link Road and is pleased with the levels of local labour being utilised; and

(ii) that a full update on the progress of the construction of the road be received in six months time.

65. Revenue Budget 2012/2013 - Outturn

The Board received a report which provided a summary of the Council's expenditure throughout the 2012/2013 financial year and made recommendations in relation to the Council's uncommitted reserves. The Deputy Mayor (on behalf of

the Mayor as Executive Lead for Finance) attended the meeting to present the report and answer the Board's questions.

It was noted that the Council would have declared an overspend of £2.375 million at the end of the year however the use of reserves and unallocated grants meant that a balanced budget was being reported. Further there was a total of £1.292 million of uncommitted budget at the year end. It was proposed that this be allocated to the General Fund, the recently approved Community Development Trust and the Growth Fund.

In applying £700,000 to the Growth Fund, the Council would be able to make the equivalent sum of money within the Council's capital resources (which had previously been earmarked for the Fund) available to support the existing Capital Plan.

Resolved: that it be recommended to the Council that the £700,000 now being made available to support the existing Capital Plan be allocated to highways maintenance.

(**Note:** During consideration of the item in Minute 65 the press and public were formally excluded from the meeting on the grounds that the discussion involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

66. Capital Plan Budget - Outturn

The Board considered a report which had been prepared which provided high level information on the Council's capital expenditure and income for the 2012/2013 financial year, compared with the budget position which had been reported for Quarter 3 in February 2013.

It was reported that the Council had applied for grant aid from the Environment Agency to cover the additional costs for the works at Livermead Sea Wall following the collapse of the wall earlier in the year.

Resolved: that, if the Council is not successful in securing grant aid from the Environment Agency for the increased costs of the works at Livermead Sea Wall, the Council explore the opportunity for approaching South West Water for funding and report back to the Overview and Scrutiny Board.

67. Review of Youth Unemployment

The Board considered the final draft report on Youth Unemployment in Torbay which had been prepared by the review panel chaired by Councillor Pentney.

Resolved: that the report be adopted, published and forwarded to the Mayor for his consideration and response.

68. Appointment of Health Scrutiny Board

Resolved: that the Health Scrutiny Board be appointed with terms of reference:

“To consider all matters and issues arising from the Council’s power of scrutinising local health services in accordance with the Health and Social Care Act 2001, the National Health Service Act 2006 and the Health and Social Care Act 2012”

and with the membership:

Five members of the Conservative Group (Councillors Bent, Hernandez, Hytche, McPhail and Thomas (J));

Two members of the Liberal Democrat Group (Councillors Davies and Doggett); and

One member of the Non-Coalition Group (Councillor Ellery).

69. Overview and Scrutiny Work Programme

The Board considered a report which explained the need for the Board to agree a robust, realistic and flexible Work Programme which would help to ensure that overview and scrutiny was driving service improvement and playing a role in the policy development process.

As part of the discussion, members expressed a desire to utilise different formats to encourage greater engagement with the community in undertaking its work.

It was suggested that an analysis of the complaints received by the Council be undertaken to identify issues of concern to the community. It was also suggested that the way in which the Council communicated with the public was one of the recurring issues which was raised with ward councillors.

Chairman

Agenda Item 5



Meeting: Overview and Scrutiny Board **Date:** 10 July 2013

Wards Affected: All

Report Title: Home to School Transport

Executive Lead Contact Details: Ken Pritchard; Richard Williams, Director of Children's Services: 01803 20840, richard.williams@torbay.gov.uk

Supporting Officer Contact Details: Matt Redwood, Head of Schools Commissioning: 01803 208238 matthew.redwood@torbay.gov.uk

1. Purpose and Introduction

1.1 This report seeks a decision on proposals to phase out concessionary home to school/college transport assistance. Initial proposals to remove all concessionary transport support from September 2013 have been replaced with a proposal to phase their removal over three years. A consultation has been undertaken on these revised proposals.

2. Proposed Decision to be considered by Council

2.1 **Recommendation:** To phase out all discretionary home to school/college transport assistance over a period of three years as detailed in section 5.2 a) - f).

2.2 Reason for Decision

To reduce expenditure on home to school/college transport by removing non-statutory elements of support. The present home to school transport spend is not sustainable. The main impact of these changes will be an increase in the cost of transport for parents of some post-16 students, also for parents of a small number of pupils attending faith or selective schools.

Supporting Information

4. Position

4.1 The Council is reviewing its policy as it currently spends approximately £113k per year in providing discretionary travel support to pupils across Torbay. This funding could be saved if the Council were only to provide statutory home to school/college transport. The current policy only provides discretionary help to pupils for transport to some secondary

schools and not others so removing this discretionary transport would provide a 'level playing field' for home to school/college transport across schools.

- 4.2 Discretionary transport assistance is currently provided by the council as follows:
- a) support towards the cost of a bus pass for pupils attending St Cuthbert Mayne on grounds of faith, where they live further than 3 miles away and do not qualify for statutory assistance.
 - b) support towards the cost of a bus pass for pupils attending a selective school who live more than 3 miles away, are not entitled to statutory transport assistance and live within the designated transport area for the school.
 - c) The provision of a free bus pass to pupils from low income families to any secondary school between 2 and 6 miles away, even if it is not one of the three nearest suitable schools.
 - d) A financial contribution to the cost of a bus pass for post-16 students studying in school sixth forms, where they live further than three miles away.
 - e) A block contribution to South Devon College to fund the current scheme for subsidised travel to South Devon College.

5. Possibilities and Options

- 5.1 Members first considered changes to discretionary home to school transport assistance at the Priorities and Resources 2013/2014 Review Panel on 15 January 2013 <http://democratic-svr1:9070/documents/g4496/Public%20reports%20pack%20Tuesday%2015-Jan-2013%2009.30%20Priorities%20and%20Resources%2020132014%20Review%20Panel.pdf?T=10> Maximum savings could be made by removing all discretionary assistance from September 2013; however, feedback from Panel Members indicated that this would be too drastic a change to make at one time.
- 5.2 An alternative set of proposals has therefore been drawn up to phase out all discretionary transport assistance over a three year period. Specifically, this would involve:
- a) ceasing discretionary support towards the costs of transport for pupils attending St Cuthbert Mayne because of parental preference. The proposal is to phase this in by removing sibling subsidies for both existing and new pupils in September 2014 and ceasing all subsidies in September 2015. The subsidy for 2014-15 will continue to be at the same level as 2012/13 - £25. Estimated savings would be in the region of £4,000 per year.
 - b) ceasing discretionary support towards the costs of transport for pupils attending selective schools. The proposal is to phase this in by removing sibling subsidies for both existing and new pupils in September 2014 and ceasing all subsidies in September 2015. The subsidy for 2014-15 will continue to be at the same level as 2012/13 - £25. Estimated savings would be in the region of £2,500 per year.
 - c) from September 2014, supporting all new low income applicants to the nearest 3 suitable secondary schools between 2-6 miles. From September 2015 Torbay's policy

to come into line with the legal requirements so that all support for pupils attending a secondary school that is not one of the three nearest suitable secondary schools ceases. Estimated savings would be in the region of £15,000 per year.

d) ceasing discretionary support towards the costs of transport for post-16 students attending school sixth forms . The proposal is to phase this in by removing sibling subsidies for both existing and new pupils in September 2014 and ceasing all subsidies in September 2015. The subsidy for 2014-15 will continue to be at the same level as 2012/13 - £25. Estimated savings would be in the region of £22,000 per year.

e) increasing the contribution that parents of post-16 students from low income households pay towards a bus pass (currently £100) to £250 in September 2013, £400 in September 2014 and ceasing this subsidy in September 2015.

f) reducing the Council's contribution to the joint scheme run with South Devon College by £30,000 in September 2013 and by a further £20,000 in September 2014. The Council will cease its funding completely for this scheme in September 2015. Whilst the Council is reducing its contribution the scheme will still be available for students in the 2013/14 and 2014/15 academic years. Savings in total will be £70,000 per year.

5.3 Because the proposal is to phase in these changes, savings will not be fully realised until 2015-16 financial year. Projected savings are £26,000 for 2013-4, £44,000 for 2014-5 and £43,000 for 2015-16.

5.3 The alternative of continuing to fund discretionary transport at current levels is not sustainable, as the transport budget is insufficient to meet the current need and increasing demands are being made on it for statutory transport assistance for pupils with Special Educational Needs.

6. Fair Decision Making

6.1 An Equality Impact Assessment (EIA) has been undertaken and is attached as an appendix to this report. Key findings from the EIA are that a small number of families will be affected whose children attend denominational schools on faith grounds; also post-16 students including those from low income households will be affected. However, there will be an appeals process in place so that families experiencing exceptional circumstances or extreme hardship can continue to request discretionary assistance. Post-16 bursaries are available directly from schools and colleges to assist students from families on low incomes, also students in care or leaving care. Entitlement to statutory transport assistance is not affected by these proposals.

7. Public Services (Social Value) Act 2012

7.1 These proposals will not involve additional procurement or provision of services.

8. Consultation

- 8.1 A public consultation was undertaken for a period of 4 weeks in April and May. The consultation was posted on the council's web site. All schools and academies were contacted, also South Devon College, and asked to alert parents, pupils and governors to the consultation. The consultation was sent to other key stakeholders including the Dioceses of Exeter and Plymouth and a press release was issued.
- 8.2 Three drop-in sessions were held where officers were available to answer questions. These were held in Brixham, Paignton and Torquay. A total of six people attended these sessions. Seven phone enquiries were received. All those making enquiries were directed to or given a response sheet to complete; however, only one response was actually submitted. The person responding disagreed with the proposals and stated that education cuts should be 'a long way down the list of proposed cuts'. Representations had previously been made by South Devon College and Stagecoach to the Review Panel in January 2013.

9. Risks

- 9.1 If the decision is not implemented, the school transport budget will be further overspent; this will impact on other, essential services to be provided by the council. If the decision is implemented, some families and students will face increased travel costs in future years. The biggest impact will be on post-16 students. However, school students can access financial support towards travel costs by applying to the Bursary funds that are now allocated by the DfE to all secondary schools with sixth forms to help students from low income households. South Devon College students from low income households are able to apply to the South Devon College bursary fund allocated by the DfE for a contribution towards travel costs.

Appendix

Equality Impact Assessment.

Additional Information

None.

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Home to School Transport	Business Unit:	Schools Commissioning
Name (Key Officer/Author):	Tricia Harwood	Tel:	01803 208245
Position:	Admissions, Transport & Development Officer	Email:	Tricia.harwood@torbay.gov.uk
Date:	29-05-13		

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/>	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>To phase out discretionary transport assistance for home to school/college transport. Children's Services will continue to provide the statutory services in relation to home to school / college transport.</p> <p>All local authorities have a statutory duty to make arrangements for the provision of transport as they consider necessary to facilitate school attendance. This includes:</p> <ul style="list-style-type: none"> ● Providing transport assistance to pupils of statutory school age travelling to and from school if they live further than the statutory walking distance from their nearest school (this is two miles for pupils aged 7 and under and three miles for pupils aged 8 and over). ● Secondary pupils from low income families are entitled to free transport to any of the three nearest suitable schools that are more than two and less than six miles away, and to a denominational school up to 15 miles away. ● Normally assistance is in the form of a free bus pass. <p>Local Authorities have a duty to have regard to parental wishes for a faith/denominational school. They also have a duty to raise the participation in Post 16 education and training.</p> <p>Currently Torbay Council provides additional non-statutory (discretionary) assistance in a range of circumstances, as follows:</p> <ol style="list-style-type: none"> i. A financial contribution to the cost of a bus pass for pupils attending St Cuthbert Mayne on grounds of faith, where they live further than 3 miles away and do not qualify for statutory assistance. In 2012-13 the cost of a bus pass to the council is £515 and we charge parental contributions at £490 so the net cost to the council per paying pupil is £25. There is an additional subsidy of £245 per second child and £490 per third and subsequent child in a single family. The total annual cost to the council of this support to 62 pupils is approximately £4,000. The cost of purchasing an annual bus pass from Stagecoach by a parent is £575. ii. A financial contribution to the cost of a bus pass for pupils attending a selective school who live more than three miles away, are not entitled to statutory transport assistance and live within the designated transport area for the school. The net cost and subsidy are as in (i) above. The total annual cost of this support to 42 pupils is approximately £2,520. iii. The provision of a free bus pass to pupils from low income families to any secondary school between 2 and 6 miles away, even if it is not one of the three nearest suitable schools. This costs the council around £15,000 a year. iv. A financial contribution to the cost of a bus pass for 144 post-16 students studying in school sixth forms, where they live further than three miles away. The council makes a net contribution of £25 per student, or £415 per student for low income families. The annual cost to the council is approximately £22,320. <p>A block contribution to South Devon College for assistance with transport of £70,000 per year.</p>

No	Question	Details
2.	Who is intended to benefit / who will be affected?	<p>Families who currently have access to free or subsidised transport on a statutory basis will continue to receive the appropriate assistance.</p> <p>Families who currently have access to free or subsidised transport on a discretionary basis will be impacted by this decision.</p> <p>There may also be an adverse impact on denominational (i.e. Church of England / Roman Catholic) schools and selective schools (i.e. Grammar schools) in Torbay and on South Devon College.</p> <p>The key stakeholders in relation to this proposal are:</p> <ul style="list-style-type: none"> • Schools • South Devon College • Families
3.	What is the intended outcome?	To review the policy and criteria in relation to discretionary transport assistance for home to school transport.

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Pupils living more than 2 miles from school (under 8) or 3 miles (over 8) are legally entitled to free transport and are provided with a bus pass.</p> <ul style="list-style-type: none"> • The number of pupils currently eligible for discretionary transport on faith grounds and paying a contribution towards the cost of transport is 62. • The number of pupils currently eligible for discretionary transport to a selective school and paying a contribution towards the cost of transport is 42. • Parents currently pay £490; the full cost of an annual Stagecoach bus pass is currently £575. • At the moment, parents with a second child receiving this discretionary transport get a 50% discount in their contribution and third children within a family travel free. This discounted travel affects very few pupils. <p>The greatest impact will be on post-16 students.</p> <ul style="list-style-type: none"> • 48 students attending school sixth forms from low income families currently receive a substantial transport subsidy, paying £100 towards the cost of an annual bus pass. • Approximately 90 students purchase discretionary passes at a cost of £490 per year. • 1026 students on low income attending South Devon College receive free passes funded entirely by the College so these students will not be affected by this proposal. • A further 356 students attending South Devon College receive a discretionary transport subsidy provided in part by Torbay Council and partly by the College. They pay an annual contribution that varies according to the number of days they attend. <p>Bursaries are now available for post-16 students in care, leaving care or in receipt of some income support. Discretionary bursaries are available for other students to help with costs such as transport. These are distributed directly by post-16 institutions.</p> <p>From September 2013, all secondary schools across Torbay will offer post-16 provision. Students will therefore have the option of studying locally.</p> <p>The alternative of continuing to fund discretionary transport at current levels is not sustainable, as the transport budget is insufficient to meet the current need and increasing demands are being made on it for statutory transport assistance for pupils with Special Educational Needs.</p>

No	Question	Details
5.	How have you consulted on the proposal?	<p>This proposal was considered by the Overview and Scrutiny Priorities and Resources Panel on the 15th January 2013. The panel invited members of the public and stakeholder organisations to attend and make representations if they wished to do so. Representations were received from South Devon College, Stagecoach Devon and the Headteacher and parents of pupils of St Cuthbert Mayne School about the proposals to no longer provide discretionary transport assistance.</p> <p>Further to representations made regarding this proposal it was agreed that there would be a consultation in February/March on phasing these proposals over 3 financial years (two academic years) to enable parents and students to plan for changes phased over a longer period. This will mean some pupils/students will have completed their courses and others will have longer to plan for the necessary financial arrangements for travel to school/college to finish their courses if concessionary travel is removed. Parents of children moving school will be able to choose school places in the knowledge of the new policy.</p> <p>A consultation was held for 4 weeks from 29th April to 24th May 2013. Consultees included all parents and pupils in Torbay, school staff and governors, South Devon College, Anglican & Catholic dioceses and Devon County Council. The consultation was posted on the council's web site. All schools and academies were contacted, also South Devon College, and asked to alert parents, pupils and governors to the consultation and via a press release. Three drop-in sessions were held during the consultation period in the different towns within Torbay.</p>
6.	Outline the key findings	<p><u>Priorities and Resources:</u></p> <p>Representations made at the Priorities & Resources (Overview & Scrutiny) Panel:</p> <ul style="list-style-type: none"> ● <i>“Transport is a key barrier to participation”</i> ● <i>“...the reduction in funds is inevitably going to lead to some loss of patronage on bus services as parents and students decide to either relocate or find alternative means of transport such as the car”</i> ● <i>“...Several of the routes, particularly for South Devon College, only run at the start and end of the day there is no scope for minor reductions. Withdrawing a route would of course disadvantage all students, not just those who are receiving the support”</i> ● <i>“Short-sighted decision that may increase the use of cars, or remove children from school”</i> <p>Please Note: The comments of the Overview and Scrutiny Board are set out in paragraphs 4.21-4.24 of its report “Review of Priorities and Resources 2013/2014”</p> <p><u>Consultation</u></p>

Details	
No	There was a very low level of interest shown. The drop-in sessions attracted a total of six people 1 family and 2 members of the youth parliament, who asked questions and were invited to complete a response sheet. 7 calls were received with queries about the proposals. Only one response was actually submitted. The respondent disagreed with the proposals.
7.	Amendments were made following the earlier discussion at Scrutiny Committee. Original proposals were to cut all concessionary transport from September 2013. Amended proposals have now been put forward to phase out over three years. No further amendments have been identified as a result of the consultation. <i>At the meeting of the Overview and Scrutiny Board on 24 January 2013, the Mayor and the Executive Lead for Children, Schools and Families announced that they would be recommending that these proposed changes would be phased in and no reductions in discretionary school transport would be made until 2014/2015.</i>

Positive and Negative Equality Impacts

Details									
No	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>								
8. Page 14	<table border="1"> <thead> <tr> <th>Question</th> <th>Positive Impact</th> <th>Negative Impact</th> <th>Neutral Impact</th> </tr> </thead> <tbody> <tr> <td>All groups in society generally</td> <td> <p>Children’s Services will continue to provide the statutory services in relation to home to school / college transport.</p> <ul style="list-style-type: none"> Children / young people on low incomes attending South Devon College will continue to receive free passes. Young people who are post-16 carers are eligible for bursaries – bursaries are administered </td> <td> <p>Policy only applies to children / young people attending school or further education. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.</p> </td> <td> <p>To mitigate against the negative impacts on families of increased costs, there will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.</p> </td> </tr> </tbody> </table>	Question	Positive Impact	Negative Impact	Neutral Impact	All groups in society generally	<p>Children’s Services will continue to provide the statutory services in relation to home to school / college transport.</p> <ul style="list-style-type: none"> Children / young people on low incomes attending South Devon College will continue to receive free passes. Young people who are post-16 carers are eligible for bursaries – bursaries are administered 	<p>Policy only applies to children / young people attending school or further education. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.</p>	<p>To mitigate against the negative impacts on families of increased costs, there will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.</p>
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No	Question	Details	
	directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.		
Older or younger people		Young people are the ones who travel from home to school and will therefore be affected by cuts in discretionary funding. This proposal will affect approximately 1000 children / young people. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.	1026 students on low income attending South Devon College receive free passes funded entirely by the College so these students will not be affected by this proposal.
People with caring responsibilities		Pre-16 carers are entitled to the same transport provision as all other young people.	Post-16 carers are eligible for bursaries.
People with a disability			The proposed changes to discretionary transport will not affect entitlement to transport on the basis of inability to walk to school/use public transport to travel to school.
Women or men			The policy will affect all young people eligible for discretionary transport assistance, not just one gender.
People who are black or			This decision does not differentially

No		Question		Details	
		from a minority ethnic background (BME)			impact upon those of different ethnicity over and above that detailed above in respect of all groups generally.
		Religion or belief (including lack of belief)		There will be a negative impact on a number of families who choose to send their child to a faith school and who do not qualify for low income support. This will affect around 60 pupils.	
		People who are lesbian, gay or bisexual			This decision does not differentially impact upon a person's sexuality over and above that detailed above in respect of all groups generally.
		People who are transgendered			This decision does not differentially impact upon those who are transgendered over and above that detailed above in respect of all groups generally.
		People who are in a marriage or civil partnership			This decision does not differentially impact upon those who are married or in a civil partnership over and above that detailed above in respect of all groups generally.
		Women who are pregnant / on maternity leave			This decision does not differentially impact upon those who are pregnant or on maternity leave over and above that detailed above in respect of all groups generally.
		Socio-economic impacts (including impact on child poverty issues and deprivation)	Children's Services will continue to provide the statutory services in relation to home to school / college transport. <ul style="list-style-type: none"> Children / young people on low incomes attending South Devon College will continue to receive free 	Policy only applies to children / young people attending school or further education. This decision may cause some financial hardship and/or limit the choice of schools available for some families to choose from.	

Question		Details	
No			
		<p>passes.</p> <p>Young people who are post-16 carers are eligible for bursaries – bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.</p>	
9.	<p>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</p>	<p>Assistance with transport to and from school is provided for anyone living more than the statutory distance from their nearest school. There is an additional legal entitlement to support for pupils of statutory school age from low-income families to give them access to a wider choice of learning institutions. Transport assistance is also provided for young people with disabilities who are unable to walk to school or use public transport on medical grounds.</p> <p>To mitigate against the negative impacts on families of increased costs, there will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship. This process is open to all families.</p>	

Section 3: Steps required to manage the potential impacts identified

Action		Details	
No			
10.	<p>Summarise any positive impacts and how they will be realised most effectively?</p>	<p>Children's Services will continue to provide the statutory services in relation to home to school / college transport. Children / young people on low incomes attending South Devon College will continue to receive free passes. Young people who are post-16 carers are eligible for bursaries – bursaries are administered directly by post-16 institutions and young people are advised to talk to their school / college for assistance. Those children / young people who are carers and under the age of 16 are entitled to the same transport provision as all other young people.</p>	
11.	<p>Summarise any negative impacts and how these will be managed?</p>	<p>The negative impact will be an additional cost for transport to school or college for a range of pupils and students. Statutory assistance will continue to be given to those who are entitled to it. The council will work with post-16 institutions where possible to encourage and support access to education and training for all young people up to the age of 18. There will be an appeals process where parents will be able to request discretionary support in exceptional circumstances and cases of genuine hardship.</p>	

Section 4: Course of Action

No	Action	Details
12.	State a course of action [please refer to action after section 5]	<p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Although the council has a duty to have regard to parents' wishes for their child to attend a faith school, this does not mean that the council is obliged to offer transport assistance by default. An appeals process will be available for parents to request discretionary transport assistance in exceptional circumstances. New guidelines will be drawn up for the panel. The opening of school sixth forms in former 11-16 schools will mean that most young people will be able to access post-16 provision locally.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	The number of appeals for discretionary assistance will be monitored.

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Draw up new guidelines for appeal panel members	To ensure consistency, compliance with the law etc.		Tony Hele/ Tricia Harwood	31 October 2013
2	Monitor the number of appeals made and allowed for discretionary transport assistance	To assess the impact of the change in policy		Tony Hele/ Tricia Harwood	Ongoing, termly

Agenda Item 6



Meeting: Overview and Scrutiny Board **Date:** 10 July 2013

Wards Affected: All

Report Title: Commercial Team Service Plan. Community Safety (incorporating the statutory service plans for Food Safety and the Councils Under Age Sales Policy for Tobacco Products and other age restricted goods.)

Executive Lead Contact Details: Councillor Excell, Executive Lead for Safer Communities, 01803 207579, robert.excell@torbay.gov.uk

Supporting Officer Contact Details: Steve Cox, Environmental Health Manager (Commercial), 01803 208025, steve.cox@torbay.gov.uk

This is the draft report to the Council (including draft appendices). The Overview and Scrutiny Board are requested to review the documents and make any comments and/or recommendations to the Council.

1. Purpose and Introduction

- 1.1 For Members to note the overall contents of the Commercial Team Service Plan (part of the Community Safety Business Unit) and to specifically agree the Food Safety Service Plan, and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Good. The Commercial Team Service Plan includes the current work plan of the Commercial Team within Community Safety which comprises of the functions of Food Safety, Trading Standards, Licensing, Health and Safety and Emergency Planning which are managed together as part of key front line services protecting the public
- 1.2 By approving the Statutory Food Safety Service Plan, and the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods, Members will ensure that businesses, residents, employees and the wider community of Torbay are protected and the resources allocated to the service are deployed to areas of highest risk.

2. Proposed Decision for the Council

- 2.1 **(i) To approve the Statutory Food Safety Service Plan as set out in Appendix A of Appendix One.**

(ii) To approve the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods as set out in Appendix C of Appendix One.

(iii) To note the overall workplan of the Commercial Team for 2013/14.

2.2 Reason for Decision

The Commercial Team Service Plan covers the work undertaken by the Commercial Team within Community Safety, all of which are statutory functions of the Council. Contained within this Service Plan is the Food Safety Service Plan which is a statutory plan required by the Food Standards Agency.

Within the Service Plan is also the Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods. Torbay Council has a statutory obligation to review annually its Under Age Sales Policy with regards to enforcement action on tobacco and tobacco products in relation to the protection of children and young persons.

Supporting Information

4. Position

4.1 The Commercial Team Service Plan covers the work undertaken by the Commercial Team, Community Safety, all of which are statutory functions of the Council. The resources allocated to this team have reduced year on year, as highlighted within the Service Plan. The plan outlines the risks associated with reduced resources in fulfilling its statutory obligations especially with regard to the level of food hygiene inspections which are undertaken and the overall resilience of the service.

4.2 As highlighted in previous reports to the Community Safety Business Units now prioritises its workload based on risk and will always target first, those businesses, activities, emergencies and disease outbreaks considered to be of the highest risk. However its resilience to continue to deliver its full range of statutory duties and meet customer expectations, within the resources allocated is now under significant strain.

Food Safety Service Plan

4.2 Food Standards Agency guidance entitled Framework Agreement for Local Authority Food Law Enforcement details many requirements for Local Authorities, which had to be implemented from April 2001. These requirements include the production and implementation of an annual Food Safety Service Plan and a Food Sampling Policy. The guidance provides information on how enforcement services plans should be structured and what information they contain. Service plans developed under these arrangements will provide the basis on which Local Authorities are monitored and audited by the Food Standards Agency.

- 4.3 The document shown in Appendix A of the Commercial Team Service Plan is the Food Safety Service Plan. It includes food standards and food hygiene requirements in accordance with the Food Standards Agency prescribed format. It details matters such as achievements in service delivery, a review of last years implementation and this years work plan for 2013/14, this may alter during the year as the service is very reactive and responds to changes in legislation as and when is necessary.
- 4.4 In November 2011 the Food Standards Agency audited Torbay Council. The key issues highlighted in their report were:
- the large volume of seasonal businesses and the fact they need to be inspected quickly;
 - the backlog of medium risk premises that require an intervention.

An action plan was developed and agreed with the Food Standards Agency to mitigate the issues raised however with the current level of resources allocated to this service the Food Safety Team is not able to carry out 100% of interventions in all the premises as laid out in the statutory Food Law Code of Practice. This is reflected in the Food Safety Service Plan. This may result in further Food Standards Agency inspections as resources have reduced further since that inspection.

- 4.5 The new Food Hygiene Rating Scheme has been a huge success, with over 600 premises scoring 4 or 5. (5 being the highest score). It has helped drive up standards and has meant there has been a recent reduction in the number of high risk premises, which has helped mitigate some of the loss in resources. However, the team cannot remedy the continued resource gap to enable them to inspect all C rated premises, as previously identified.
- 4.6 The Food Standard Agency's 'Official Food Control' National Review has been brought to an early close. One option that was being considered was the centralisation of the food hygiene inspection work. They have concluded that the enforcement of food hygiene in premises should remain with the Local Authority, though this will be with greater scrutiny.

Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods

- 4.7 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider, at least once a year, the extent to which it is appropriate to carry out a programme of enforcement action in relation to tobacco and tobacco products. This report fulfils the requirements of this annual review, but also extends its remit to other age restricted goods. Through the control of age restricted products, Torbay Council has actively contributed to the reduction of anti-social behaviour and reduced the risks to children and other vulnerable groups.
- 4.8 Cabinet last considered Torbay Council's Policy regarding enforcement of legislation prohibiting the supply of tobacco and tobacco products to children and young people, in December 2011. This report updates that Policy and renews our commitment to

test purchasing, along with other early interventions to ensure that children and young people across Torbay are protected. See Appendix C of Appendix One.

- 4.9 This Policy contributes directly to delivering Torbay Council's corporate priorities and delivers our statutory responsibilities. It also links with the Council's children's and young peoples safeguarding and safety responsibilities.
- 4.10 The Policy also relates to the Community Plan, in particular to the theme of 'Community Safety'. There are strong links between drug and alcohol problems and crime. The Policy is aimed at protecting children and young people from the harmful effects of cigarettes and alcohol. It also encompasses the sale of fourteen other age restricted products, including knives and solvents.
- 4.11 The Policy is linked to Torbay Council's responsibilities as a Licensing Authority, under the Licensing Act 2003. Trading Standards are statutory consultees under the Licensing Act 2003, in relation to 'The Protection of Children from Harm'. The Policy also contributes to Torbay Council's agenda for safeguarding children under the Children Act 2004 and the responsibilities of the Every Child Matters agenda.
- 4.12 During the past 12 months only one Test Purchasing Operation has been undertaken. There has been and continues to be difficulties in getting willing volunteers to undertake these test purchases. This resulted in a different approach whereby a young looking 19 was used. Although this means that no offences are committed if a sale takes place it does test the policy of the premises in question. Eight premises were visited and three sold tobacco and alcohol and six didn't ask for identification. Those premises have been written to and advice has been given to ensure their own policies are followed.

5. Possibilities and Options

- 5.1 The Council has approved a Food Safety Plan and an Under Age Sales Policy annually. The tabled Service Plan ensures that the resources allocated to the teams through the budget process will be deployed to best affect and deal with the areas of highest risk. In supporting the recommendations the council would be providing the baseline against which any future Food Standards Agency audits will be undertaken .If Members are not minded to approve the plans, then further negotiation will need to be undertaken with the Executive Head Community Safety and Executive Lead.

6. Equal Opportunities

- 6.1 The recommendations in this report will ensure that the resources allocated to the team are targeted at areas of highest risk.

7. Public Services (Social Value) Act 2012

- 7.1 This report is not recommending any direct commissioning of services and therefore does not have a direct impact with Public Services (Social Value) Act 2012. The

report seeks the endorsement of the statutory work already undertaken directly by the Council.

8. Consultation

- 8.1 No external consultation has specifically been undertaken on the Commercial Team Service Plan although the budget allocated to the team was subject to public consultation through the Councils overall budget processes during 2012/13. Though Consultation does take place on key pieces of work, such as Policy reviews and on many applications made under the Licensing Act 2003 and the Gambling Act 2005.

9. Risks

- 9.1 Torbay Council is required to produce an annual Food Safety Service Plan, so providing that is agreed then there is no immediate risk. There is however a risk associated with the declining resources and the resilience within the Commercial Team which may have an impact on the delivery of the services it provides including food hygiene inspections.
- 9.2 Torbay Council is required by Section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 to consider the Policy on the Protection of Children in relation to Tobacco Sales, at least once in every period of 12 months, the extent to which it is appropriate to carry out in the area a programme of enforcement action in relation to tobacco and tobacco products. This is a statutory requirement with limited impact, as the work is already ongoing.

Appendices

Appendix One Commercial Team Service Plan

Additional Information



Community Safety

Commercial Team Service Plan

2013/14

DRAFT

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Introduction to the Commercial Team

Scope of the Commercial Teams responsibilities

The Commercial Team within Community Safety Business unit is responsible for a range of functions whose officers primarily work with businesses to support and help them deliver their business aims.

These visits are broadly welcomed because officers advise and support business interpreting what they need to do to ensure they provide their business safely and to comply with the law. This saves businesses significant time and money in researching the law, seeking advice or employing expensive consultants.


The functions broadly fall into five areas

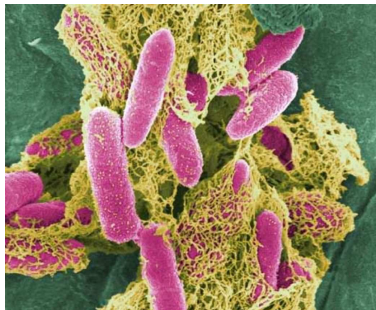

- Food safety & Infectious disease control
- Trading Standards
- Licensing
- Health & Safety
- Internal Health & Safety & Emergency Planning

What has been achieved in 2012-13?

Notwithstanding the great pressures on the Commercial Team and the department, a huge amount of great work continues to be done to help businesses, to maintain the health of the population, address complaints, support and protect the old and vulnerable and when necessary enforce against the excesses of a few.


Food Safety

<p>Case study 1</p> 	<p>National Food Hygiene Rating Scheme</p> <p>In November 2011 the national Food Hygiene scheme was launched in Torbay with a view to driving up food safety standards in the Bay and to provide consumers with an informed choice on where they should eat. To date 800 food premises have been rated in the Bay with over 600 scoring either a 4 or 5. However about 80 premises are still below the level of basic food hygiene compliance, therefore these premises need a considerable amount of time and effort to get them up to a compliant level. The majority of these are due to inadequate or no paperwork.</p> <p>There is evidence to say that the food hygiene scheme is working as the number of A and B risk premises, the highest risk premises in the Bay fallen by half from 130 to 55.</p>
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	<p>A survey undertaken revealed that</p> <ul style="list-style-type: none"> • 90% of the respondents were positive or very positive about the usefulness of the information given • 91% were positive or very positive about the report left at the time of the inspection • 69% felt that the scheme is having a positive or very positive scheme in Torbay <p>More information on the scheme and survey results is available in Appendix A, The Food Safety Service Plan.</p>
<p>Case study 2</p> 	<p>E Coli 0157 investigation</p> <p>In 2012/13 the Food Safety Team were involved in the investigation of an outbreak of E Coli 0157, a serious infections disease which can be fatal. There were 4 cases of E Coli 0157 two of which were children under 5 who were hospitalised. As a result of a swift response and initial investigation the outbreak was contained and did not spread any further around the Bay.</p>
<p>Case Study 3</p> 	<p>Exporting of fish to China and America</p> <p>A number of the approved fishery establishments in Brixham and Paignton rely heavily on their export trade to countries such as China and America. The Food Safety team play a significant role in the fishing industry of Torbay as they regularly inspect the Fish Market at Brixham, give support and guidance to the fishery establishments who need to be approved. The fishery establishments cannot trade without being given an export certificate for every batch from the Food Safety Team.</p> <p>The Food Safety Team also take water and flesh samples from the mussel bed off Brixham to ensure the mussels do not cause a public health problem.</p>


A full summary of the work of the Food Safety Team is included within the Food Safety Service Plan, which is a statutory requirement and is attached, see Appendix A.






Trading Standards

<p>Case study 1</p>	<p>Complaints about Fair trading, Consumer Protection, Counterfeiters</p> <p>For several years civil matters such as whether a product works or a service meets an expected quality have been dealt with by Consumer Direct and now Citizen’s Advice Bureau. However the way products are sold, their safety, door step crime and fraud are criminal matters and investigated by Trading Standards. This included many complaints originating from residents on Park Homes sites.</p> <p>In 2012/13 the team received with 3648 complaints, although many are civil matters and not investigated further. Those that were criminal resulted in advice being given, written warnings been issued and two formal cautions & two prosecutions.</p>
<p>Case study 2</p> 	<p>Doorstep Crime and No Cold Calling Homes</p> <p>In 2012/13 the Trading Standards Team further extend the number of properties now displaying No Cold Calling Homes stickers in over 2000 properties, as well as continuing to raise awareness of the scheme. The scheme has now been extend to the whole of Devon and Cornwall Constabulary area with much of the partnership scheme being based upon the original Torbay scheme. A survey was undertaken in Torbay that identified some truly great benefits.</p> <ul style="list-style-type: none">• 97% of these residents stated that they were using the sticker provided to them.• 98% of residents agreed that the information provided within the pack was easy to understand and 79% had recommended the scheme to friends or family members.• 93% of scheme members feel more confident about avoiding and dealing with doorstep sellers and bogus callers since receiving their pack and displaying their sticker.• SINCE displaying the sticker 89% of residents reported a reduction in the number of doorstep sellers calling at their door and 96% believe that it helps to deter doorstep sellers and bogus callers. <p>A copy of the survey is attached in Appendix B.</p>

<p>Case Study 3</p> 	<p>Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods</p> <p>Torbay Council Trading Standards Officers undertake investigations of underage sales based upon intelligence and complaints. It Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods for 2013-14 is attached in Appendix C for agreement.</p> <p>In 2012-13 one underage sales operation was undertaken. Due to significant problems recruiting children to this role an operation was undertaken using a 19 year old. In June 2013 8 premises were visited for alcohol and tobacco. Since all will operate a Challenge 21 policy it was disappointing to have three sales. These premises committed no offences, however advice and a warning was given about future targeted work.</p>
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Licensing

<p>Case study 1</p> 	<p>Licensing Applications</p> <p>The majority of applications are either Licensing Act applications for the sale of alcohol and/or to provide entertainment, or for Hackney Carriages, Private Hire Vehicles & their drivers. In addition however there are applications for Pet Shops, Animal Boarding, Dangerous Wild Animals, Gambling, Lotteries, Street Collection, Street Trading, Tattooing, Fireworks to name some.</p> <p>In total 2127 (<i>draft figure - still to include some additional data</i>) applications were received. Of those 714 have statutory deadlines and in virtually all cases these were met.</p> <p>There was one review of a Licensing Act Premises Licence and two appeals of Licensing Committee decisions, one under the Licensing Act 2003 and one for a revocation of taxi driver's licence, during this period.</p> <p>Appendix D highlights the trends over the last 5 years for major applications.</p>
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<p>Case study 2</p>  <p>Hackney Carriage (Taxi) & Private Hire Policy</p> <p>May 2013</p>  <p>www.torbay.gov.uk</p>	<p>New Hackney Carriage & Private Hire Policy</p> <p>In 2012/13 the Licensing Team wrote, consulted upon and had agreed by Licensing Committee a new up to date policy bringing in a number of new measures.</p> <p>The new measures included introducing a driving standard assessment from new drivers and those who obtain 7 penalty points; new licensing objectives to aid decision making; a more robust conviction policy; extending the working life of Wheelchair Accessible Vehicles to 10 years in an attempt to increase the percentage of the fleet that is wheelchair accessible and some changes in vehicles specifications for the modern era. This also incorporated recent changes in the legislation.</p>
<p>Case Study 3</p>  <p>Statement of Principles 2013</p> <p>January 2013</p>  <p>www.torbay.gov.uk</p>	<p>New Gambling Policy</p> <p>In 2012/13 the Licensing Team as part of their statutory responsibly, updated, consulted upon and had agreed by Full Council a new Gambling Statement of Principles. This lays out the principles by which Torbay Council will exercise their functions under the Gambling Act 2005.</p> <p>The document includes the procedures and criteria by which a bidding process could commence for the Small Casino Licence.</p>
<p>Case Study 4</p> 	<p>Renewal of Purple Flag</p> <p>In 2012/13, in partnership with the Business Improvement District, The Police and our colleagues in the Neighbourhood Team, the Licensing team helped make an application to renew the Purple Flag, which was successfully granted the previous year.</p> <p>This application was successful and built upon the already great work undertaken by all partners on Torquay harbourside, and in addition to those mentioned above thanks should also go to many of the licensees and the Street Pastors for their continuing hard work.</p>

External Health & Safety Enforcement

<p>Case study 1</p> 	<p>Gas Safety</p> <p>There is national data to show that gas safety is often disregarded by commercial food businesses and can lead to serious consequences if not managed properly. As such in 2012/13 officers from the Commercial Team undertook a piece of work in relation to gas safety in food businesses in Torbay. They carried out 248 gas safety inspections of which 121 were found to be non compliant. As a result of their findings a number of different actions were taken to secure compliance, there included the service of formal improvements notices and the issue of a formal caution. In the case of one unregistered gas fitter reported to the HSE during this work he was prosecuted as a result.</p>
<p>Case study 2</p> 	<p>Park Home (Mobile Home) Site Safety & Licensing</p> <p>In 2012/13 officers from the Licensing and Public Protection Team were involved in a considerable amount work protecting the health and safety and general civil rights of elderly and vulnerable residents in some of Torbay's Park Home sites.</p> <p>Some of the issues that have been dealt with include unstable banking, electrical safety, contractual rights, the selling of homes without intimidation and more general health and safety issues such as the safety of walkways, maintenance of sewage pumping stations to name a few.</p>
<p>Case study 3</p> 	<p>Safer Workplace Better Business Pack</p> <p>This pack developed by the Devon Health and Safety Sub Group has been used now for a couple of years to help small and medium sized businesses comply with health and safety. In 2013/14 it is hoped that this pack will be further developed into a national health and safety management on line tool. Devon is working with a private sector company to realise this potential. This will enable small and medium businesses across the UK sign up to using this pack.</p>

No Health and safety Service Plan has been written this year as the emphasis has changed on the number and frequency of inspections, see Workplan for 2013-14 for more information below.

Internal Health and safety and Emergency Planning

<p>Case study 1</p> 	<p>Accidents in the workplace</p> <p>There has been a 21% decrease in reported accidents in the workplace, resulting in a 7% decrease in Notifiable Accidents made to the Health and Safety Executive.</p>
<p>Case study 2</p> 	<p>Training of Council and School staff</p> <p>To help fulfil Torbay Council's statutory obligations under the Health and Safety at Work Act 1974, 407 employees attended training courses and another 2400 completed on line training through the new i-learn portal.</p> <p>This will help Torbay Council protect itself from financial claims arising out of negligence or ignorance and help to prevent unnecessary inspections by the Health and Safety Executive.</p>
<p>Case study 3</p> 	<p>Emergency incidents</p> <p>There were numerous and very varied emergency incidents during the last year, including 2 ships, one which sunk; a number of fires and discovered ordnance; and the very wet weather. The latter resulted in some significant landslips and several emergencies, with properties having to be vacated, residents re-homed and significant work picked up by Community Safety to make the homes and locations safe.</p>

The Annual Internal Health and Safety and Emergency Planning report is attached in Appendix E. This includes the strategy for future work.

Resource Reduction, the impact and workplan for 2013-14

Resource reduction & impact

Over the past 3 years (2011-14) the resources have reduced from 29.4 full time equivalents (FTE) to 23.4 FTE which has resulted in all but the most critical work being undertaken. The following work has therefore ceased

- No discretionary work is now undertaken.
- No low risk inspections are undertaken.
- No medium risk inspections are undertaken, except in Food premises, where it remains a statutory requirement of the Food Standards Agency or if the intelligence identifies a need.
- Complaints are not investigated unless there is deemed to be a serious risk of injury, serious health implications, or where there is serious consumer detriment or significant nuisance particularly to the old and vulnerable.
- Accidents are not investigated unless there has been a serious injury or a fatality.
- Civil complaints are not longer investigated or advice given

The impact of these resource reductions is that the team no longer can meet all of its statutory functions, which could result in intervention by particularly the Food Standards Agency. A second significant consequence is that there no longer is any resilience left within the team. The impact is if there is any long term sickness or maternity leave, this places significant pressure on the team and as a consequence the remaining statutory functions can not be delivered against targets.

This is shown as a diagrammatical representation below, where it compares the team's resources against statutory function for the current year 2013-14.

All staff have an input into a varying number of the pieces of work and the management team move staff around both the Commercial Team and the Department as a whole; to try and remain as close to the statutory minimum as possible but as can be seen below the statutory minimum can no longer be achieved in all areas. This presents an increased risk to the population of Torbay and to the Authority.

In almost every case advice and support is being given to businesses, so the fewer visits that are made then the less advice and support that can be given to those businesses.

In the table Green = No risk; yellow = low/medium risk; pink = medium/high risk & red = very high risk

Statutory Delivery	Above Statutory Minimum	At Statutory Minimum	Below Statutory Minimum	Risk to the authority
Statutory Activity				
Food Safety Inspections/ Food Hygiene Rating Scheme/Food Standards Inspections				
Infectious disease control/ emergency incidents				
Trading Standards - consumer detriment (fair trading, consumer protection, counterfeit goods etc.)				
Trading Standards - Protecting the Vulnerable/No Cold Calling Homes/Test Purchasing				
Administering Licensing Applications/Committee hearings/Policy development				
Licensing enforcement/ partnership working with Police and NTE				
Health and Safety Inspections/Interventions/ accidents				
Complaints (Noise from licensed premises, Food Safety & H&S)				
Park Homes inspections/ complaints/ administration				
Public safety at events, football ground etc				
Emergency Planning & Internal H&S				

Audit Inspection 2012-13

Devon Audit Partnerships undertook an audit of Emergency Planning in 2011-12 with a report being completed in July 2012. The key findings were that the ability to respond to an Emergency was at a 'good standard', though the emergency plans needed a review to update them. There was however concerns about how Torbay Council would deliver Business Continuity in the case of an emergency. Work is planned in this area.

Devon Audit Partnerships undertook an audit of the majority of the Commercial team during 2012-13, though a final report has not been completed yet. This included Food Safety, Trading Standards, Licensing and Health and Safety functions. Interim feedback, suggests the functions are working to a good standard, though this could be subject to change. The final report will however identify some areas of risk and consideration to how these maybe addressed.

Work plan for 2013-14

The workplan for Commercial Team is simply to deliver its statutory duty to the best of its ability and to respond to emergencies. Its efforts are focused primarily on the premises and incidents of highest risk and to protect the most vulnerable in Torbay. To administer the licensing applications and undertake enforcement work in partnership with the Police and other agencies to ensure the night time economy, events and the football ground remain safe.

This will include continuing with the Food Hygiene Rating Scheme inspections, the Gas Safety inspections (See Appendix F), to extend the No Cold Calling Homes scheme, and to assess the evidence for making an Early Morning Restriction Order application for part or all of the night time economy.

Internal Health and Safety and Emergency Planning have joined the Commercial Team, bringing an additional 4 staff into the team. During 2013-14 opportunities will be reviewed to further improve the already good working relationship.

It should be noted, however, with the reduction in staffing levels and resources that it will not be able to deliver as much work as in 2012-13. Workplan is attached in Appendix G.

Health and Safety Service Plan

There has been a significant drop both nationally and locally in the resources put into health and safety enforcement. It has been decided that no Health and Safety Service Plan is currently needed. The Team work very closely with both the Health and Safety Executive and other Devon and Cornwall authorities and agree a workplan across the region. I attach the two plans; one is the Health and Safety Executive intervention plan, where Torbay will be involved in only the Gas Safety work, partly due to it having completed the work in the other areas in recent years, and the other is the Devon Chief Environmental Health Officer Sub Group workplan. See Appendices H & I

Food Safety

Service Plan

2013-2014



Food Safety- why does it matter to Torbay?



Access to safe, healthy food is a fundamental basic right of the community of Torbay.

By ensuring that the food produced and sold in Torbay is safe to eat the Food and Safety team plays an important role in improving the health of the public in Torbay.



The National Food Hygiene scheme was launched in Torbay in November 2011 and over 800 food premises are now rated. Because of the scheme many premises have gone from a 0 or 1 to a 5 and we have reduced our number of high risk premises by half.

We do not however currently meet the full range of statutory requirements set down on us by the Food Standards Agency due to the lack of staffing resources. Therefore not all food premises get inspected and hence are not rated under the scheme.

E Coli 0157

The food safety team deal with a number of infectious disease outbreaks in Torbay. In 2012/13 the team dealt with an E Coli 0157 outbreak where a number of cases were hospitalised in intensive care. Without the teams interventions outbreaks such as this may spread further and cause increased illness and infection in the community.



Fishery establishments in Torbay cannot export their product without the support that is given to them by the Food and Safety team. In addition the team signs every Health Certificate that is needed before they can export to countries such as China and America. This help and support has resulted in a number of fishery premises expanding their export trade over the last couple of years.



Recent research carried out by the Food Standards Agency has shown that small to medium sized businesses particularly value the advice and support that local authority food safety teams give to them.

This is also backed up by a recent survey of small businesses in Torbay which identified that the Food and Safety team are their main source and support and advice.

TORBAY COUNCIL

FOOD SAFETY SERVICE PLAN 2013/14

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Appendix A

Organisational chart for the Service

Appendix B

Food Hygiene Rating Scheme – how are we doing?

TORBAY COUNCIL FOOD SAFETY SERVICE PLAN

1.0 Service Aims and Objectives

1.1 Aims and Objectives

This Food Safety Service Plan is required under the Framework Agreement by the Food Standards Agency. The plan is concerned with food safety enforcement work for which Torbay Council is responsible for. This plan is a Key Policy document and as such requires member approved to ensure there is transparency and accountability and once approved the plan is published on the Councils website.

The Food Safety Service has the following vision:

- To improve public health and safety through partnership, education and enforcement

Torbay Council's Food Safety Service Aims and Objectives are:

Aim 1: To promote, through education and enforcement, the sale and/or production of food which is fit and without risk to health.

Objective 1.1: To undertake a risk-based programme of inspections and interventions in food premises in accordance with the Food Standards Agency Food Law Code of Practice

Objective 1.2: To register food businesses in accordance with EC852/2004 and the Food Hygiene (England) Regulations 2006.

Aim 2: To prevent and control the spread of food borne illness through education and enforcement.

Objective 2.1: To provide a risk-based response to all notifications of food related illness or suspected illness in order to minimise effects on the community.

Objective 2.2: To carry out pro-active sampling in accordance with nationally and locally set programmes.

Objective 2.3: To provide information, advice and education on food safety and public health issues to the business and residential community.

Objective 2.4: To respond to high risk complaints concerning food and food safety.

Aim3: To take action on a consistent, transparent and proportionate basis.

1.2 Links to Corporate Objectives and Plans

The Council's Corporate priorities fed from the Community Plan sets out a number of corporate goals. One of these goals has direct links to the Food Safety Service:

- Working for a healthy, prosperous and happy Bay
- **Public Health.** With the introduction of the Public Health function now sitting within the Local Authority the Food and Safety Team have an important role to play in some of the aims and objectives of the Torbay Public Health Strategy based on the Joint Strategic Needs Assessment.

2.0 Background

2.1 Authority Profile

Torbay Council is a Unitary Authority which comprises of the three main towns of Torquay, Paignton and Brixham, on the south coast of England. Tourism is the dominant industry with the majority of employees working in the service industry. There is also a fishing industry predominantly based in the port of Brixham where there is a large fish market.

More details on the profile of the Authority can be found on the website www.torbay.gov.uk

2.2 Organisational Structure

The chart attached at Appendix A shows the structure of the Food and Safety Team.

The Food and Safety Team sits within the Commercial Team of the Community Safety Business Unit and comprises both Trading Standards Officers and Environmental Health Officers.

Additional support services:-

Additionally appointed specialist services are provided by the Food Examiner at the NAMAS accredited Health Protection Agency Laboratory in Porton Down and a Public Analyst from PASS Laboratory Services based in Wolverhampton.

Advice and support is also provided by Public Health England.

2.3 Scope of the Food Service

The Food Safety service comprises a range of key functions:

- Programmed food hygiene and food standards inspections of food premises within the Bay.
- Implementing and Promoting the National Food Hygiene Rating Scheme across Torbay
- Programmed High risk health and safety inspections and accident investigations
- Responding to food alerts and incidents of food fraud.
- Investigating food and food related complaints and other service requests on a risk based approach.
- Implementing an annual food sampling programme
- Registering food premises and mobile vehicles
- Assessing imported food and its origin.

- Support and advice to food businesses.
- Investigating cases of food related illness and other infectious diseases.
- Issuing of health certificates for the export of food products.
- Specific duties with regard to regulating Brixham Fish Market and the mussel harvesting beds at Fishcombe.

The Food and Safety Team has the main responsibility for food standards enforcement work, this work is carried out by both qualified Environmental Health Officers and Trading Standards Officers within this team.

The Food Safety service operates from Commerce House between 9.00am and 5.00pm, Monday to Friday. Early morning and late night visits are also undertaken as required.

Emergency food safety issues are currently directed initially to a 24 hour central control team and then onto authorised food officers as required. Community Safety does not have a formal Out of Hours Service.

2.4 Demands on the Food Service

On 1st April 2013 the Council had 1928 registered food businesses. The risk profile of these premises shown in Table 1 has been determined in accordance with the FSA's Food Law Code of Practice.

Table 1

Priority	Premises Category	Frequency of Inspection/ Intervention	Total number of premises in category (April 2013)
A	High	6 months	4
B	High	12 months	55
C	High	18 months	783
D	Other	24 months	352
E	Other	36 months	609
U	-	Awaiting inspection	124
Total			1928

The range of premises is as follows:- Primary producers 9, Manufacturers and packers 31, Importers and exporters 2, Distributors 8, Retailers 419 and Restaurants and caterers 1446.

Torbay also has 17 Approved fishery establishments which can take up a lot of time and staffing resource particularly in the area of exporting their products outside of the EU.

Brixham Fish Quay is also a significant cost driver to the work of the Food and Safety Team with its daily auction and regular exports to the EU and other nations and involves at least fortnightly food hygiene inspections by officers. There is also a mussel bed off Brixham which requires monthly sampling and has Category B status which means the mussels are required to be purified before sale.

The Torbay area has already been described primarily as a tourist area and there are a large number of hotels and other tourist attractions which are only open during the tourist season between Easter and October. There is also a high turnover of food businesses in Torbay putting an additional pressure on the Food and safety Team, in 2012/13 the turnover of food businesses was 14%.

Additional demands for 2013/14 include:

At the end of the 2012/13 due to budget pressures the Commercial Team lost one food qualified Senior EHO who moved across to the Neighbourhoods Team – the knock on effect of this means that the remaining food officers will be allocated more health and safety work

In 2013/14 the Food Team will be carrying out a gas safety intervention which will involve them auditing food premises in relation to gas safety issues at the same time as carrying out food safety inspections. This work has already shown very effective outcomes so will be continued.

As Torbay is a Unitary Authority, Public Health now sits as a function within the authority. Whilst this is still in the early stages of development the food and safety team will have an important role to play in some of the work that comes out of the Torbay Public Health Strategy.

2.5 Enforcement Policy

The Community Safety Enforcement Policy sets out what food businesses and others being regulated can expect from the service. The Policy is based on the principles contained within the Regulators Compliance Code.

All formal enforcement actions such as prosecutions are taken before the departments Enforcement Panel made up of officers from Community Safety and the Councils Legal team.

The service is committed to ensuring the active implementation and monitoring of the Council's Corporate Equality and Diversity Policy, which states that services will be provided in a fair and equitable way to all groups and individuals in the community.

3.0 Service Delivery

3.1 Food Premises Inspections

Torbay Council has a number of internal performance indicators relating to food safety. For 2013/14 these are as follows:-

- Number of high risk food premises (food hygiene) inspected (Target 100 %)
- Number of high risk food standards premises inspected (Target 100%)

The inspection programme is based on the inspection rating scheme and the intervention Strategy contained in the FSA Food Law Code of Practice. This Code of Practice is due to be amended in June 2013 which may alter how the Food Team carries out its inspections.

New potentially low risk businesses are contacted by a business support unit to ensure that they have basic information for compliance and to identify any that might be of higher risk which will then be inspected.

As there is a considerable turnover of premises in Torbay it is currently not possible to inspect them within 28 days however they are all assessed following receipt of the food registration form and those of a high risk nature are given priority.

All premises where a statutory notice has been served or which are found to require significant work to be carried out will be subject to a secondary visit within an agreed timescale. It is estimated that at least 103 re-visits will be carried out in addition to the programmed inspections and alternative intervention initiatives. There may also be a number of businesses formally requesting to be revisited for the purposes of rescoring under the Food Hygiene Rating Scheme. In 2012/13 the number of requests for rescoring was 57.

Environmental Health currently has an estimated FTE of 5.8 officers ([See Table 4](#)), working on food safety issues. This is a reduction of 0.7 FTE from last year.

The primary objectives when carrying out interventions are in accordance with the Food Standards Agency Food Law Code of Practice, however, a special emphasis is placed on the level of compliance with the requirements for documented control systems. Specific consideration is also given to whether samples need to be taken during routine food hygiene inspection work.

3.2 Food Complaints

The Environmental Health Service responds to all complaints about food or food premises made to the Council however deciding whether or not they require investigation will be done by using a risk based approach to ensure that resources are used effectively.

There were 31 complaints about defective food received up to the end of March 2013. There were also 623 other service requests received relating to issues such as unhygienic food premises, requests for information and advice that were handled by the Food Safety team in 2012/13.

3.3 Primary Authority Scheme

The previous Home Authority Scheme has now been replaced by the Primary Authority Scheme under the new Regulatory Enforcement and Sanctions Act 2009. This aims for the first time to give companies the right to form a statutory partnership with a single local authority. The objective of this is to provide robust and reliable advice on compliance that other Councils must take into account of when carrying out inspections or dealing with non compliance.

The Food and Safety Team are currently in the process of setting up a Primary Authority partnership with a national company who has its Head Office in Torbay.

3.4 Advice to Business

The Authority is committed to improving food safety standards through both education and enforcement. In order to use limited resources most effectively, advice is targeted and is as follows:

- During inspections and as part of follow up documentation;
- Via electronic Food Safety Newsletters
- New Business advice
- Through guidance information available on the Food Safety teams fully revised website pages
- Distribution of relevant food safety material to food businesses particularly via the website.
- Advice and information is given to businesses requesting guidance either by telephone or e-mail.

During 2012/13 the Food Safety Team further developed links into the business community by working with the Torbay Business Forum, The Business Improvement Districts, The Tourism Company and the Torbay Development Agency to further promote the Food Hygiene Rating Scheme across the Bay.

3.5 Food Inspection and Sampling

The Service has in place a documented and publicised sampling policy and a separate documented procedure and programme.

The sampling programme is drawn up in consultation with the Devon Chief Environmental Health Officers Food Sub Group and the SWERCOTS Food Group, in partnership with the Food Examiner from Public Health England Laboratory covering the Torbay area and the Public Analyst at PASS Laboratory Services.

The programme covers authority, county, national and when required European sampling objectives. Each Authority is allocated sampling credits by Public Health England in order to undertake food hygiene sampling and food standards sampling which is resourced from an allocated budget within the Food Safety overall budget.

During 2012/13 236 samples were taken of a range of products including raw and cooked meat, ready to eat deli foods, environmental swabbing and mussel samples. Food standards sampling also included bread composition, ice cream for composition, crushed ice drinks for added colours, raw and cooked potatoes for added preservatives and alcohol testing to check for substitution. Most of the results from these samples were found to be satisfactory and no further follow up action was required, however some of the samples were found to be unsatisfactory and follow up work was required to secure compliance. For example, in one sample there was a higher than legal limit of added colour and therefore the business was given advice on how to reduce its level of added colour to this prod

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

All formal and informal notifications are recorded on the Environmental Health Service Authority database. Subsequent investigations are based on the type of organism, the number of cases, and are in accordance with Public Health England guidance.

A documented procedure has been produced and agreed with Public Health England and follows the principles established in a countywide procedural document, prepared by the Devon Food Safety Sub Group. During 2012/13 236 infectious disease notifications were received, some of which were serious cases of infectious diseases where the cases were hospitalised and a full outbreak investigation carried out.

3.7 Food Safety Incidents

The service has a documented procedure which deals with action to be taken following the receipt or initiation of a food alert. The FSA Food Law Code of Practice has required specific recording of actions taken following the receipt of a food alert.

Food alerts are received by a direct email from the Food Standards Agency (FSA), by direct emails to the Principal Environmental Health Officer and the Food Safety email box which is checked every day and by text messages to officers' mobile phones.

The Food Alert warning procedure for food incidents recognises that such issues are required to be dealt with quickly in accordance with the categories for each food alert. The procedure identifies the mechanism for passing on the food alert to the appropriate officer, an outline of the action to be taken. Most food alert warnings received require only a small amount of officer resource.

However on occasions it is necessary to provide more resources to deal with food alerts. Any actions taken on a food alert are documented within the Authority data recording system.

During 2012/13 47 Food Alerts were received by the Food Safety Team, a number of which required local action in food premises in Torbay. During the national horse meat incident the Food and Safety team also carried out some work to ensure the traceability of meat supplies in its schools and hospitals, this work is continuing this year in terms of meat sampling to check authenticity e.g. of meat in kebab shops.

3.8 Liaison with other Organisations

Consistency and value for money is a key feature in all of the Council's Environmental Health functions. With regard to the food safety service, this is achieved by:

- Priority being given to attendance and active participation by the Principal Environmental Health Officer at the Devon Chief Environmental Health Officers' Food Sub Group. This Group co-ordinates peer review and consistency exercises, acts as the discussion forum for topical issues and a means of optimising countywide consistency in enforcement and advice.
- The Food Safety Service also liaises with the following :
 - Public Health England
 - Torbay Development Agency
 - The Food Standards Agency
 - Devon and Cornwall Police
 - The Immigration Service
 - TDA Business Forum
 - Trading Standards Sub Regional Group

The Community Safety Service have access to all development and building control applications and acting as a formal consultee on key planning and building control applications and a statutory consultee on all Licensing Act applications.

3.9 Food Safety Promotion

Education and promotional activities are considered to be important aspects in the delivery of a comprehensive food safety service and it is achieved in the following ways:

- Food Safety articles in the bi annual Food and Safety Newsletter e mailed to all food businesses in the Bay.

- Food information available directly from the Food Safety section of the Council website and from the team directly.
- Targeted advice/information sent to relevant groups on issues of county or national significance e.g. on E Coli 0157 guidance.
- Targeted seminars and training sessions are undertaken on various food safety subjects.

4.0 Resources

4.1 Staffing Allocation

The Community Safety Business Unit structure is based on a number of multidisciplinary teams. The Food Safety Team is located within the wider Commercial Team.

[Table 4](#) shows the current full time equivalent of staff working on food safety enforcement, broken down by the competency requirements of the Food Standards Agency Food Law Code of Practice (England) - General qualification and experience requirements.

EHRB officers are Environmental Health Officers who are registered with the Environmental Health Officers Registration Board, (EHRB), after attaining the approved qualifications in Environmental Health.

Table 4: Staff resources dedicated to food safety

Environmental Health Officer (Food and Safety Team)	EHORB	FTE	Other
Principal EHO	YES	0.8	No
Senior EHO	YES	0.9	Lead Assessor
Senior EHO	YES	0.9	Lead Assessor
Senior EHO	YES	0.4	Lead Assessor
Senior EHO	YES	0.9	Lead Assessor
Senior EHO	YES	0.9	Lead Assessor
Senior EHO	YES	0.9	No
Senior EHO	Yes	0.1	No
Trading Standards Officers (Food & Safety Team)	Dip TS/DCAT	FTE	Other
Trading Standards Officer x 3 (food standards only)	YES	0.3	New posts in team since April 2010

4.2 Staff Development Plan

All food safety staff are subject to an annual appraisal and one progress review which tracks and identifies training and development needs. Food safety training needs are prioritised in the context of wider Environmental Health requirements identified within the service wide training plan.

All food safety staff complete a training record log to further assist in identifying development and training needs and for monitoring the competency of individual officers. The officers undertaking specific duties, such as dealing with approved premises, are identified and the training requirements assessed accordingly.

Some of the specific food safety training undertaken by staff during 2012/13 include:-

- FSA E Coli and Cross contamination training
- FSA Vacuum Packing training

5.0 Quality Assessment

5.1 Quality Assessment

The provision of quality services is one of the Council's three guiding principles and food safety is no exception. With regard to food safety the quality agenda is pursued via a number of methods.

Management Monitoring

The documented quality management procedure includes specific monitoring arrangements that are in place for example checking of inspection letters and notices and joint consistency/quality monitoring visits undertaken by the Principal Environmental Health Officer. Complaints against the service are monitored on a Service and Corporate basis.

Food Standards Agency

The service is required to submit an Annual return, detailing the inspections, enforcement and educational activities undertaken, to The Food Standards Agency who closely monitor performance to ensure compliance with the FSA framework agreement.

The FSA also has the power to set standards and to monitor local authority food law enforcement services under the Food Standards Act 1999. The FSA collects information from all United Kingdom food authorities and submits the information to the European Commission.

As detailed in section 3.8, the Principal Environmental Health Officer attends meetings of the Devon Food Sub Group to discuss relevant issues on a regular basis. This group comprises of representatives of all the District and Unitary councils, and Public Health England.

This forum offers the opportunity to discuss, in detail, a wide

range of quality and consistency issues relevant to food safety.

During 2012/13 the Food and Safety Team received an internal audit and are still waiting for the report of this audit.

6.0 Review Process

6.1 Review against the service plan

As detailed within Section 1.2, the Council has an established performance management board to monitor the performance of its services.

From an operational perspective the Principal Environmental Health Officer reviews the key performance measures and service improvements contained in the plan on a quarterly basis. [Table 5](#) shows some of the internal indicators covering service delivery and performance as well as the national indicator for food safety and the wider key indicators on the Community Safety Balanced Scorecard that the Food Safety Team feed into and it is those which are reported to management team and members through their internal SPAR performance boards.

In addition, regular one to one meetings are held with staff involved in the Food Safety Service. This is to ensure that on-going projects and improvements outlined in this service plan are effectively monitored and managed. The notes for these meetings are documented, along with actions and timescales for relevant staff.

Table 5 – Food Safety Service Performance Indicators

SERVICE DELIVERY INDICATORS		2010/11	2011/12	2012/13
Number of Category A and B risk food hygiene premises (due every 6 months) inspected	Target	100%	100%	100%
	Outcome	87%	100%	100%
Number of Category C high risk food hygiene premises (due every 12months) inspected	Target	100%	100%	100%
	Outcome	27%	53%	54%
Number of high risk food standards inspections carried out	Target	100%	100%	100%
	Outcome	88%	88%	100%

6.2 Identification of achievements and any variation from the service plan

Table 6 below identifies the status of planned service improvement actions from 2012/13. Any remaining improvement objectives are shown in the table below along with the reason for the delay and a revised target, which will be included in the work programme for 2013/14 where appropriate.

Table 6 Achievements and variance from Service Plan 2012-13

Action	Planned Outcome/Output	Achieved Or reason	New Target Date
To raise the standards of food hygiene within food premises in Torbay	Implement the FSA's Food Hygiene Rating Scheme to ensure both hygiene standards are raised and that consumers have better access to information on food businesses and thereby making informed choices on where they wish to	Achieved – 800 premises now rated under the Food Hygiene Rating Scheme. 91 requests for rescoring visits received all but 3 have gone up mainly to a 4 or 5. The number of high risk A and B premises have dropped by over half although there are still a number of low rated premises which need to improve.	Ongoing work.
To implement the recommendations of the new FSA E Coli guidance for businesses and enforcement officers.	To assess butchers and catering premises compliance with the FSA's E Coli Guidance	Achieved- Food officers attended FSA E Coli course and guidance is addressed on every food safety inspection.	Ongoing work
To inspect all high risk food premises in the Bay in line with the statutory FSA Food Law Code of Practice	To ensure they are compliant with food safety legislation	Achieved; - 100% of A and B risk inspections achieved. Target not achieved for C risk statutory interventions	Ongoing work
To inspect/carry out an intervention in all D and E risk premises in line with the statutory FSA Food Law Code of Practice	To ensure they are compliant with food safety	Target not achieved for medium/low risk D and E risk premises.	Ongoing work
To continue cross professional working pilot to make effective use of resources	To ensure that intelligence from other teams within Community Safety is used effectively.	Achieved – FAB's project completed and evaluated. This project had some good outcomes for businesses	

6.3 Targets and areas of Improvement for 2013/14

Targets for 2013-14 are in Table 7 and the current planned improvements for 2013/14 are outlined in Table 8.

The Statutory Guidance requires 100% of C risk premises to be inspected. This hasn't been achieved for a number of years as can be seen from Table 7 below. The target has therefore been set at 50% of all C's for this year. Although there is been a reduction in A and B rated premises due to improving food hygiene ratings this is off set by the team having a 0.7 FTE reduction in staff overall and in addition a member of staff on maternity leave. In an attempt to still meet previous years figures for C inspections a 6 months contract for a part time member of staff has been awarded.

Table 7 – Targets for 2013-14

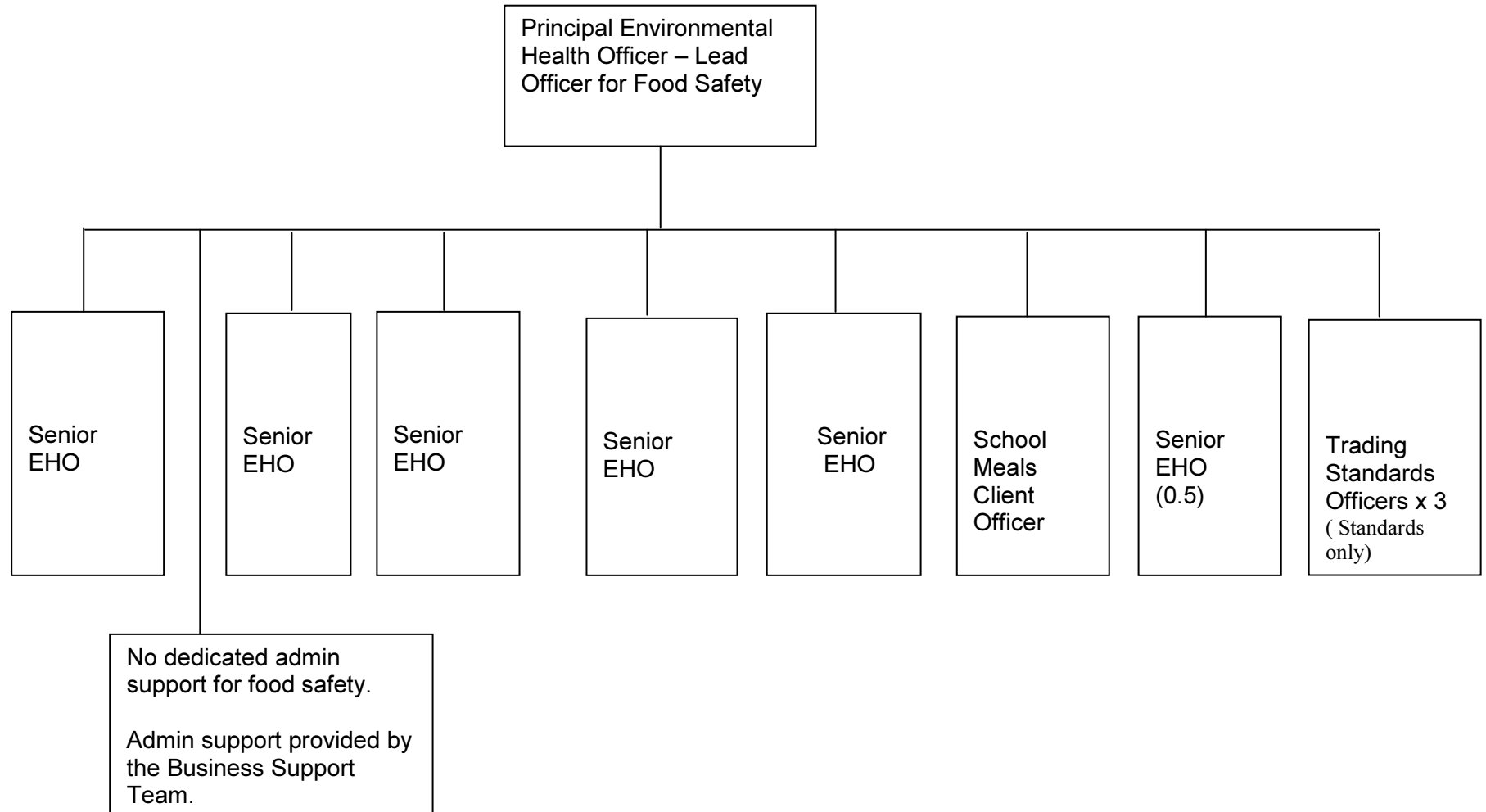
SERVICE DELIVERY INDICATORS		2010/11	2011/12	2012/13	2013/14
Number of Category A and B risk food hygiene premises (due every 6 months) inspected	Target	100%	100%	100%	100%
	Outcome	87%	100%	100%	
Number of Category C high risk food hygiene premises (due every 12months) inspected	Target	100%	100%	100%	50%
	Outcome	27%	53%	54%	
Number of high risk food standards inspections carried out	Target	100%	100%	100%	100%
	Outcome	88%	88%	100%	

Table 8 Areas of Improvement for 2013/14

Service Improvement	Planned Outcome/Output	Link to FSA framework agreement	Target Date
FABs cross professional working project	Following the evaluation of the cross professional working project, determine whether or not there is merit in progressing this work further	All areas of framework agreement	July 2013
To explore the opportunities and any joint working that can be undertaken with the new Public Health team now within the Local Authority and also with other Devon Local Authorities to share resources in this field of work.	Initially to understand each other's roles and identify where the Food Team can play a part in the implementation of Torbay's Public Health strategy particularly in relation to infection control issues relating to childcare and residential homes settings. To implement public health interventions agreed by the Devon Food Sub Group particularly in relation to food	All areas of Framework Agreement	March 2014

	businesses.		
To ensure that the food safety web pages are up to date, relevant and user friendly for businesses and explore the use of social media such as Twitter and Facebook	To take part in the wider Community Safety work to improve the department's web pages and to ensure we target information to businesses in the best and most appropriate ways.	All areas of Framework agreement	March 2014
To improve the links between the business community and the local authority food safety service.	To continue the work with the Torbay Development Agency and the Town Centre Company to increase the marketing opportunities around the Food Hygiene Rating Scheme in the Bay. To run a Food and Safety Update day to update food businesses on food and health and safety matters.	All areas of Framework Agreement	March 2014
To undertake work around the traceability and authenticity of food to ensure any food fraud in Torbay is detected and dealt with	To complete annual food safety and food standards sampling plans and also incorporate more work on the authenticity and traceability of food in Torbay.	All areas of the Framework agreement	March 2014
To ensure a consistent approach to rating premises under the National Food Hygiene Rating Scheme	To ensure that all authorised food officers undertake regular peer review exercises both internally and with the rest of Devon Local Authorities	All areas of the Framework Agreement	March 2014
To drive up standards of food hygiene in mobile food vehicles registered with Torbay	To implement the Passport system being developed by the Devon Food Sub Group and ensure that all mobile food business operators are aware of how to comply with food hygiene requirements.	All areas of the Framework Agreement	March 2014

Appendix A - Organisational Structure Chart for Food and Safety Service

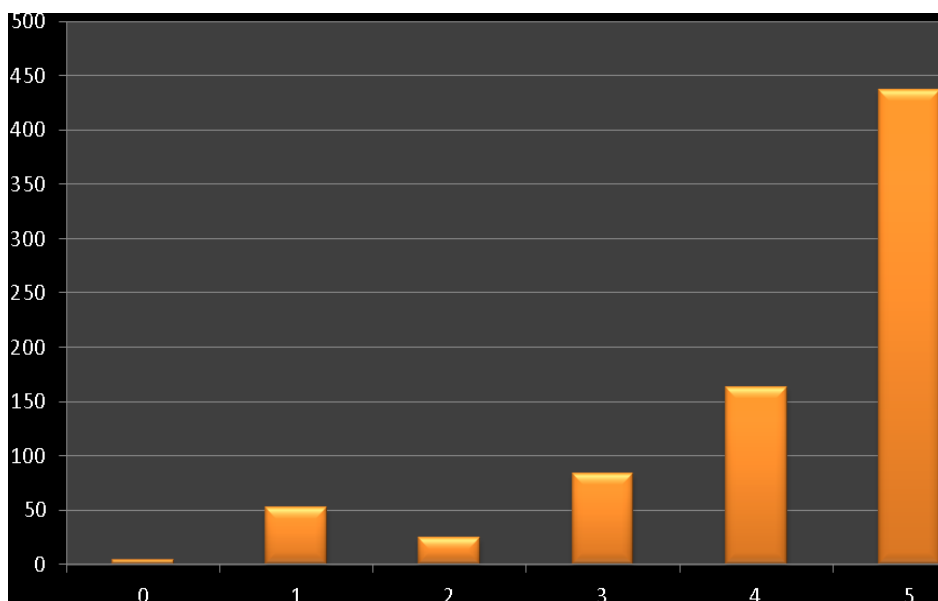


Appendix B Food Hygiene Rating Scheme – how are we doing?

From the evaluation of businesses

- 90% of the respondents were positive or very positive about the usefulness of the information given
- 91% were positive or very positive about the report left at the time of the inspection
- 83% were positive or very positive about the score they got
- 66% thought that the impact on the business was positive or very positive, compared with 73% thinking that the impact on the staff was positive or very positive
- 22% thought that the score had no impact on customers
- 48% felt neutral about using the score to publicise their business
- 69% felt that the scheme is having a positive or very positive scheme in Torbay

Chart 1: FHRS Score (24 May 2013)



- 91 rescors (12%)
- 3 rescored premises did not improve their original score

Chart 2: Spread of re-score

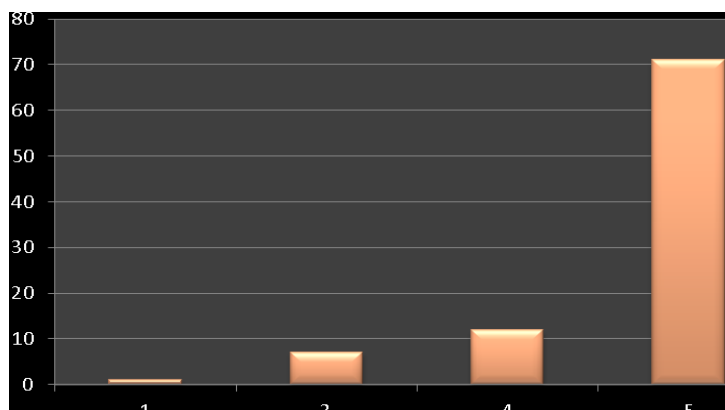


Chart 3: Overall factors for low score (less than 3)

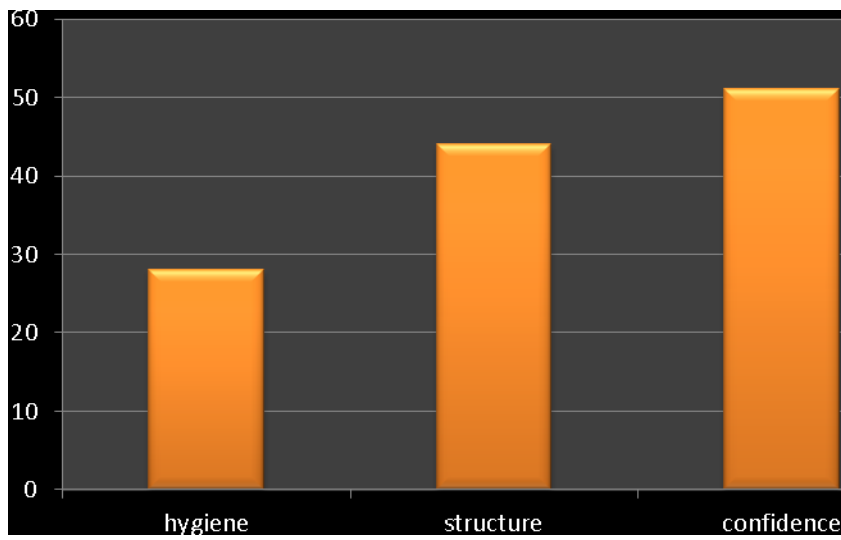


Chart 4: Single reasons for low score (less than 3)

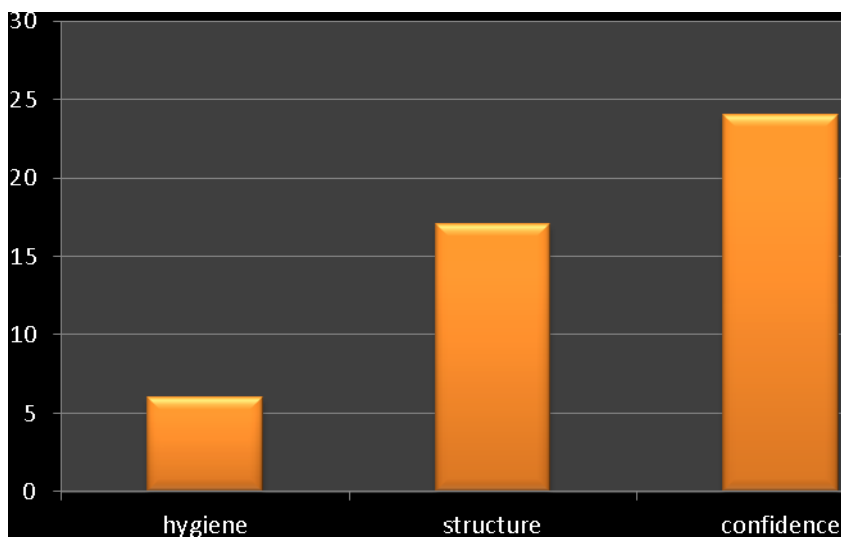


Chart 5: Percentage of satisfactory scores per premises type

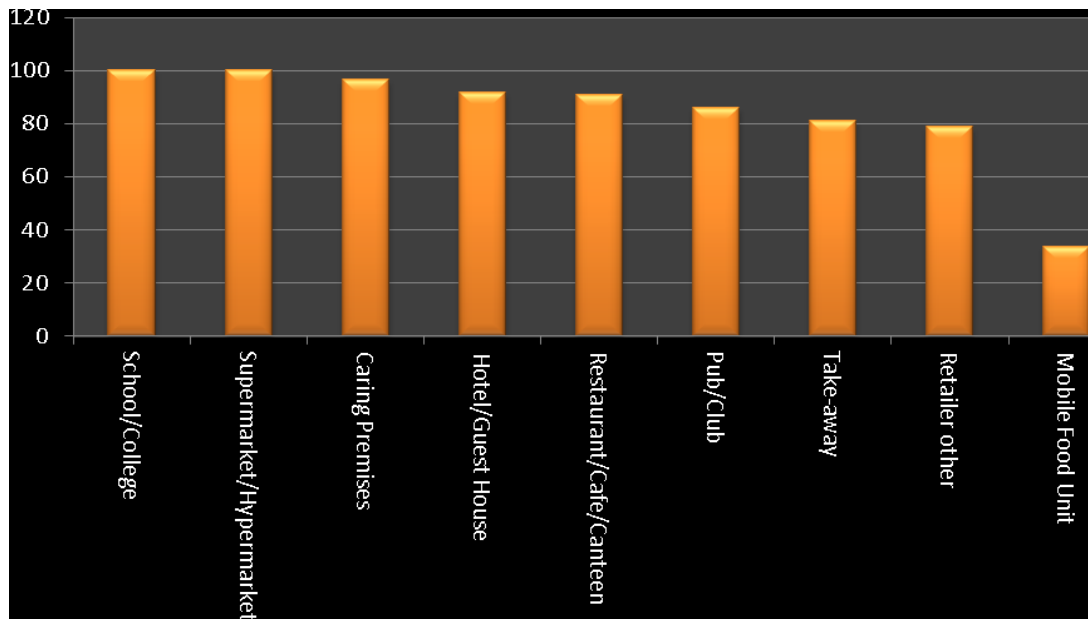
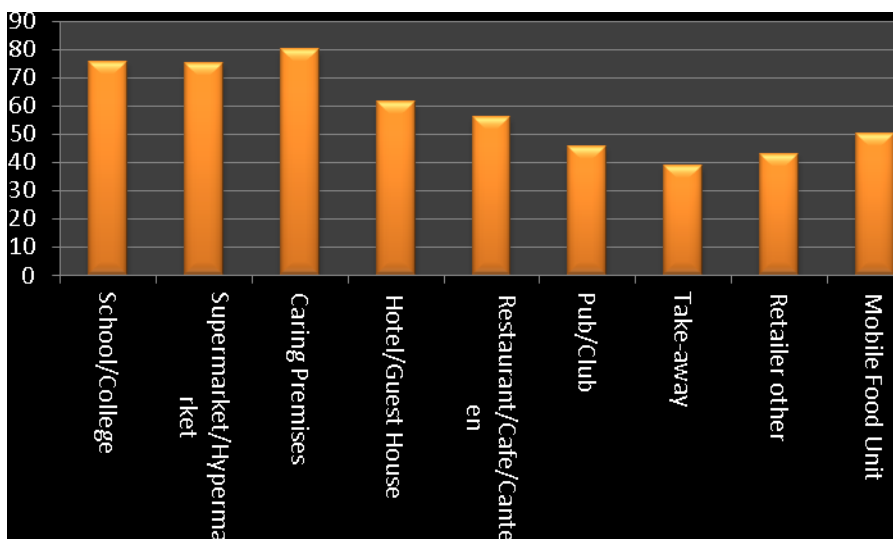


Chart 6: Percentage of score 5 per premises type



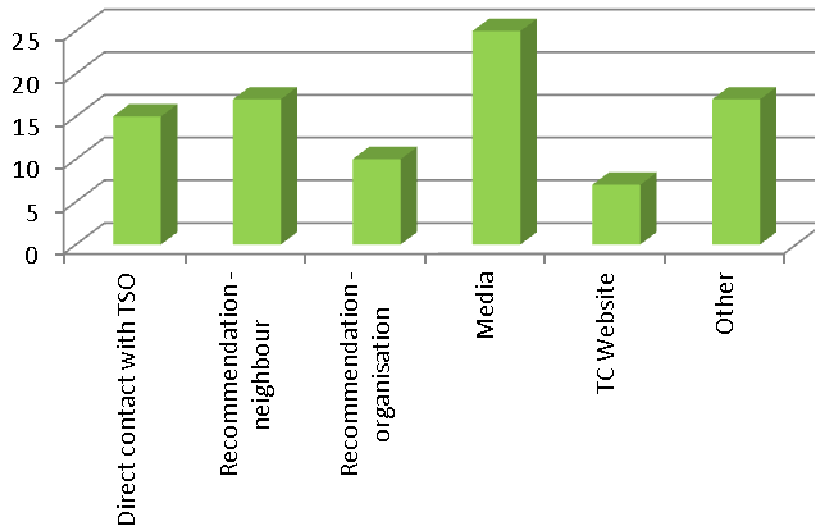
Agenda Item 6

Appendix 3

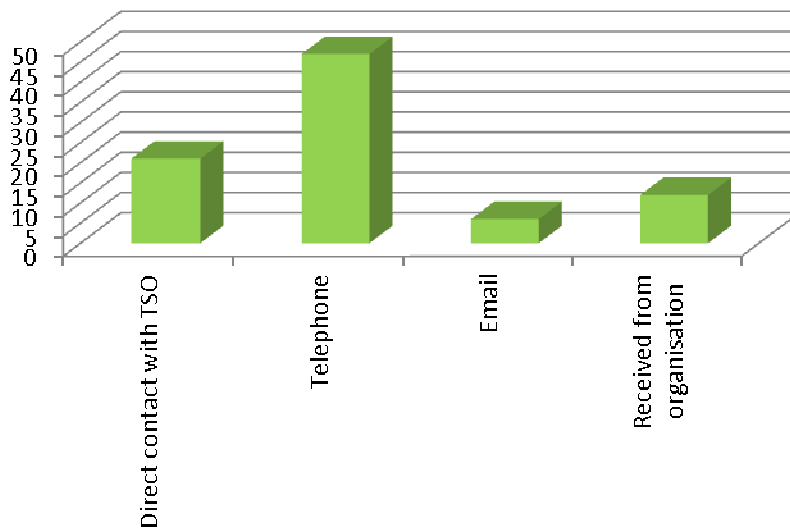
NO COLD CALLING HOMES SCHEME – FEEDBACK QUESTIONNAIRE RESPONSES

General

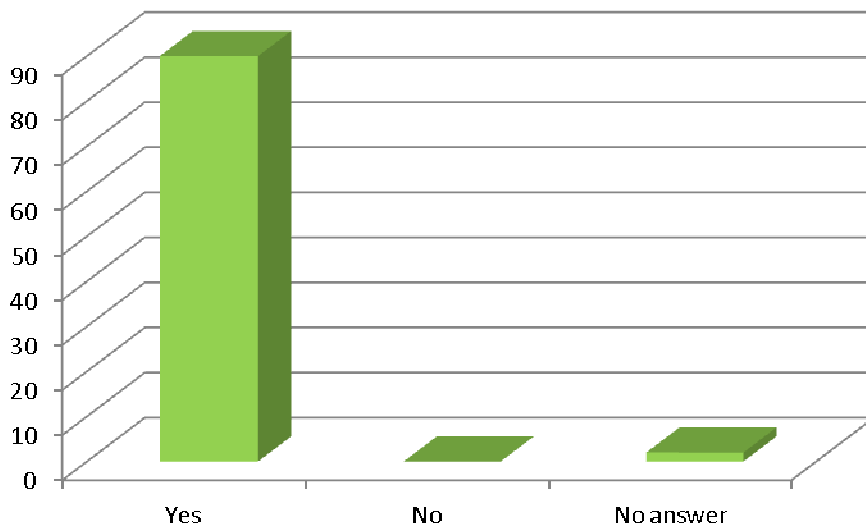
1. How did you hear about the No Cold Calling Homes scheme?



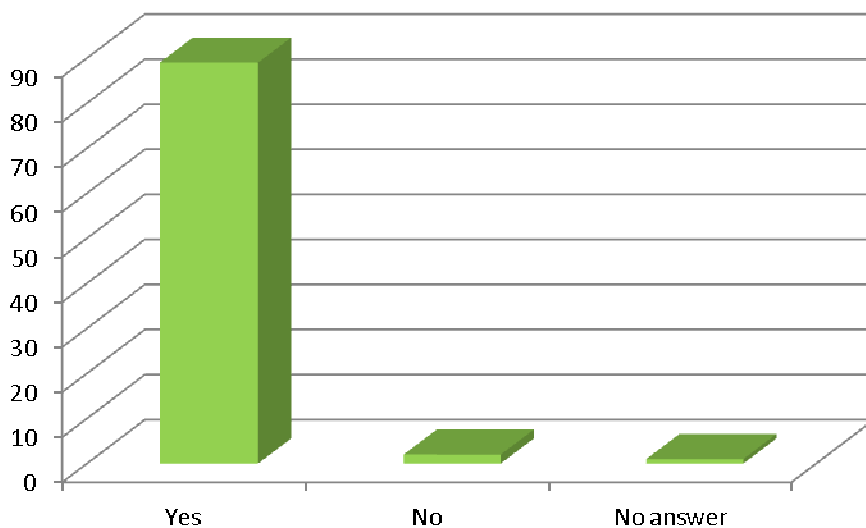
2. How did you obtain your sticker and pack?



3. Was the information provided with it easy to understand?



4. Are you displaying the sticker at your home?



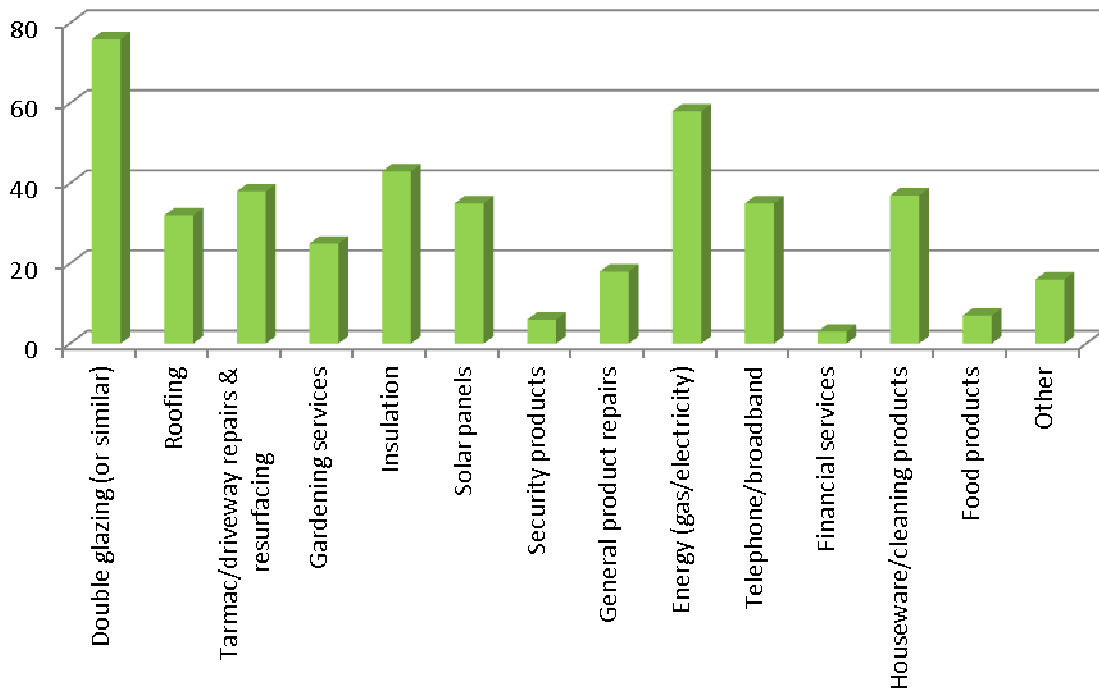
Doorstep Sellers

5. BEFORE displaying a sticker did you have many doorstep sellers cold calling?

On average the feedback indicated that residents were receiving 1-2 calls from doorstep sellers each week.

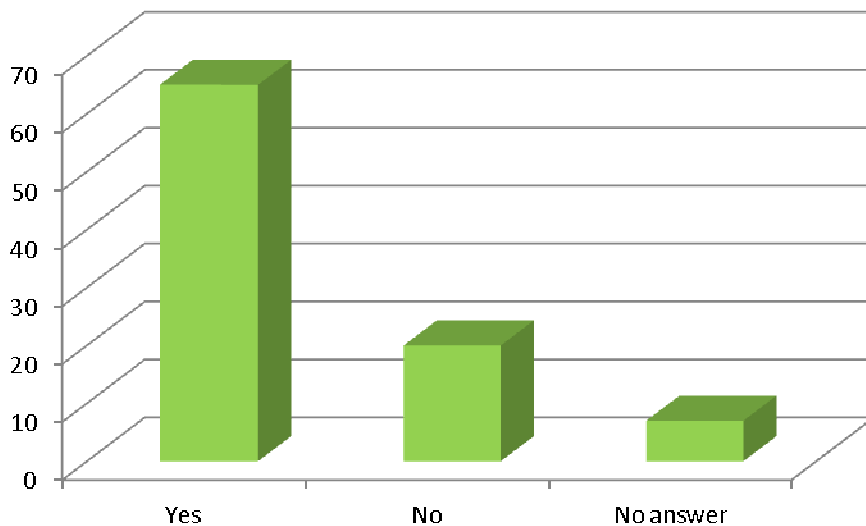
The maximum visits received from doorstep sellers each week by a resident was reported as 6.

6. What were they offering?

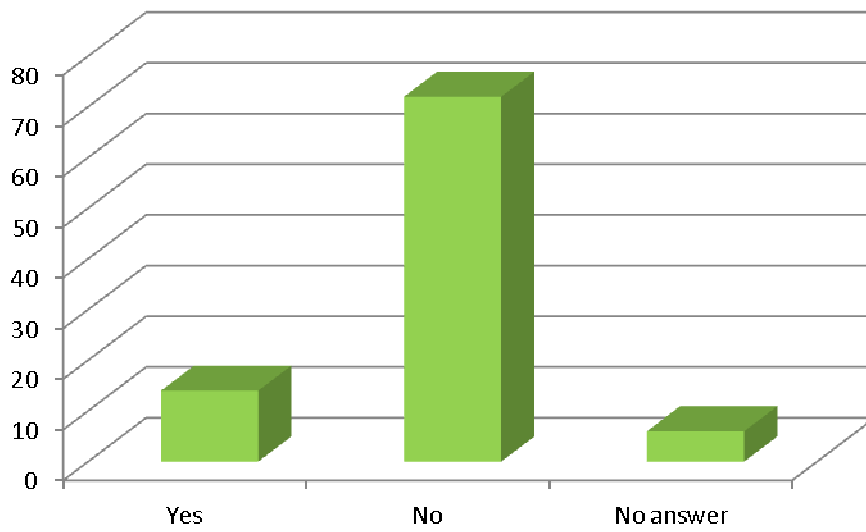


Of the residents reporting that doorstep callers were offering services 'other' than described the majority stated that these were charities, representatives of religions, and gold buyers.

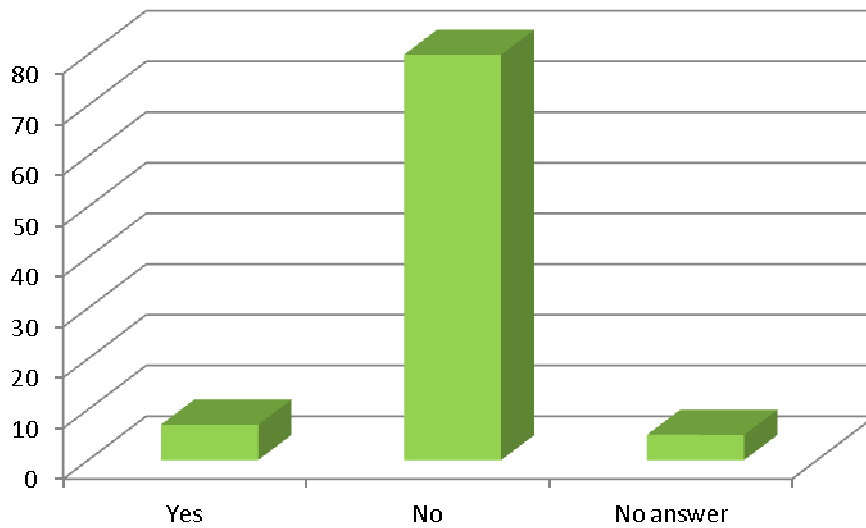
7. If you were not interested and declined their offer did they leave straight away?



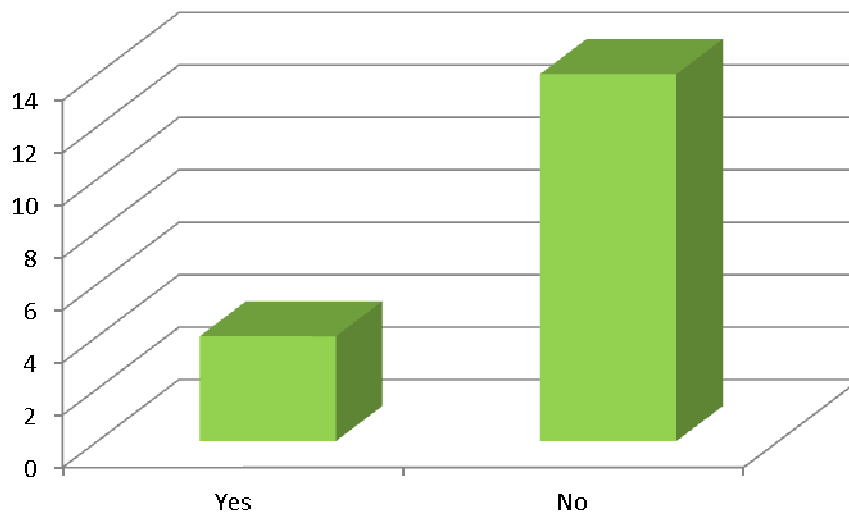
8. Were they ever aggressive in their approach?



9. Did you ever buy goods or services at the door?

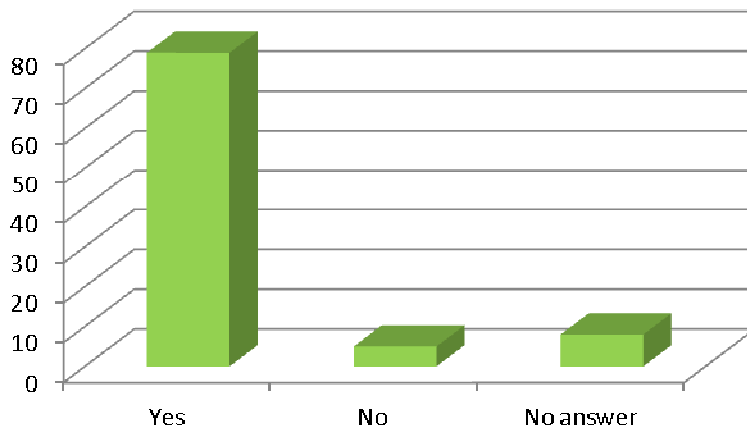


10. If you have bought goods or services at the door, did you feel pressurised to do

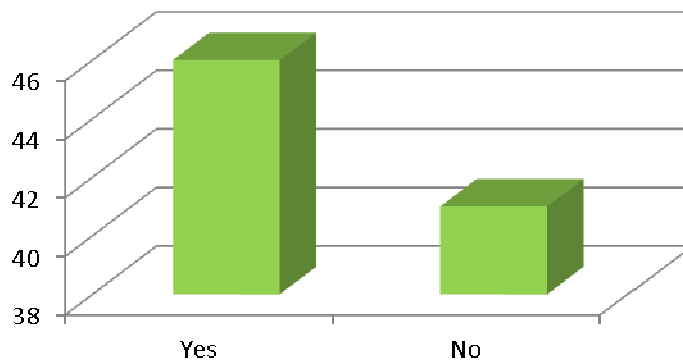


so?

11. SINCE displaying the sticker have you noticed a reduction in the number of doorstep sellers calling at your door?

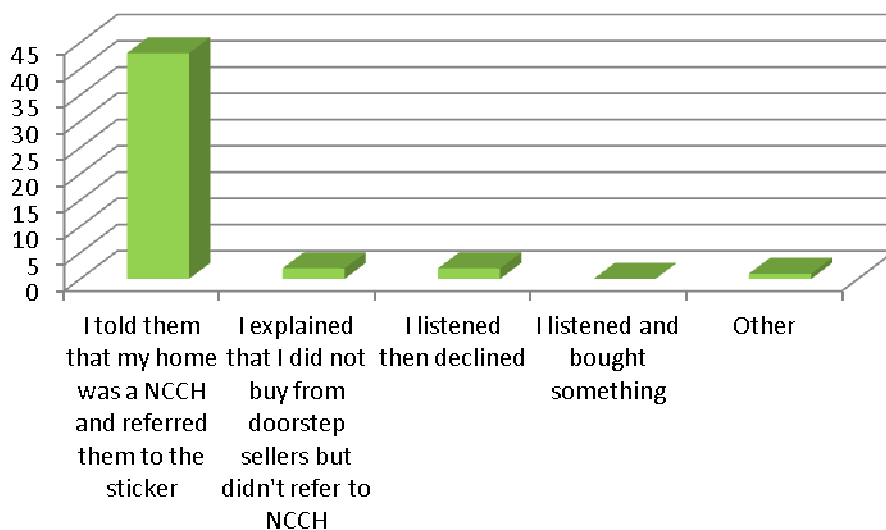


12. Have any called despite you displaying the sticker?

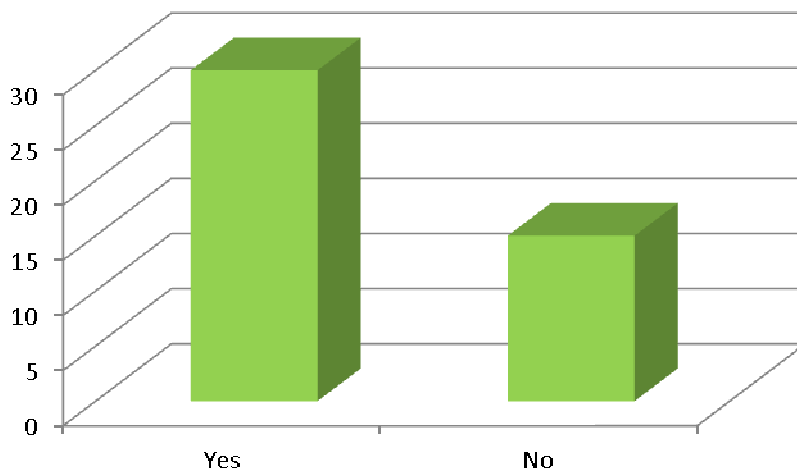


On average the feedback indicated that residents had 1-2 visits from doorstep sellers since displaying their sticker.

13. How did you react to the doorstep caller?



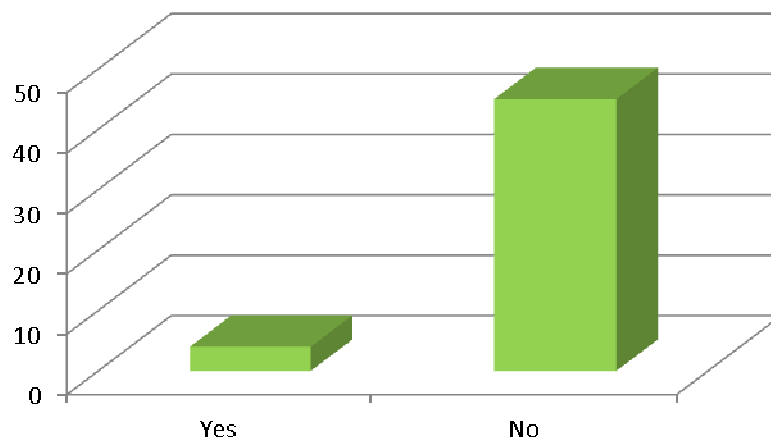
14. If you referred them to the sticker did they leave your property right away?



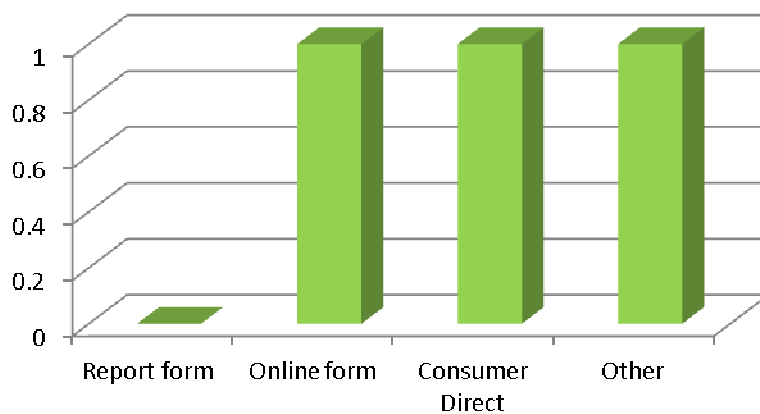
Residents reporting callers not leaving their property right away gave the following explanations:

- The caller stated they were not selling anything
- The caller stated the sticker didn't apply to them
- The caller apologised but continued with the reason for their visit

15. Did you report them to Trading Standards or the Police?

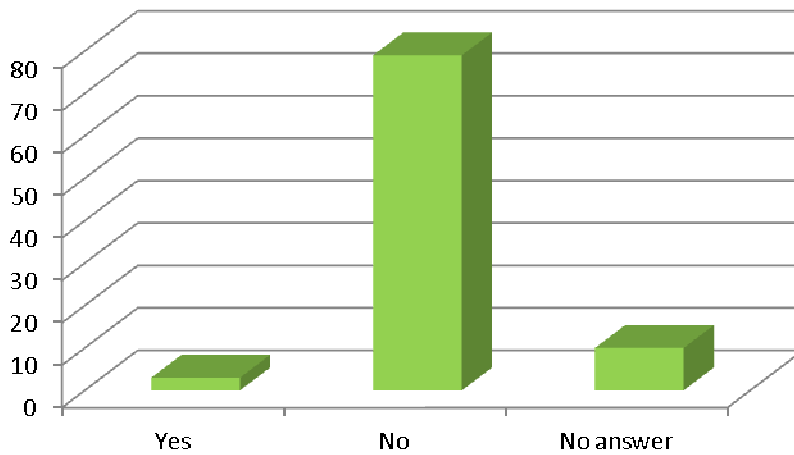


16. If you reported them to Trading Standards how did you do this?

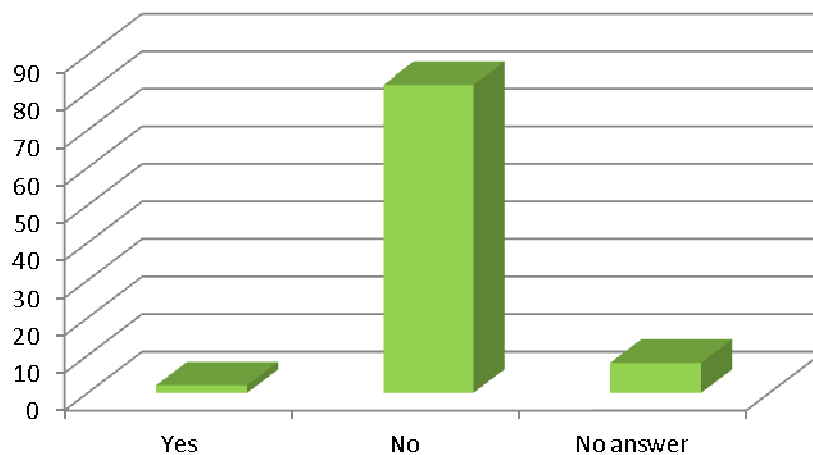


Bogus Callers

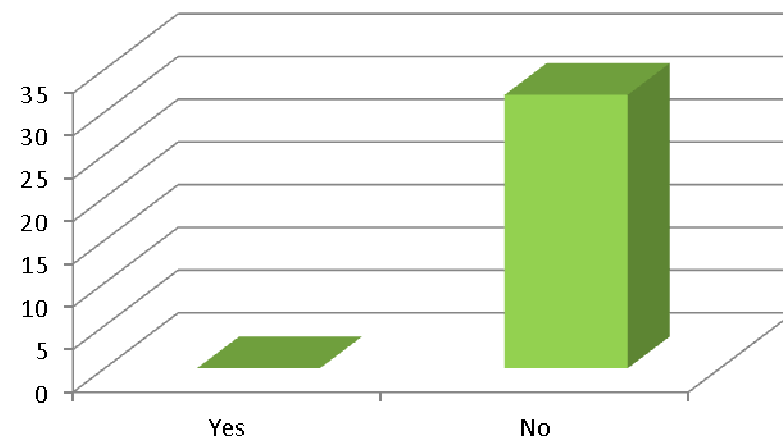
17. BEFORE displaying the sticker have you ever been approached in your home by someone you suspected to be a bogus caller?



18. SINCE displaying the sticker have you been approached in your home by someone you suspected to be a bogus caller?



19. Did you report them to Trading Standards or the Police?

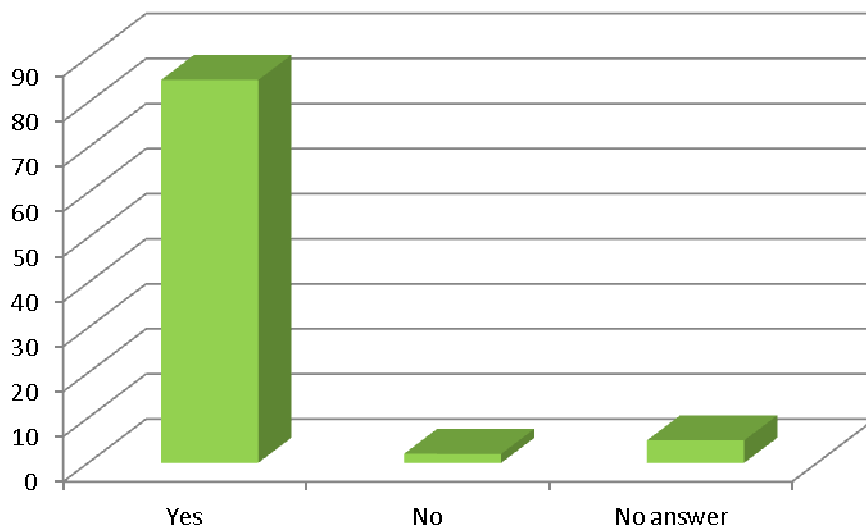


20. If you reported them to Trading Standards how did you do this?

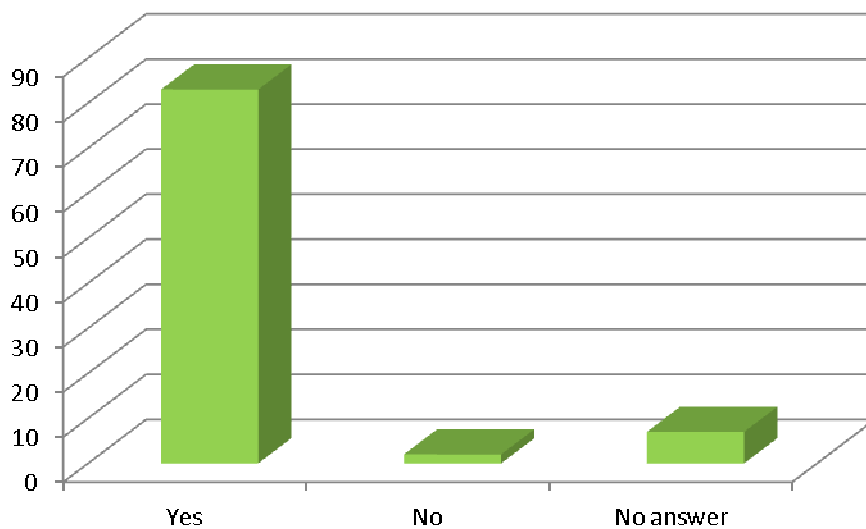
No reports were made to Trading Standards.

Your Opinion of the Scheme

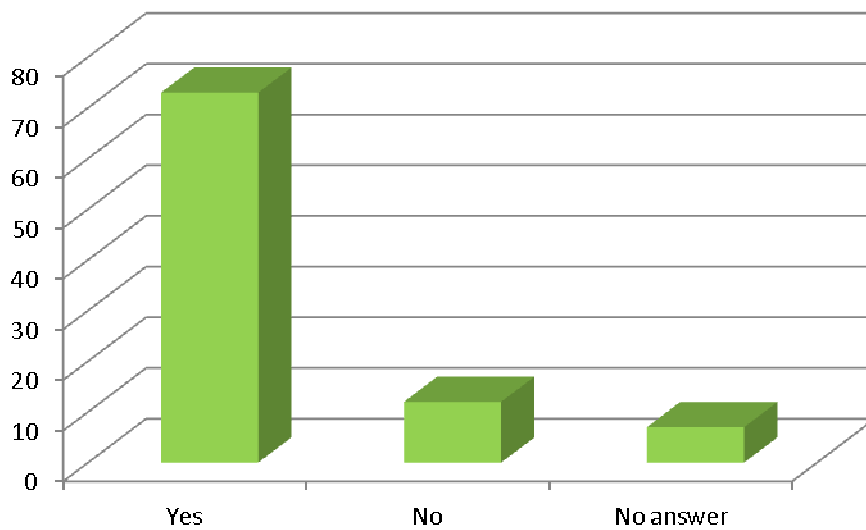
21. Do you think displaying the sticker has deterred doorstep sellers and bogus callers?



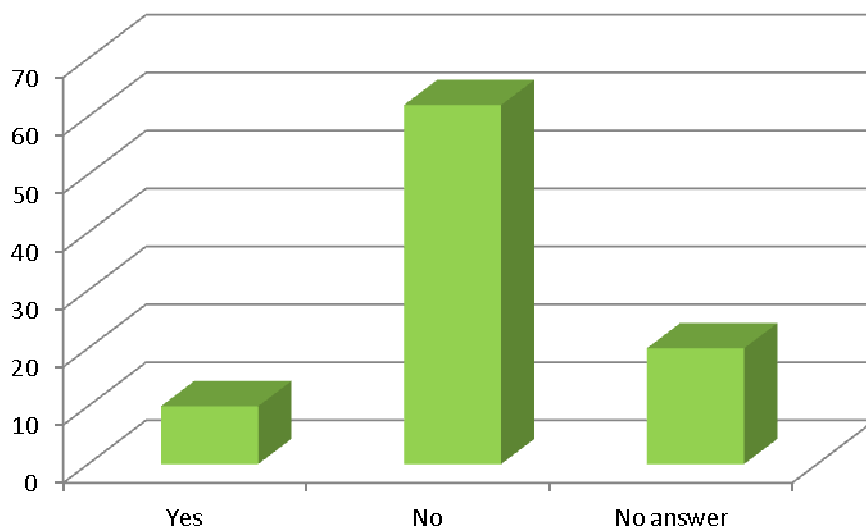
22. Do you feel more confident about avoiding and dealing with doorstep sellers and bogus callers now that you have the sticker and reporting procedure?



23. Have you recommended the scheme to friends or family?



24. Is there any other advice or information you think should be included in the NCCH pack?



Some suggestions of advice/information to include in the pack in future are:

- Add something to help deter religious groups
- Add something to help deter charities
- Add something to include charity bags being delivered
- Offer the option of a sticker for inside window
- Advertise the scheme in the media more
- Include a flyer to hand to neighbours

Some really positive feedback

“Best deterrent we ever had, thank you.”

“The scheme has also deterred other callers such as religious groups.”

“Brilliant service. Thank you.”

“This is a very good scheme and I think it will make a difference. Thank you.”

“The sticker has made a huge difference. Thank you to all who set up this scheme.”

“The sticker gives a certain peace of mind.”

“Thank you for an excellent scheme.”

“Wonderful idea – I feel much safer now – thank you.”

“An effective and simple solution to a very annoying problem. I have recommended this to several friends.”

“I have nothing but praise for the whole idea of having a legitimate sticker. These people had become quite a menace.”

“I love my sticker, thank you so much.”

Some not so positive feedback:

“They are persistent and annoying and don’t give up.”

“Lots of callers from charities asking for regular donations.”

“Pity we can’t deter religious callers.”

“Should come down hard on these callers, government should step in and stop it.”

“Charitable organisations seem to think they are exempt. One actually said the council agreed for them to call.”

Recommendations for improvement of scheme

1. Develop further promotional materials.
2. Investigate possibility of providing internal stickers as an alternative.
3. Consider adding suggestion that residents receiving a pack recommend the scheme to neighbours, possibly providing them with business cards to do so.
4. Advertise the scheme more widely.
5. Encourage members of the scheme to report cold callers ignoring the sticker.
6. Educate traders in relation to offences committed when ignoring the sticker.

Improvements made to date or to be made

1. Develop further promotional materials:
 - Posters designed, ordered, and received
 - Pull up banner designed, ordered and received
 - Posters aimed at traders – ‘Mind the Sign?’
2. Investigate possibility of providing internal stickers as an alternative:
 - Quote to be obtained
3. Consider adding suggestion that residents receiving a pack recommend the scheme to neighbours, possibly providing them with business cards to do so:
 - Recommend a friend slip in short term with business cards
 - In long term amend information sheet
4. Advertise the scheme more widely:
 - NHW Network Event attended on 25/09/12
 - Operate a NCCH Castle Circus market stall
 - Display posters at various locations such as community halls, doctor’s surgeries etc. Liaise with Street Wardens who may be able to assist.
 - Agreed to attend Pensioner’s Event at Paignton Library on 23/10/12
 - Suggestion that we could trial displaying the pull up banner in popular locations such as supermarkets. If this proves successful it may be appropriate to order some more for display purposes.
 - Undertake targeted door knocking offering packs during National Consumer Week (12-16 November)
 - Establish greater media coverage as this appears to be the most influential method of attracting consumers to the scheme.
5. Encourage members of the scheme to report cold callers ignoring the sticker:
 - Achieve this in association with the increased media coverage?
6. Educate traders in relation to offences committed when ignoring the sticker:
 - Design a poster targeted at traders for display in likely locations?
 - Achieve this in association with the increased media coverage?
 - Standard letter to local church organisations advising them of the offences involved when cold calling on NCCH?

Supply of Age Restricted Products – Enforcement Statement

Torbay Council is committed to achieving compliance in a fair, consistent, proportionate, transparent and targeted manner. The emphasis will be on advice and education but other means of enforcement will also be used, if necessary. In so far as the supply of age restricted products is concerned, priority will be given to the legislation in Schedule A below which the Council has a duty to enforce; enforcement action in respect of legislation in Schedule B below will principally be in response to any complaints which may be received.

1. Premises selling these products will be included in the routine inspection programme. During these inspections Traders will be reminded of their responsibilities and checks will be made on the display of required notices, labelling of products, provision of underage sales policies for alcohol, the later which is a new requirement under the Licensing Act 2003.
2. All complaints will be investigated and appropriate action taken.
3. Legal proceedings will be taken where appropriate in accordance with the agreed Enforcement and Prosecution Policy and Torbay Council's responsibilities under the Licensing Act 2003.
4. Schools will be advised of the Council's commitment to enforce the law. Teachers and Children's Services staff having information about under-age sales from specific shops will be asked to contact the Trading Standards Service (part of the Community Safety Business Unit).
5. Each year the Community Safety Business Unit will carry out at least two surveys using volunteer under-age purchasers. The national LGA guidelines will be observed in carrying out the surveys.
6. Trading Standards will work with partner agencies to identify the source of illegal and counterfeit products which may present an increased risk to health.
7. To help businesses by writing procedural guidance in the form of any easy to use document for underage sales.

Schedule A – Statutory Duty to Enforce

Children and Young Persons Act 1933
Protection of Children (Tobacco) Act 1986
The Cigarette Lighter Refill (Safety) Regulations 1999 made under Consumer Protection Act 1987
Explosives (Age of Purchase) Act 1976
Fireworks (Safety) Regulations 1997 as amended by the Fireworks (Safety) (Amendment) Regulations 2004
Video Recordings Act 1984 as amended by Video Recordings Act 1993
Licensing Act 2003

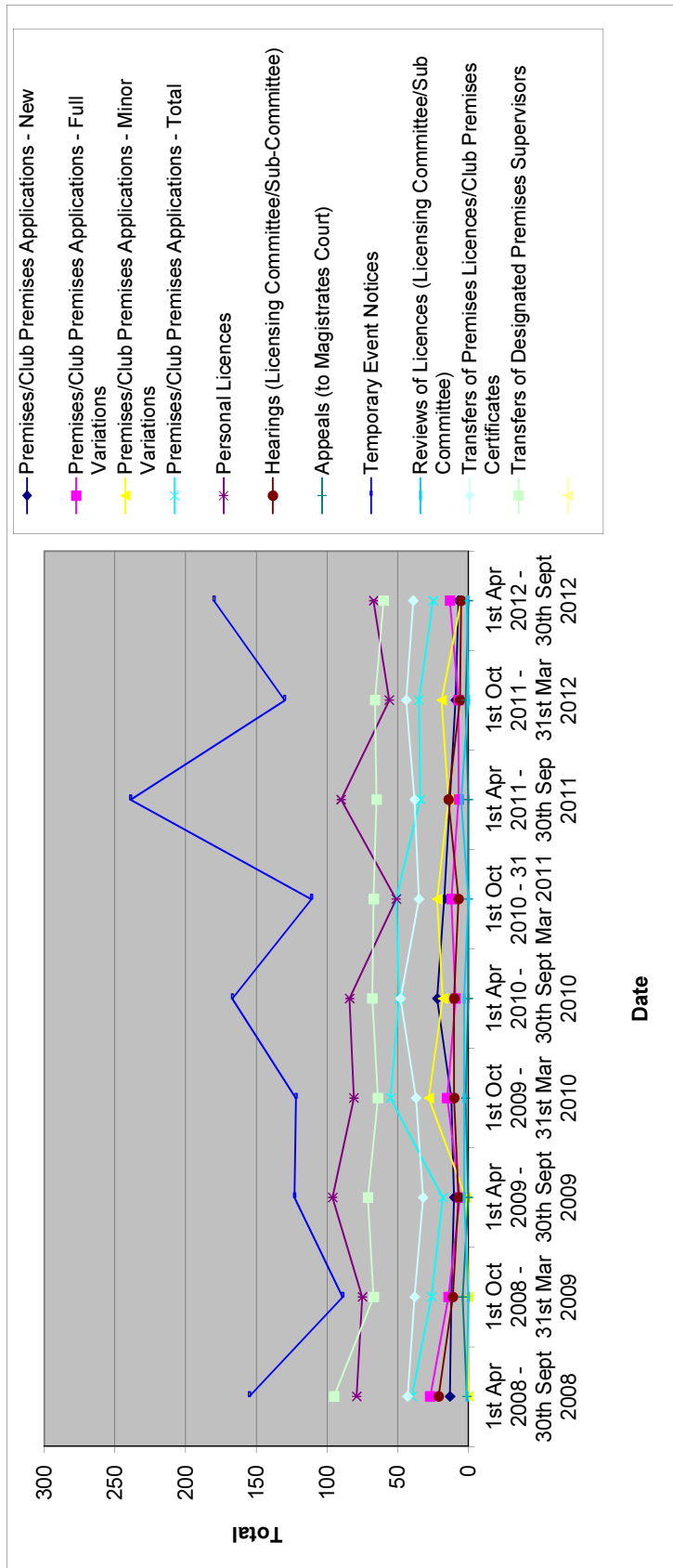
Schedule B – No Duty to Enforce

Children and Young Persons (Protection from Tobacco) Act 1991 BUT Local Authority must consider annually a programme of enforcement
Anti-Social Behaviour Act 2003 (Sale of aerosol paint to under 16)

Criminal Justice Act 1988 as amended by Offensive Weapons Act 1996 (sale of knives)
National Lottery Regulations 1994
Intoxicating Substances (Supply) Act 1985
Crossbows Act 1987

Torbay Council has dealt with the following applications under the Licensing Act 2003

	1st Apr 2007 - 30th Sept 2007	1st Oct 2007 - 31st Mar 2008	1st Apr 2008 - 30th Sept 2008	1st Oct 2008 - 31st Mar 2009	1st Apr 2009 - 30th Sept 2009	1st Oct 2009 - 31st Mar 2010
Premises/Club Premises Applications - New	32		17	12	10	12
Premises/Club Premises Applications - Full Variations	N/A	N/A	25	14	6	15
Premises/Club Premises Applications - Minor Variations	55		N/A	N/A	2	28
Premises/Club Premises Applications - Total	117		42	26	18	55
Personal Licences	26		79	75	96	81
Hearings (Licensing Committee/Sub-Committee)	0		11	11	7	10
Appeals (to Magistrates Court)	0		1	4	0	2
Temporary Event Notices	108		58	89	123	122
Reviews of Licences (Licensing Committee/Sub Committee)	1		0	0	3	3
Transfers of Premises Licences/Club Premises Certificates	65		50	43	38	37
Transfers of Designated Premises Supervisors	122		87	95	67	64

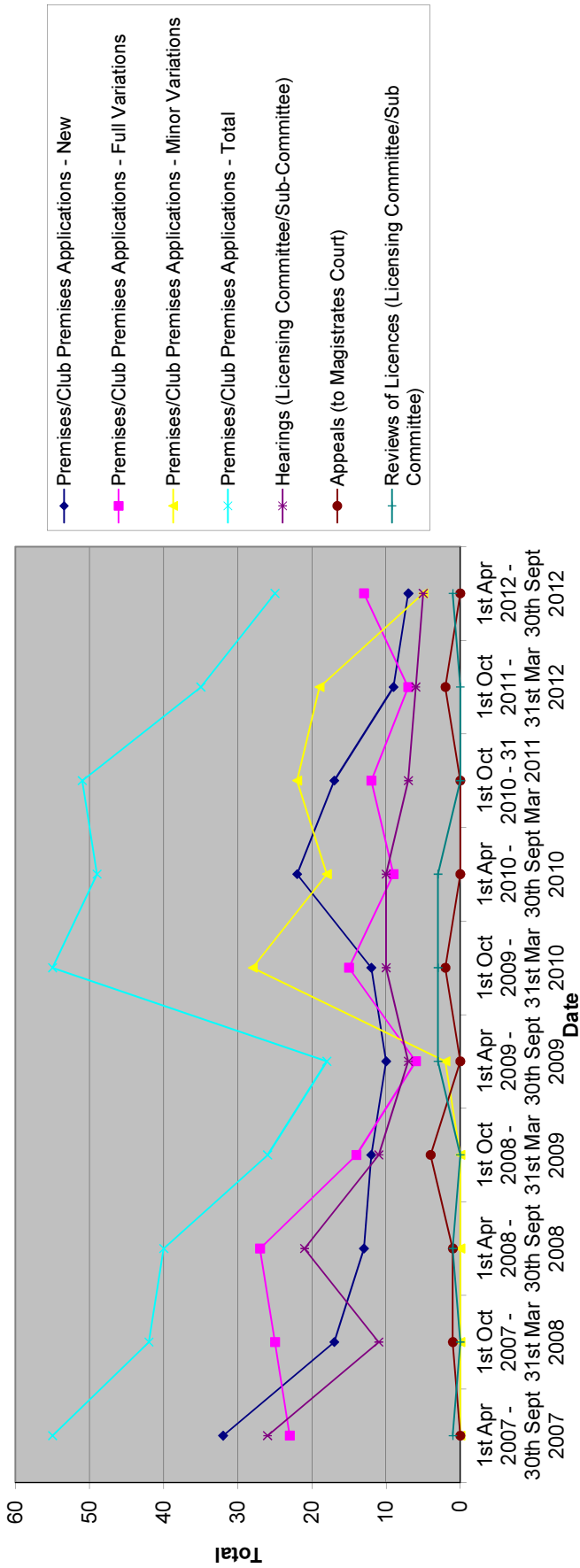


<u>1st Apr 2010 -</u>	<u>1st Oct 2010 -</u>	<u>1st Apr 2011 -</u>	<u>1st Oct 2011 -</u>	<u>1st Apr 2012 -</u>
<u>30th Sept 2010</u>	<u>31 Mar 2011</u>	<u>30th Sep 2011</u>	<u>31st Mar 2012</u>	<u>30th Sept 2012</u>
22	17	13	9	7
9	12	7	7	13
18	22	14	19	5
49	51	34	35	25
84	51	90	56	67
10	7	14	6	5
0	0	0	2	0
167	111	239	130	180
3	0	5	0	1
48	35	38	44	39
68	67	65	66	60

Torbay Council has dealt with the following applications under the Licensing Act 2003

	1st Apr 2007 - 30th Sept 2007	1st Oct 2007 - 31st Mar 2008	1st Apr 2008 - 30th Sept 2008	1st Oct 2008 - 31st Mar 2009	1st Apr 2009 - 30th Sept 2009	1st Oct 2009 - 31st Mar 2010	1st Apr 2010 - 30th Sept 2010	1st Oct 2010 - 31st Mar 2011
Premises/Club Premises Applications - New	32	17	13	12	10	12	22	17
Premises/Club Premises Applications - Full Variations	23	25	27	14	6	15	9	12
Premises/Club Premises Applications - Minor Variations	N/A	N/A	N/A	N/A	2	28	18	22
Premises/Club Premises Applications - Total	55	42	40	26	18	55	49	51
Hearings (Licensing Committee/Sub-Committee)	26	11	21	11	7	10	10	7
Appeals (to Magistrates Court)	0	1	1	4	0	2	0	0
Reviews of Licences (Licensing Committee/Sub Committee)	1	1	1	0	3	3	3	0

Premises Applications



1st Oct 2011 - 31st Mar 2012	1st Apr 2012 - 30th Sept 2012
9	7
7	13
19	5
35	25
6	5
2	0
0	1

Corporate Health, Safety & Emergency Planning

2012/2013

Annual Report

The Corporate Health and Safety and Emergency Planning teams work closely together providing each other with support and complimentary competencies.

Working in cooperation with external agencies they are an internal cross cutting resource which aspires to the prevention and protection of the Council's staff, other assets and the wider community and environment through the provision of a framework of strategic and operational plans, guidance and training which meet national standards.

This Annual Report provides statistical information on accidents and emergency events and summarises some of the activities during the past year to achieve these aims. Additionally it establishes a number of objectives for 2013/2014.

Accidents

The total accidents reported have seen a 21% decrease on last year's reports as can be seen in the attached appendix 1. This marked improvement of results should be balanced against an approximately 8% fall in FTE employees across the Council.

Within the total reported, there has been a 15% decrease of accidents to employees, a 21% decrease to pupils and students, and a further 27% decrease to members of the public with a 12% decrease of accidents required to be reported to the Health and Safety Executive.

This is in part attributable to the work of the department with additional support from the Staff & Management at My Place, Parkfield and the Road Safety Team.

Audits

The Health and Safety Executive carried out a follow up audit on our waste management operation and the contract monitoring arrangements undertaken with TOR2 in March. The audit was also an inspection of the plant, recycling operation and safe working practices on the rounds.

The results of the audit were again generally positive however there are some additional improvements to be developed and implemented which are currently being investigated by Tor2 management with input from us.

See HSE letter appendix 3.

Training

The Health and Safety team delivered 26 corporate training events with 186 delegates attending from within the Council and our schools.

The team also delivered a further 13 bespoke awareness briefings to schools with 221 delegates attending.

Cabinet Member Champions were also in attendance at the Annual Health and Safety Forum and Elected Member Response Training.

The I-learn system is being continually improved with 5 mandatory Health and Safety courses available and further ones being added in the forthcoming year. To date over 2400 on line health and safety courses have been completed.

The Health and Safety team were granted a licence to run the First Aid at Work course by the Chartered Institute of Environmental Health; the first course will be run later this year.

Changes and reductions of the admin support within the Health and Safety team will potentially affect the number of face to face courses available in the forthcoming year with only essential courses being available, it is expected that any gaps will be backfilled with an increase in the number of I-Learn modules being developed.

Stress

There were 42 incidents of stress related illness reported in the last year which is a 7% increase on the previous year. Given the structural changes undertaken and uncertainty on the future it is not unexpected. It should be noted that school reports are included in this figure and not all of the incidents will be considered as work related. Where referrals are made action is taken to ensure the necessary support and assistance is provided.

Policy

The Corporate Health and Safety policy is due for revision in August 2013; this will be undertaken when the new Executive Director for Operations and Finance is appointed.

The Accident & Incident Investigation & Reporting policy and Guidance documents have been revised and published.

Radon

Following on from the Radon reduction works carried out last year on the lower ground floor of the town hall, further reassurance testing has been carried out to ensure the measures adopted were successful. The results published by the Health Protection Agency show a reduction of Radon gas below the action levels. The results are available to be viewed at <http://insight/130424radonresults.pdf>

Continued Professional Development

The Health and Safety team undertakes professional development training to ensure that their knowledge and understanding of the legal and scientific requirements of health are maintained at current standards.

Both members of the team have been listed within the Occupational Safety and Health Consultants Register (OSHCR).

Emergency Planning

Training

The Emergency Planning team carried out Emergency Response training with SLT with further briefings to individual Senior Managers. Council staff also attended a Civil Contingencies Seminar and Strategic Managers attended additional briefings on Gold and Silver Command Operations with a further strategic workshop on the integration of Public Health being planned in the New Year.

Emergency Plans

Multi Agency Emergency Flood plans covering Torquay, Paignton and Brixham have been written in consultation with Council service areas and other emergency responders. The plans currently reside with the Local Resilience Forum and form part of the Councils strategy for mitigating the impact of major flood events.

Notable Events

There were a number of notable events during the past year where the Emergency Planning team has had a role in assessing and coordinating the Council's response to the incident.

These included:

- Fire in Fore Street, Brixham May 2012
- Unexploded ordnance Goodrington July 2012
- Unexploded ordinance Preston Sands August 2012
- Fire aboard Ms Flaminias August 2nd September 26 2012
- Severe Weather Events throughout the year
- Landslide Warren Road November 2012
- Co-ordinated business continuity for Christmas shut down December 2012
- Landslide Vane Hill December 2012
- Endangered Tug Christos 22 and Sinking of MV Emstrom January 2013
- Arrests in Lymington Road under the Terrorism Act, January 2012
- Explosion and evacuation Steartfield Road March 2013

Future strategy

During the forthcoming year the health and safety and emergency planning teams will:

- Undertake a review of the corporate training requirements with a view to achieving a balance between face to face and on line training to minimise cost and increase effectiveness of health and safety training across the Councils area of responsibility.
- As a priority ensure the Council's online accident reporting system is completed and implemented to all departments and schools within the councils area of responsibility with the provision of necessary training.

- Review the emergency response plans to enable a seamless response from operational to strategic management of emergency events within the council's area of responsibility.
- Review the Council's training and exercise programme to take into account organisational changes and the Council's new Public Health responsibilities.
- Co-ordinate a review of Council's corporate critical functions with the aim of developing and implementing effective business continuity plans which mitigate the impact of losing resources (e.g buildings, staff, IT) over a period of up to two weeks.
- Develop, consult and publish policies and guidance on managing driving at work and managing working in partnership.

	Total Accidents 2004 to 2012								
	2004	2005	2006	2007	2008	2009	2010	2011	2012
Q1	527	489	278	282	268	336	272	280	330
Q2	454	436	203	204	224	286	235	241	241
Q3	586	389	238	332	290	339	267	347	286
Q4	512	200	306	340	284	386	323	435	172
Total	2079	1514	1025	1158	1075	1347	1100	1303	1029↓
	Accidents by Person Specification								
Employees	592	560	565	537	415	457	385	387	328
Contractors	28	14	4	1	5	4	4	0	0
Pupils	618	450	387	538	565	546	495	610	479
MOP	812	480	64	57	85	160	203	294	215
Property	29	10	5	25	5	180	13	12	7
Total	2079	1514	1025	1158	1075	1347	1100	1303	1029↓
	Accidents reported to the Health and Safety Executive								
Employees	10	34	23	24	17	20	10	8	15
Contractors	0	2	0	0	0	0	1	0	1
Pupils	5	25	18	17	35	12	9	3	0
MOP	1	0	0	1	3	2	3	6	0
Property	0	1	0	0	1	0	2	0	0
Total	16	62	41	42	56	34	25	17	15↓

I - Learn	Business Unit	Details of courses completed				
		Asbestos	Back Safety	Fire Safety	First Aid	Stress Awareness
Adult Services & Resources	Adult Services	2	2	2	2	1
	Commercial Services	12	12	13	13	11
	Communications	5	5	5	5	5
	Supporting People	3	5	7	7	7
	Information Services	47	48	41	46	44
	Governance	12	12	11	11	10
Children's Services	Commissioning	89	89	78	99	85
	Locality Services	24	29	22	28	18
	Safeguarding & Wellbeing	29	33	24	30	23
	School Improvement	4	4	4	4	2
Place & Resources	TDA	9	9	5	9	6
	Business Services	32	30	25	28	25
	Finance	40	33	29	32	26
	Harbour Authority	2	2	1	2	2
	Residents & Visitors	120	123	118	116	112
	Spatial Planning	9	11	9	8	10
Public Health	Community Safety	66	69	60	73	59
	Public Health	2	2	2	2	2
Total health and safety courses		507	518	456	515	448



Health and Safety
Executive

Field Operations Directorate

Emma O'Hara

Central
North Quay house
Sutton Harbour
Plymouth
Devon PL4 0RA

Tel: 01752 276312
Fax: 01752 224026
emma.o'hara@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

HM Principal Inspector of Health
and Safety
Paula Johnson

Health and Safety Manager
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Reference 4277485

For the attention of Colin de Jongh

Date 7th May 2013

Dear Colin

RECEIVED
10 MAY 2013

HEALTH & SAFETY AT WORK ETC. ACT 1974

I refer to my visit of 6th March 2013 when I was accompanied by my colleague Simon Hubbard. This visit was a 12 month follow up to the visits made in March 2012 as part of HSE's targeted intervention with local authorities who procure and manage municipal waste and recycling services. I apologise for the delay in providing this feedback but I wanted to check some of the standards with our waste sector.

I would like to thank everyone who helped to arrange the inspection and everyone who made time to speak with me on the day. It was not possible to see everything during the inspection and as such, this letter should not be considered to be an exhaustive list of issues.

Overall, I felt that good progress had been made in relation to the issues raised at the initial inspection visit, particularly in relation to monitoring, supervision and audit both by TOR2 and Torbay Council. There were however a couple of areas where some further work is needed:

Manual Handling and Musculoskeletal Disorders

During the visit, we observed operatives carrying out frequent loading of waste above shoulder height and in some cases using dynamic movements. This was due to the height of some of the apertures on the recycling trucks. As a result of this, operatives are at risk of both cumulative injury or ill health and one-off manual handling injuries.

As this is essentially a vehicle design issue and one which I have observed elsewhere, I have raised my concerns with our waste sector. This is apparently an issue that is being raised centrally with manufacturers in the hope that future vehicle designs will be more ergonomically friendly. As there is little that can be done about vehicles which are already in use, the management of manual handling / musculoskeletal disorders should be as robust as possible:

- Where vehicles are fitted with lowering suspension, this should be used as much as possible and crews should be encouraged to do so even where this may add time to their rounds. We observed at least one crew who were not using this facility.
 - Consideration should be given to how waste is loaded on to the vehicles with higher apertures being reserved for lighter items where possible.
 - Vehicles should not be over filled as this means that there is less room for loading and there is a tendency to try and cram it all in.
 - We observed one crew member pulling 2 bins to a refuse vehicle. Another lifted a box and tipped it into the recycling vehicle rather than clipping it on and loading the waste by hand. Both of these individuals were up to date with their manual handling training. Poor practice like this should be challenged as part of the routine monitoring and supervision of the service.
 - It was clear that new vehicles were being trialled with a view to future purchases. Loading and manual handling should form part of the assessment and decision making process when new vehicles are chosen.
- X Continue to challenge poor practice by householders and ensure that operatives continue to be supported if they feel that something is too risky for them to collect.
- Ensure that decisions on manning levels (some rounds were crewed by a driver and one loader) take manual handling into account and that there are appropriate numbers of staff on a round to do the necessary work. Staff on crews with lower numbers should be consulted to see if they do find these rounds more fatiguing (drivers in particular may be at higher risk of injury as they will be getting in and out of their cab more often).

Noise reduction

At present, there is no damping fitted to the chutes or stillages on the recycling trucks to reduce the amount of noise created by the loading of glass. However, consideration has clearly been given as to how this may be done. During the visit, we were shown a modification to one of the glass stillages which had been fitted with rubber flaps. As the actual execution of this was incorrect, it is clear that this is a work in progress. However if a successful solution is found, please share it with us so that wider industry can benefit.

In the meantime, consideration should be given to the provision and use of hearing protection where daily personal exposure exceeds 85dB. The working environment during kerbside collection presents a number of risks to safety, including working around moving vehicles and working on the public highway. The use of personal hearing protection has the potential to increase these risks by masking important sounds, and by inducing a sense of isolation from the general working environment. It is therefore necessary to consider these issues, both when selecting personal hearing protection and devising systems of work:

- Provide systems of work to ensure that hearing protection is only worn during noisy activities and is not worn when it is not needed.
- Ensure that high risk roads are not crossed by operatives when collecting waste – i.e. single sided collection.

Where it is not possible to avoid crossing designated roads, you can minimise additional risks from the use of personal hearing protection by considering and implementing, as appropriate, the following options:

- introduce a system of work that includes a requirement to remove hearing protection prior to attempting to cross a road;

- provide 'level-dependent' (sometimes called 'amplitude-sensitive') hearing protectors which are designed to protect against hazardous noise while permitting quieter sounds to be relayed to the wearer in the absence of high noise levels;
- provide 'flat frequency response' hearing protectors which can, in some situations, improve the ability of wearers to hear certain sounds such as speech communication, warning signals and other informative sounds;
- in conjunction with the system of work above, provide hearing protectors that are simple to remove and replace as required, for example canal caps or earmuffs.

Handwashing

Some of the older vehicles did not have handwashing facilities and crews were relying on wipes and creams. On one truck where there was a sink, operatives said that they only used it in cases of spillage. See my previous letter for HSE's position on this.

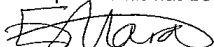
You may also wish to distribute the following publication to staff which is available in an easy to carry format - <http://www.hse.gov.uk/pubns/indg415.pdf>

Please now provide me with a detailed time scaled action plan of how you have and will be continuing to deal with the points raised by this letter.

In order for me to meet with my responsibilities under Section 28(8) of Health and Safety at Work etc Act 1974, please ensure that a copy of this letter is provided to your health and safety representatives and employees.

I have arranged for copies of the letter to be sent to both Torbay Council and TOR2 Ltd. Some of the actions required are for Torbay Council to take forward in its role as client and other actions should be implemented by TOR2. Please use your existing liaison arrangements to discuss my letter and to agree a way forward that works for both parties. I would be happy to receive a joint response or for each party to contact me separately, whichever is most convenient. For ease, I have sent the letters to the Health and Safety leads for each organisation but please ensure that all relevant parties have sight of it.

I hope that this has been helpful but please let me know if you have any questions or comments.



Emma O'Hara
HM Inspector of Health and Safety
Public Services Group

Torbay Gas Safety in Catering Establishments Project 2012-13

Background

This report is based on data collected as a result of Interventions through the “Gas Safety In Catering Establishments” project currently run as part of the Devon Chief Officer Health and Safety Sub Group 2012/13 work plan. Data was collected through a standardised pro forma and covered the 2012/13 financial year. Gas Interventions were to be undertaken at all primary Food Safety Inspections. The project was commenced in June of 2012 due to the need to undertake officer training prior to initiating the project

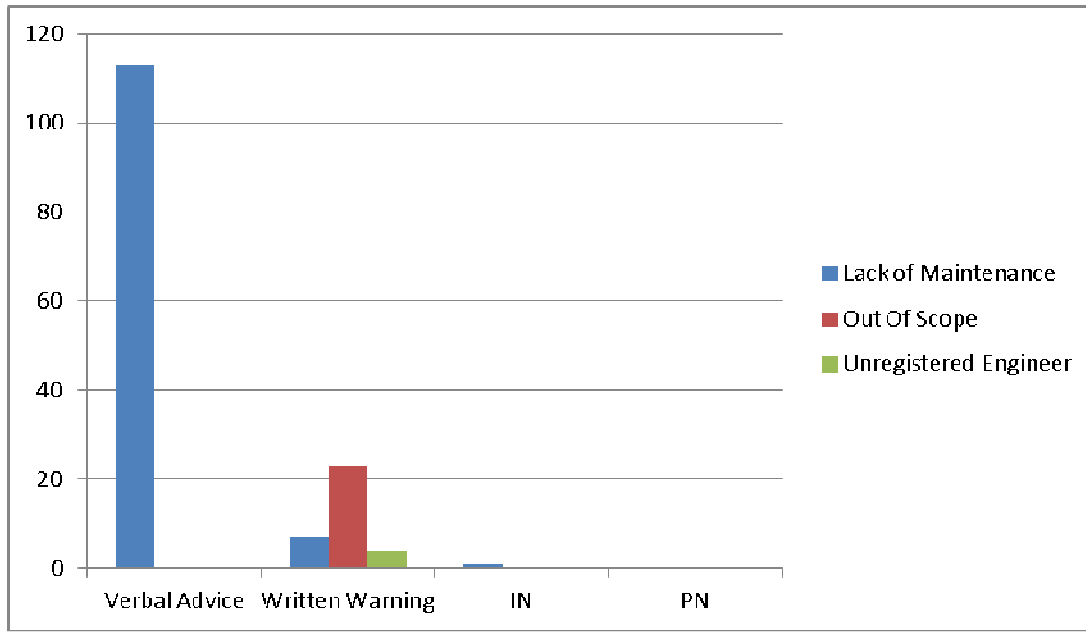
Results

Between 1st June 2012 and the 31st March 2013 248 Gas Safety Interventions were undertaken. Of these there were 121 instances of “lack of maintenance” where the equipment at the business was in poor condition and the business was unable to demonstrate that the equipment and installation were being inspected by a competent person in accordance with current standards. These were primarily dealt with by carbonated inspection report, but required the service of an Improvement Notice in one instance.

A further 23 instances were recorded where the engineer who had certified and/or installed the system had done so “out of scope”. In the majority of cases this involved engineers qualified for domestic work, undertaking maintenance/installation work on commercial systems.

More seriously 4 instances were recorded where the engineer had undertaken work without any recognised qualifications. Given that this could result in serious personal injury, and that peripatetic work is enforced by the Health and Safety Executive, these matters were referred immediately to the relevant authorities. The affected businesses were then faced with commissioning a qualified engineer to certify their gas systems. See Figure one.

Fig 1. Gas Safety Intervention Outcomes



Conclusions

Given that the data covers only a single 10 month period, it is apparent that serious issues with regard to Gas Safety in catering establishments exist. Of particular concerns are the lack of maintenance of gas systems by businesses, and their apparent failure to adequately examine the qualifications of those contractors working on their gas equipment. This clearly indicates a need for continued intervention in this field to improve Gas Safety awareness within the business community and to identify those engineers operating illegally and out of scope.

Commercial Team workplan for 2013-14

The Commercial Team is responsible for a wide range of functions which are covered briefly within the Service Plan. These are complaint driven work; inspections of higher risk premises, based upon their risk rating, government guidance and intelligence; protection of vulnerable groups; administering applications under varying pieces of legislation; protection of the wider public from the impacts of emergencies and disease outbreaks; protection of the employees of Torbay Council and the safe running of public attended events.

The key pieces of work being undertaken to help deliver this wide ranging agenda are

Food Hygiene Rating Scheme – this is the third year of this programme of work, which has been very positively received and has reduced the overall risks associated with food premises across Torbay.

Gas Safety in Commercial kitchens – these inspections are undertaken when premises are inspected under the Food Hygiene Rating Scheme above. A clear need has been established to continue this work. (See report in Appendix F)

No Cold Calling Homes – This piece of work is in its third year and has been very well received (see report in Appendix B). In addition to giving those within the scheme more confidence and reducing cold calling significantly, it may also help deter travellers who may enter Torbay looking for door step work.

Second Hand Car Sales – Second hand car sales is one of the most complained areas in the consumer world. This project builds on work from previous years to target these businesses/individuals who sell unroadworthy cars. In previous years the outcomes are that some businesses have shut and others they have improved. In recent years we have undertaken a number of successful prosecutions and issued several cautions.

Early Morning Restriction Orders (EMRO) – to administer the process of applying for an EMRO should a body be able to provide evidence for the need to consider one.

Gambling Premises – An inspection will be undertaken of a range of gambling premises, including some test purchasing to ascertain the level of compliance within the industry. Evidence suggests that the conditions applied nationally to some of these premises are not being adhered to.

Better Business Compliance Code Information pack – Written by trading standards for advice on things such as door step selling, underage sales. This builds on the support for businesses of Safer Workplace Better Business pack and extends this into a new area.

Sector, premises type or specific cross sector activity <small>(Where do you plan to intervene?)</small>	Evidence that identified the concern and set its priority <small>(e.g. statistics, RIDDOR reports, local intelligence. Why is it appropriate to address at this time? Can you identify the poor performers?)</small>	Planned intervention type <small>(tick all that apply)</small> <small>(Which methods are you going to deploy?)</small>	Rationale for intervention <small>(Why are you using this intervention? Have you considered using other interventions? Does it fit in with previous action to address this issue? Are there outputs/measurables?)</small>	Planned activity or resource <small>(Timing and person days or no. contacts)</small>
LPG Pipework	Directed through HSE nationally.	<input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions	Inspection of premises as directed by HSE, possibility of using expertise pool to assist across Devon	Inspection of premises as directed by HSE, possibility of using expertise pool to assist across Devon
Legionella project Gas safety in catering establishments	Directed through HSE nationally. Directed through HSE nationally, and identified through earlier work by Sub Group members showing an % failure in proper gas appliance maintenance and servicing regimes in local premises.	<input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions	Use of SME approach – targeted interventions during routine inspections based on local intelligence for gas safety (liaison with local Gas Safe inspectors). Use of E-newsletter with targeted interventions for other topics. Report to Chiefs on action taken so far.	Use of SME approach – targeted interventions during routine inspections based on local intelligence for gas safety (liaison with local Gas Safe inspectors). Use of E-newsletter with targeted interventions for other topics. Report to Chiefs on action taken so far.

<p>Estates Excellence project</p>	<p>Initial work in partnership with HSE targeted at Plymouth with assistance from other authorities. Intervention targeted on high risk areas, working in partnership with other enforcement agencies and other organisation to guide and support small businesses and improve their ability to manage health and safety.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions 	<p>Following evaluation of this piece of work, consideration of rolling out to other estates throughout County.</p>	<p>Focused inspections of industrial estates. Initial advertisement of event leading to businesses volunteering to undergo an audit of their health and safety management, and providing specific training to raise competency in weak areas. HSE Project will be complete in Feb, analysis and evaluation of outcome to consider options available to design our own Devon Estates Intervention to be rolled out over Devon including a local pilot project.</p>
<p>Swimming and Spa pool safety and water quality</p>	<p>Where regular pool water samples are taken, there is an average 25% failure rate. Following a fatality Torbay found over 50% of their pools did not comply with the managing pool safety guidance.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions 		<p>Programme of inspections and provision of pool plant operators training if required. Continue over the next year and gauge interest in pool plant and gauge interest in pool plant operator training. Provide an interim report to Chiefs</p>
<p>Ultra Violet Tanning issues</p>	<p>Identified by Public Health Focus Group, and work done by Plymouth and Exeter City Councils highlighting issues with unmanned tanning facilities.</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Partnerships <input checked="" type="checkbox"/> Motivating Senior Managers <input checked="" type="checkbox"/> Supply Chain <input checked="" type="checkbox"/> Design and Supply <input checked="" type="checkbox"/> Sector and Industry-wide Initiatives <input checked="" type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input checked="" type="checkbox"/> Inspection (Cat A) <input checked="" type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input checked="" type="checkbox"/> Recognising Good Performance <input checked="" type="checkbox"/> Incident and Ill Health Investigation <input checked="" type="checkbox"/> Dealing with Issues of Concern <input checked="" type="checkbox"/> Complaints <input checked="" type="checkbox"/> Other interventions 	<p>Skin cancer reduction</p>	<p>Focused visits on un-manned tanning facilities. Possible joint work with DCC Trading Standards to consider under age purchasing visits.</p>

<p>Officer training</p>	<p>RDNA and intervention initiative requirements</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Partnerships <input type="checkbox"/> Motivating Senior Managers <input type="checkbox"/> Supply Chain <input type="checkbox"/> Design and Supply <input type="checkbox"/> Sector and Industry-wide Initiatives <input type="checkbox"/> Working with Those At Risk <input checked="" type="checkbox"/> Education and Awareness <input type="checkbox"/> Inspection (Cat A) <input type="checkbox"/> Intermediaries <input checked="" type="checkbox"/> Best Practice <input type="checkbox"/> Recognising Good Performance <input type="checkbox"/> Incident and Ill Health Investigation <input type="checkbox"/> Dealing with Issues of Concern <input type="checkbox"/> Complaints <input type="checkbox"/> Other interventions 		<p>Intention to provide CPD training for officers in following subjects:- Enforcement training Accident investigation Core investigation skills Interviewing skill Update day to review recent developments</p>
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DEVON CHIEF ENVIRONMENTAL HEALTH OFFICERS HEALTH AND SAFETY (ENFORCEMENT) SUB-GROUP WORK PLAN 2013/14

The work plan has been prepared for the Devon Chief Environmental Health Officer Group to consider the health and safety matters to be looked at in the coming year and beyond.

The plan is not a rigid, definitive document and is open to regular review. Urgent matters may arise which the Sub-Group may address during the year.

Purpose

Promote the attainment of satisfactory or better levels of health and safety in the local authority enforced sector of Devon.

Objective	Detail	Expected outcomes	Who?	Date
Develop a detailed Intervention plan	<ul style="list-style-type: none"> Targeting specific risks or focusing on specific outcomes. Use the full range of regulatory interventions available to influence behaviours and the management of risk Ensuring effective and proportionate management of risk Supporting businesses, protecting our communities and contributing to the wider public health agenda in line with the National Local Authority Enforcement Code. 	<ul style="list-style-type: none"> An Intervention Plan for 2013/14 drafted sent to chiefs for sign off Proactive and reactive interventions will be intelligence-led, based on best-available evidence and focused on risk Joint targeting of risk to enable the most effective and efficient use of resource Using local, regional and national intelligence to select targets for interventions. Enforcement intervention tailored to level of risk will include arrangements for dealing with both ends of risk / compliance spectrum Provide Training for businesses and SHAD's 	Sub Group	March 2013

	<ul style="list-style-type: none"> This might include inspection of Category A premises, interventions as per the intervention plan for other premises, work with poor performers, accident and complaint investigations as required, advice initiatives and self-assessment questionnaires for more compliant premises 			
Training for businesses and SHAD's	Loss of funding for SHADS. A review of the SHAD work and the justification needed for continuing that work and whether the evolution is to SWBB above and the delivery of training for that.	<ul style="list-style-type: none"> Produce a report – has SWBB superseded the provision of SHADs or is there is still room for this approach as well. Deliver the report to the Chiefs 	Dave Walker to circulate	March 2013
Safer workplace Better Business Pack (SWBB)	Opportunities to provide better and different services to businesses. Links to changing the way business advice is delivered. Links with RIAMS and a national delivery of the pack on line.	<ul style="list-style-type: none"> Keep Chief Officers informed of progress with respect to the development of SWBB; <ul style="list-style-type: none"> regarding the pack becoming the key intervention tool for inspections and audits of new Micro, Small and Medium Enterprises and similar businesses without existing systems. Pilot ½ day training sessions for businesses in use of SWBB 	Dave Walker Paul Nichols Allison Ferrero	
Joint warranting and joint work	The Estates Excellence programme might offer different opportunities of joint working or warranting than the Dorset model.	<ul style="list-style-type: none"> Produce a report summarising the successes and learning opportunities from the Estates Excellence programme in Plymouth. Deliver the report to the Chiefs 	Joy Jones	March 2013
Reducing resources for	This could result in reduce	<ul style="list-style-type: none"> Produce a report on the potential impact of the LA 	Sub	On

H&S and staff competencies	enforcement and therefore a loss of enforcement skills. Reduced accident notification and the use of the HSE accident filter results in fewer interventions which could reduce LA officer's ability to identify and target risk and leads to lack of intelligence.	<p>National Code review</p> <ul style="list-style-type: none"> Review the incident and complaints filters to better target responses Commit to providing training materials, guidance and support to maintain officer competency Deliver the report to the Chiefs 	Group	publication of the new code
National Local Authority Enforcement Code	Assist Local Authorities to promote uniform, consistent health and safety enforcement in Devon by adoption of uniform practices and procedures where practical, taking account of guidance from; the HSE; BRDO; cost; effectiveness; efficiency; indicators of performance; the Enforcement Management Model (EMM); Regulators Development Needs Analysis (RDNA) tool and benchmarking exercises where appropriate.	<ul style="list-style-type: none"> Provision of training in health and safety for Local Authority staff and others where appropriate. To provide training which meets local needs and concerns Identify training needs for Local Authorities using the RDNA tool. Provide and facilitate suitable training, in conjunction with the HSE and other sub-groups. <p>This will include: -</p> <ul style="list-style-type: none"> Peer review practical exercises Regional refresher training as identified in line with the National Local Authority Enforcement Code training for competency framework and RDNA tool To actively contribute to CIEH Branch training days when requested Through inter-authority peer review, partnership working and support, creating consistency across the County <ul style="list-style-type: none"> Organising the Sub Group to task small working 	Sub Group	

			groups to concentrate on and co-ordinate a specific work stream or project, organise events as required using combined LA / HSE intelligence to feed interventions, and monitor the effectiveness of these tasks by regular interim reports during projects and completion reports at the end of projects to be submitted to the Chiefs Group.		
Assist businesses in managing their health and safety	Promote leadership, and improving worker involvement.	<ul style="list-style-type: none"> • Continue the development of the SWBB as the initial intervention with new small businesses • Further develop interactive resource on-line for businesses to improve their confidence and ability to manage their risks more effectively. • Include in projects and initiatives outlined in the Intervention Plan 	Sub Group		
Improve partnership working	Ensure better engagement with other regulators as part of the wellbeing agenda by engaging relevant local regulators (CQC, Environment Agency, Health and Wellbeing PCTs, Devon Fire and Rescue etc) with relevant work streams.	<ul style="list-style-type: none"> • Investigate, initiate and take part in campaigns jointly with the HSE and other local stakeholders in areas of common interest • Improved understanding and efficiency in working with partners on Safeguarding processes and practices • Development of working practices, contact points and improved training of officers • Actively participate in and support partnership working on a local and regional basis. • Identification of opportunities for improving expertise in a specialised subject area in each Authority that can be shared across the Group when required 	Sub Group		
Health and Safety	Appraise the Devon Chief	<ul style="list-style-type: none"> • Produce a briefing note for the Chief officers 	Sub		Quarterly

legislation or guidance changes	Environmental Health Officer Group of action necessary and resource implications of meeting the National Local Authority Enforcement Code, new or existing legislation, guidance or novel situations.	<ul style="list-style-type: none"> Attend Chief officer meetings Consider relevant issues and areas of concern which arise during the year, or as requested by the Devon Chief Environmental Health Officers. 	Group	
Consultations		<ul style="list-style-type: none"> Comment on consultation documents where appropriate Involve the staff and Chief officers 	Sub Group	Ongoing
Task and Intervention Plan Progress review		<ul style="list-style-type: none"> Undertake review of the tasks of the group and the progress of the intervention plan. Produce a short report summarising each project. Ensure the continued improvement of training opportunities and activities. Provide an annual report to the Devon Chief Environmental Health Officer Group and the CIEH branch AGM. 	Sub Group	Every quarter
Peer reviews	Provide a peer review before meetings to be circulated and discussed in teams and the results brought back to the Sub Group	<ul style="list-style-type: none"> Evaluate actual cases Produce in a format which used for in-house training exercises by Local Authorities Collate the answers and outcomes and feed into the officer consistency/competency training 	Sub Group	Every Liaison Group
Public Health agenda	The Devon Health and Wellbeing Strategy 2013-16 focus of a number of key areas including health inequalities,	<ul style="list-style-type: none"> Work with the new Public Health sub group Align our work with new Devon Health and Wellbeing Strategy 2013-16 and Public Health outcomes Report back to Chiefs on any actions/work that the sub group could undertake to help implement this strategy. 	Sub Group	
Officer		<ul style="list-style-type: none"> Development of working practices, contact points 		

<p>consistency/competency training</p>		<p>and improved training of officers</p> <ul style="list-style-type: none"> • Provision of training in health and safety for Local Authority staff and others where appropriate based on the review of the National Local Authority Enforcement Code • Analyse the RDNA for all H&S officers and develop training to meet their skill/Ability/Knowledge Gaps 		
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 (Chairperson)
 Dated: