



Community Safety

Commercial Team Service Plan

2013/14

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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

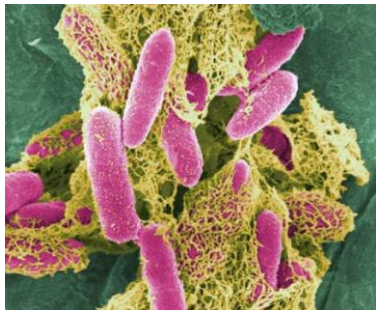

Food safety & Infectious disease control
Trading Standards
Licensing
Health & Safety
Internal Health & Safety & Emergency Planning

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

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| <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

Case study 1



Complaints about Fair trading, Consumer Protection, Counterfeiters

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.

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.

Case study 2



Doorstep Crime and No Cold Calling Homes


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.

- 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.

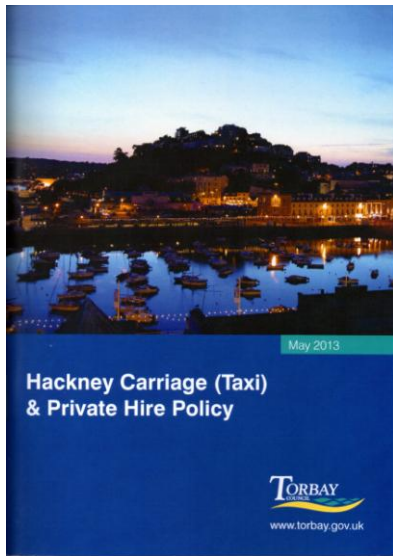
A copy of the survey is attached in Appendix B.

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| <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

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| <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 2472 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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Case study 2

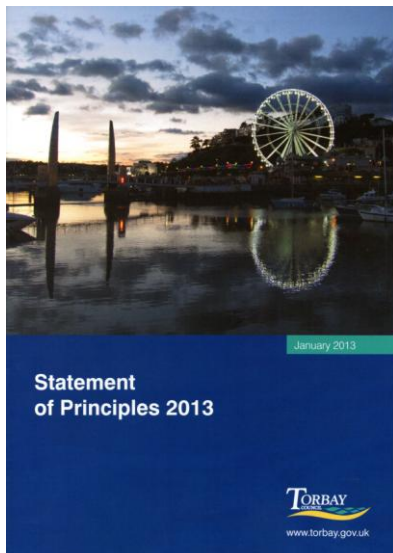


New Hackney Carriage & Private Hire Policy

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.

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.

Case Study 3



New Gambling Policy

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.

The document includes the procedures and criteria by which a bidding process could commence for the Small Casino Licence.

Case Study 4



Renewal of Purple Flag

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.




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.

External Health & Safety Enforcement

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| <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

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| <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 team has also taken on 2+ FTE of extra work from other teams during this period. 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 in other cases 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 can no longer meet all of its statutory functions, which could result in intervention particularly by the Food Standards Agency. A second significant consequence is that there is no longer 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 | | | | PINK |
| Infectious disease control/ emergency incidents | | | | YELLOW |
| Trading Standards - consumer detriment (fair trading, consumer protection, counterfeit goods etc.) | | | | YELLOW |
| Trading Standards - Protecting the Vulnerable/No Cold Calling Homes/Test Purchasing | | | | YELLOW |
| Administering Licensing Applications/Committee hearings/Policy development | | | | YELLOW |
| Licensing enforcement/ partnership working with Police and NTE | | | | YELLOW |
| Health and Safety Inspections/Interventions/ accidents | | | | YELLOW |
| Complaints (Noise from licensed premises, Food Safety & H&S) | | | | YELLOW |
| Park Homes inspections/ complaints/ administration | | | | YELLOW |
| Public safety at events, football ground etc | | | | YELLOW |
| Emergency Planning & Internal H&S | | | | YELLOW |

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