



Community Safety

Commercial Team Service Plan

2014/15

Contents

Introduction to Commercial Team

Scope of the Commercial Teams responsibilities.....	3
---	---

What has been achieved in 2013-14?

Food Safety.....	3
Trading Standards.....	4
Licensing.....	6
External Health and Safety Enforcement.....	7
Internal Health and Safety and Emergency Planning.....	8

Resource reduction, the impact and workplan for 2014-15

Resource reduction and impact.....	9
Audit inspections 2013-14.....	11
Workplan for 2014-15.....	11
Health and Safety Service Plan.....	11

Appendices

Appendix A	Food Safety Service Plan 2014-15
Appendix B	Policy for Mobile Food Traders at Events
Appendix C	Trading Standards Underage Sales Policy
Appendix D	Internal Health and Safety and Emergency Planning Annual Report
Appendix E	Commercial Team workplan 2014-15
Appendix F	Health and Safety Executive Intervention Plan
Appendix G	Devon Chief Environmental Health Officer's Sub Group workplan for H&S

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 2013-14?

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 over 900 food premises have been rated in the Bay, though removing closed premises the current figure is 868. Of these 722 (83%) scoring either a 4 or 5. However 72 (8%) premises are still below the level of basic food hygiene compliance, though in many cases this is due to a lack of paperwork, which means they do not necessarily present a significant risk. Where they do enforcement action is undertaken.</p> <p>This compares very favourably to last year, when the 4 or 5 stars represented only 75% of the total and last year 10% were no compliant. A target set last year to improve at least</p>
--	--

	30% of premises was achieved.
<p>Case study 2</p> 	<p>Food Standard Agency Medium and High Risk inspections</p> <p>The Food Team have achieved 100% inspections of Category A and B premises, and have increased the percentage of inspected premises, rated Category C, to 70%. This is a significant improvement from the previous years figure of 54%, and up from a low of 27% in 2010-11. This was achieved due to significant commitment from the food officers, with some added resources being used as well.</p>
<p>Case study 3</p> 	<p>Food Sampling</p> <p>In 2013/14 the Food Team undertook a considerable amount of food sampling particularly in relation to food fraud and authenticity of meat. This was following the Horse Meat scandal. A number of lamb samples were taken from takeaway premises to check if they were actually lamb. All samples came back as lamb.</p>
<p>Case Study 4</p> 	<p>Mobile Food Traders</p> <p>In 2013/14 the Food Safety Team in Torbay worked with mobile food vehicles to ensure that they are compliant with food safety requirements. This included running a food safety workshop specifically for mobile vehicle owners and the inspection of all the mobile food vehicles registered in Torbay with the view of giving them a rating under the national food hygiene rating scheme.</p> <p>A Mobile Food Traders at Events Policy for has been written for events, to ensure the food sold meets the required standards. See Appendix B.</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
---------------------	---

	<p>For many 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 2013/14 the team received with 3008 complaints, of which 768 were dealt with by officers. Those that were criminal resulted in investigations being undertaken, advice was given, written warnings were issued and two formal cautions & two prosecutions were undertaken. This resulted £6,800 counterfeit good being surrendered and £3,600 of fines.</p>
<p>Case study 2</p> 	<p>Doorstep Crime and No Cold Calling Homes Or NPS’s</p> <p>In 2013/14 the Trading Standards Team further extend the number of properties issued with No Cold Calling Homes stickers to over 3000 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 and a new sticker will be handed out to achieve consistency across Devon and Cornwall.</p> <p>Although there is general compliance with the stickers, two companies are within the legal system for failing to comply with the legislative requirements.</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 2014-15 is attached in Appendix C for agreement.</p> <p>In 2013-14 two underage sales operations were undertaken. In August 2013, 7 premises were visited, 4 for gaming and 3 for alcohol. Of the four gaming premises three asked for ID and one allowed access to gaming machines. In the case of alcohol two sold alcohol to the under 18’s. A service warning was issued to two of the three following investigations; the third is subject to a legal file. In December 2013, 7 premises</p>

	visited for alcohol, 6 asked for ID, and one sold. This was a club. This is subject to a current investigation.
--	---


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 2373 applications were received. Of those 718 have statutory deadlines and in virtually all cases these were met.</p> <p>There were no reviews of Licensing Act Premises Licence and no appeals of Licensing Committee decisions under the Licensing Act 2003 however there was one appeal over the refusal to grant a Pet Shop Licence, which was subsequently withdrawn.</p>
<p>Case study 2</p> 	<p>Licensing Forums</p> <p>During 2013-14 three Licensing Forums were held in Torbay. The most popular is the Torquay, now renamed Torbay. Over 80 people attended both events and included presentations from Police & Crime Commissioner, The Fire Authority, The Police, The TDA, and a number of Council departments. The subjects included changes in the law, advice for businesses, NPS (Legal highs) update, developments on the harbourside and the Neighbourhood Plans.</p>
<p>Case Study 3</p> 	<p>Renewal of Purple Flag</p> <p>In 2013/14, 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. Although the inspection was arguably tougher and at a more difficult time of year it was granted again. However it has highlighted further work is needed to maintain and improve the Evening and Night Time Economy.</p>

External Health & Safety Enforcement

<p>Case study 1</p>  <p>The logo for the Gas Safe Register, featuring a yellow triangle on a black background with the text 'GAS safe REGISTER'.</p>	<p>Gas Safety</p> <p>In 2013/14 officers from the Commercial Team continued to inspect gas safety in food businesses in Torbay. They carried out 466 gas safety inspections of which 94 were found to be non compliant, though this didn't mean they were an immediate danger. This was a vast improvement on 2012-13, with 20% non compliant, compared to nearly 50% the previous year. As a result of their findings a number of different actions were taken to secure compliance, there included the service of two formal improvements notices and the issue 83 formal warning letters. Also three unregistered gas fitters were reported to the HSE and a further 6 were past to Gas Safe who were gas registered for domestic but not commercial businesses.</p>
<p>Case study 2</p>  <p>A photograph of a mobile home (park home) situated on a grassy area.</p>	<p>Park Home (Mobile Home) Site Safety & Licensing</p> <p>In 2013/14 officers from the Licensing and Public Protection Team were again 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, poorly built bases, contractual rights, the failure to meet licence conditions when selling of homes along with more general health and safety issues such as the general maintenance of the sites.</p>
<p>Case study 3</p>  <p>The cover of the 'Safer workplace, better business' pack, featuring a green background with icons representing health and safety, and the text 'Safer workplace, better business' and 'Health & Safety guidance for small businesses'.</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 a partnership was entered in to between a private sector company, Exeter University and Torbay Council to further develop this pack into a national health and safety management on line tool. A bid for money was made to the Better Regulators Development Office, part of Government department BIS. This will enable small and medium businesses across the UK sign up to using this pack.</p>

Internal Health and safety and Emergency Planning

<p>Case study 1</p> 	<p>Accidents in the workplace</p> <p>There has been a 14% decrease in reported accidents in the workplace, and although some of this maybe due to a reduce workforce it will also be an improvement year on year.</p> <p>However there has been a significant increase in incidents of stress, which will need to be addressed.</p>
<p>Case study 2</p> 	<p>Torbay Council's management of Health and Safety</p> <p>A new set of Key Performance Indicators have been drawn up to ensure all Business Units are protecting the Council against challenge for poor Health and Safety. This is being reported back in the Annual Internal Health and Safety and Emergency Planning report see Appendix D, to Senior Leadership Team.</p>
<p>Case study 3</p> 	<p>Emergency incidents</p> <p>There were a number of incidents during 2013-14, but the weather will be remembered as the key challenge. The Emergency Planning Team was on call for most of the winter with pre Christmas storms and the horrendous weather in January and February. Maybe fortunately the winds remained in the west that undoubtedly protected Torbay from the worst of the weather and probably saved us from significant flooding. Difficult but correct decisions were made by staff throughout this period.</p>

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

Resource Reduction, the impact and workplan for 2014-15

Resource reduction & impact

Over the past 4 years (2011-15) the resources have reduced from 29.4 full time equivalents (FTE) to 23.0 FTE which has resulted in all but the most critical work being undertaken. This is a slight reduction from last year due to a returning officer on maternity leave reducing their hours. The team has also taken on 2+ FTE of extra work from other teams during this period. Although there has been no further significant reduction in the team's resources since the previous year, the following work, initially reported in 2013, is not being undertaken.

- 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

Last year this report described the impact of these resource reductions, which is now supported by the internal audit report, see below. The fact is that the team could no longer meet all of its statutory functions. Although this remains the case, there has been a significant improvement in the percentage of medium risk food businesses (Category C) inspected, and it is hoped that this can be improved upon again during 2014-15. This will be helped in 2014-15 by changes to the Food Code of Practice, which from the 1st April 2014 re-rates some of our Category C rated premises to Category D. The department cannot afford to be complacent however, as can be shown in previous years, where a loss of staff or a significant other piece of work quickly impacts upon these figures. This could have then, and still could result in intervention particularly by the Food Standards Agency.

A second significant consequence that was reported last is that there is no longer any resilience left within the team. This remains a threat, especially 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 being seen in a number of areas, particularly in Licensing, where staff sickness has placed huge pressures on the remaining staff.

This years risk is shown as a diagrammatical representation below, where it compares the team's resources against statutory function for the current year 2014-15. Food safety remains a medium to high risk as 30% of Category C rated premises

remain not inspected within statutory timescales, even with the improvements, though it is hoped that can be reduced in a subsequent year.

The rest of the team’s work remains at a low/medium risk to the authority due to the lack of resilience. Although there is a risk and all staff have an input into a varying number of the pieces of work, the management team move staff around both in the Commercial Team and the Department as a whole; to try and remain a position as close to the statutory minimum as possible. This still 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 the majority of the Commercial team during 2012-13, and a final report has been published. This included Food Safety, Trading Standards, Licensing and Health and Safety functions. The report supports the facts that the staff are working to a good standard but it supports the weaknesses of the lack of resources at that time, to achieve the statutory requirements.

The report identifies a **Fundamental Weakness** and says *‘The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and/or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.’*

However it goes on to say by way of clarification

‘Despite the Audit opinion given, the Service was found to have rigorous procedures that are effectively operated by competent and knowledgeable staff. The current Local Government climate has resulted in a reduction in available resource within the service which has impacted inspection levels achieved.’

The audit opinion of ‘Fundamental Weaknesses’ is based upon the critical risk to public health, particularly in relation to the Food Safety inspection levels. Despite many food premises being inspected, the nature of this work along with work such as Licensing, Trading Standards and Health & Safety, is problematic in terms of allocating set / standard resources and time scales to tasks such as inspections.’

This is short, is a result of insufficient resources to complete its statutory inspections, which is explained in more detail above. The report goes on to make a number of other recommendations, most which have been or continue to be implemented or evaluated.

A copy of the report is not attach as this remains confidential within the authority, but can be access and viewed internally within the organisation.

Work plan for 2014-15

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, to extend the No Cold Calling Homes scheme, and to undertake the three yearly Unmet Demand Study, as required, as Torbay Council restricts the number of Hackney Carriage licences.

The Internal Health and Safety and Emergency Planning team have current challenges around taking back the Rest Centre provision, which has been with the Care Trust for some years. This places additional strain on that team and the department as a whole as the resources for this will in part come from the department. .

It should be noted with the reduction in staffing levels and resources that it will not be able to deliver as much work as in 2014-15, but it is still committed to providing as good and innovative service. Workplan is attached in Appendix E.

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 was decided in 2013, that no Health and Safety Service Plan is currently needed. That position remains the same. 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 Gas Safety work and involved in developing the Safer Workplace Better Business pack into an online tool, and the other is the Devon Chief Environmental Health Officer Sub Group workplan. See Appendices F & G.