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31 August 2007

S U M M O N S

MEETING: Community and Environment Board
DATE: 10 September 2007
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Catherine McDonald

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor Wright (Chairman)
Councillor Mrs Wright (Vice Chairman)

Councillor Ms Ballard	Councillor Edgar
Councillor Carr	Councillor Kimber
Councillor Clinton	Councillor Philpott
Councillor Dickson	Councillor Smith

The Mayor (Councillor Gill) (ex officio)
Chairman of Policy and Organisation Board (Councillor Cully) (ex-officio)

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (continuous ringing) or bomb alert (intermittent ringing) sounding, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE FORMAT

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD HELD ON 18 JUNE 2007

To approve as a correct record the Minutes of the meeting of the Community and Environment Board held on 18 June 2007 (copy herewith).

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday 6 September 2007. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday 6 September 2007).

6. CONCESSIONARY OPERATORS PAYMENT SCHEME

A presentation by Malcolm Daughtrey, Managing Director of National Travel Tokens, on the new Concessionary Operators Payment Scheme.

7. NOTICE OF MOTION

Part I
Councillor
Brian Taylor

The following Notice of Motion was referred to the Community and Environment Board by Council on 11 July 2007: "That a review of car parking charges be undertaken with immediate effect to ensure parity for all traders in the Borough of Gosport".

8. BEE KEEPING CRITERIA FOR COUNCIL OWNED ALLOTMENTS

Part II
Contact Officer:
Alan Gibson
Ext. 5721

To seek Board approval to establish Guidance and Practice Criteria for the keeping of bees on Council owned Allotments.

9. ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2007/2008

Part II
Contact Officer:
David Palmer
Ext. 5509

For the Board to consider the Environmental Health (Commercial) Service Plan for 2007/2008

10. ANY OTHER ITEMS

which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

**A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD
WAS HELD ON 18 JUNE 2007**

The Mayor (Councillor Gill) (ex-officio); Chairman of the Policy and Organisation Board (Councillor Cully) (ex-officio), Councillors Ms Ballard, Carr (P), Clinton, Dickson (P), Edgar (P), Kimber (P), Philpott (P), Smith (P), Wright (Chairman)(P) and Mrs Wright (P)

It was reported that, in accordance with Standing Orders, notice had been received that Councillor Foster would replace Councillor Clinton for this meeting.

5. APOLOGIES

Apologies for inability to attend the meeting were received on behalf of The Mayor and Councillors Ms Ballard and Clinton.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES

RESOLVED: That the Minutes of the Board meetings held on 5 March 2007 and 17 May 2007 be approved and signed by the Chairman as true and correct records.

8. DEPUTATIONS

It was reported that no deputations had been received.

9. PUBLIC QUESTIONS

No questions had been received from the public.

PART II

**10. AUTHORISATION OF OFFICERS UNDER THE PROVISIONS OF
PART 1 CHAPTER 1 OF THE HEALTH ACT 2006**

Consideration was given to the report of the Environmental Services Manager (a copy of which is affixed in the Minute Book at Appendix 'A') informing Members that the Health Act 2006 introduced the prohibition of smoking in certain premises, places and vehicles and local authorities, including district councils, were the enforcing authority. Officers of the authority would have to be authorised to enforce the provisions of the Act and regulations made thereunder.

Members were advised that Fixed Penalty Notices would not be the first recourse of enforcement officers. The aim would be to educate and advise in the first instance. Enforcement officers would not be from Street Scene but would be from Environmental Health and Licensing.

In answer to a Member's question, it was confirmed that officers were liaising with local authorities in Hampshire and the Isle of Wight in order that consistent policies and processes could be put in place to enforce the new legislation. Liaison was also taking place with local Primary Care Trusts and Members welcomed this as part of the government Wellbeing Agenda.

RESOLVED: That the Policy and Organisation Board and Council be recommended to approve:-

(a) the delegations to the Environmental Services Manager being amended to include the power to authorise officers as required by Section 10(5) of the Health Act 2006;

(b) the appointment of the Environmental Services Manager, or the Head of Environmental Health in his absence, as the appropriate person to decide upon the cancellation of a Fixed Penalty Notice; and

(c) the Borough Solicitor being authorised to make all necessary amendments to the Council's Constitution to give effect to Recommendations (a) and (b) above.

11. PLAY STRATEGY

Consideration was given to the report of the Leisure and Cultural Services Manager (a copy of which is affixed in the Minute Book at Appendix 'B') seeking the Board's approval of the draft Play Strategy. The Board was also requested to recommend the draft Strategy to the Policy and Organisation Board for approval.

The Chairman advised the Board that, on their behalf, he had thanked the officers involved for their hard work in the preparation of the draft Play Strategy and in the preparation of the bid to the Big Lottery Fund.

In answer to Members' questions, it was confirmed that budget options would be considered once the results of the Big Lottery Fund bid were known. If the bid was not successful, developer contributions could be used to implement some of the actions detailed in Appendix H to the report.

RESOLVED: That:

- (a) the draft Play Strategy be approved; and
- (b) the draft Play Strategy be recommended to the Policy and Organisation Board for approval.

12. CAMDEN ALLOTMENTS

Consideration was given to a report of the Leisure and Cultural Services Manager (a copy of which is affixed in the Minute Book at Appendix 'C') seeking approval for the use of funding received by the Council from the sale of land at Camden Allotments to provide areas within the facility for car parking requirements and skip locations. This work would incorporate creating new access to existing unused/inaccessible areas to bring further allotment plots into use.

Members were advised that the capital receipt was a fixed sum that was reducing but was accruing interest. The planned works had been identified through discussions with the Allotment Stakeholders Consultative Group and therefore were in accordance with the needs of the allotment holders themselves. Other works carried out at Camden included improvements to the security of the site.

Members approved the proposals as further plots would be made available to accommodate the increasing interest in allotment use. Problems with on-street parking in the surrounding roads would also be reduced by the introduction of parking places.

RESOLVED: That the use of £8,750 to facilitate car parking requirements and skip locations from the available funding for improvement works to Camden Allotments be approved.

13. IMPROVEMENT TO FACILITIES AT BRIDGEMARY BOWLING CLUB, ROWNER CRICKET CLUB AND PRIVETT PARK TENNIS COURTS

Consideration was given to a report of the Leisure and Cultural Services Manager (a copy of which is affixed in the Minute Book at Appendix 'D') seeking Board approval for the use of Developer Contributions for improvements to Leisure facilities at the following locations:

- Bridgemaury Bowling Club
- Rowner Cricket Club
- Privett Park Tennis Courts

Members were advised that, in each case, the works would be carried out at the end of the main playing season but before the onset of winter weather.

Members welcomed the improvements in security that the proposed works would give to open spaces that were vulnerable to invasion by travellers.

RESOLVED: The Board approved the use of £70,000 funding as detailed in the report of the Leisure and Cultural Services Manager.

14. CHAIRMAN'S URGENT ITEMS

By reason of special circumstances, the Chairman determined that the following items be considered at this meeting notwithstanding the fact that the items had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government (Access to Information) Act 1985.

i. Improvements to Privett Park Enclosure

The special circumstances were created by the fact that it had been intended to include this item in the report of the Leisure and Cultural Services Manager for Agenda Item 9. However, the quote for this work was not received until Monday, 11 June 2007 which was after the agenda for the Board had been despatched.

Consideration was given to a report of the Leisure and Cultural Services Manager (a copy of which is affixed in the Minute Book at Appendix 'E') seeking Board approval for the use of Developer Contributions for improvements to the facilities at Privett Park Enclosure.

Members welcomed the recent success of the Gosport Borough Football Club and approved the proposed improvements to the perimeter safety barriers and access to the ground for the disabled.

ii. Working Group to Consider the Christmas Lights

The special circumstances were created on the grounds that, in order to undertake the forward planning to which Members would have an input, the process would need to start well in advance of any scheme design. It was also possible that Members would wish to invite the business community to take part in the displays and therefore, time was required to meet with their representatives and consider options, prior to the Council placing any orders for lighting services.

The Chairman advised that a Working Group would need to be set up to consider improvements and changes to the display of Christmas Lights in the Borough as the present lights were getting old and becoming unreliable.

It was proposed that a Working Group be formed on a 1:1:1 political basis and Councillors Carr, Dickson and Wright were nominated.

RESOLVED: That

(a) the use of £11,500 funding from the Sports Pitches Account as detailed in the report of the Leisure and Cultural Services Manager be approved.

(b) A working Group consisting of Councillors Carr, Dickson and Wright be formed to consider proposals for the display of Christmas Lights in the Borough.

At the close of the meeting, Councillor Edgar requested that he be permitted to take this opportunity to record his thanks to the officers from Leisure and Cultural Services, especially to the Head of Parks and Service Facilities, and to the Civic Staff for all their hard work in making recent high profile civic events so successful. A number of last minute changes had had to be made to the organisation of the recent 25th Anniversary Falklands Memorial Service and Parade. The event had run smoothly and been very well received by all who took part. Councillor Smith also extended his thanks to Councillor Kimber for his moving and informative speech during the Service which helped to make it a special occasion.

The meeting commenced at 6.00 pm and concluded at 6.49 pm

CHAIRMAN

AGENDA ITEM NO. 8

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 10 SEPTEMBER 2007
Title:	BEE-KEEPING COUNCIL OWNED ALLOTMENTS
Author:	LEISURE & CULTURAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To seek Board approval to establish Guidance and Practice Criteria for the keeping of bees on Council owned Allotments.

Recommendation

The Board is recommended to approve the criteria for the keeping of bees on Council owned allotments.

1. Background

- 1.1 The Council currently owns and operates ten Allotment facilities throughout the Borough and is receiving applications from plot-holders requesting permission to keep bees on their Allotment plots.
- 1.2 The Allotment Stakeholders Working Group has been made aware of the applications and has requested Council Officers to undertake an investigation to identify any necessary background information.
- 1.3 A set of Criteria has been produced from consultation with other local authorities and these are shown as detailed in the Appendix A.

2. Risk Assessment

- 2.1 The Council is conscious of the need to ensure that any new practices introduced meet with all Health and Safety requirements.

3. Conclusion

- 3.1 The introduction of the Criteria will enable the Council to provide additional services to Allotment plottolders.

Financial Services comments:	None
Legal Services comments:	An obligation to comply with the Criteria, when approved, will be inserted into the Council's standard allotment Licence.
Service Improvement Plan implications:	None
Corporate Plan:	The proposals contribute to the priorities of: (i) Safer Communities. (ii) Clean, Green Environment. (iii) Active & Healthy Lifestyle.
Risk Assessment:	As identified in the proposal.
Background papers:	None.
Appendices / Enclosures:	
Appendix 'A'	Criteria to establish an Allotments Bee-Keeping Policy
Report Author / Lead Officer:	Alan Gibson, Head of Parks and Service Facilities.

CRITERIA FOR THE KEEPING OF BEES
ON COUNCIL ALLOTMENT SITES

- The Allotment Tenant is to be enrolled as a full member in the Bee-Keepers Association and is to provide either via the Association or themselves, Third Party Public Liability Insurance of £5M.
- Guidance and recommendations to be provided by the Council on the type of Bees that can be kept (friendly species).
- Bee accessing and exiting screens to be provided and used.
- Positioning of Hives on Allotment plots to be determined by the Council.
- The Allotment Tenant is to provide and display signage advising of the presence of Bee Hives (wording and signage detail to be specified by the Council).

Agenda item no. 9

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	10th SEPTEMBER 2007
Title:	ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2007/2008
Author:	ENVIRONMENTAL SERVICES MANAGER
Status:	FOR DECISION FOR INFORMATION

Purpose

For the Board to consider the Environmental Health (Commercial) Service Plan for 2007/2008.

Recommendation

That the Board approves the Environmental Health (Commercial) Service Plan for 2007/2008

1. Background

- 1.1 Each Food Authority is required by the Food Standards Agency to produce a service plan and to ensure that it is approved by Members and reviewed annually.
- 1.2 The Health and Safety Commission guidance also requires an Enforcing Authority to produce an annual service plan approved by Members.

2. Report

- 2.1 For Gosport Borough Council, the same officers in the Environmental Health (Commercial) Team carry out both Food Safety enforcement and Health and Safety enforcement. The Commercial Team also provides the Licensing Service and the opportunity has been taken to integrate the Licensing Service Plan into this document. The Plan also refers to the new smoke free legislation which came into effect in July 2007.

3. Risk Assessment

- 3.1 Production of an approved service plan is a requirement of two statutory bodies (FSA and HSE). Approval of the Service Plan ensures full compliance with the requirement.

4. Conclusion

- 4.1 The Service Plan Review complies with the requirements of both the Food Standards Agency and the Health and Safety Commission.
- 4.2 The Service Plan, once approved, will be publicised and placed on the Council's website.

Financial Services comments:	The financial resources allocated to the delivery of the service plan are included in the Service Plan (Appendix A).
Legal Services comments:	None for the purposes of this report.
Service Improvement Plan implications:	None
Corporate Plan:	None
Risk Assessment:	None (approval of the Service Plan will meet all national requirements).
Background papers:	None
Appendices/Enclosures:	Appendix A: Environmental Health (Commercial) Service Plan review 2007/2008
Report author/Lead Officer:	David Palmer, Head of Environmental Health 023 9254 5509 david.palmer@gosport.gov.uk

Environmental Health (Commercial)
Service Plan Review 2007/2008

1.0 INTRODUCTION

1.1 The Council has statutory duties under a number of statutes:

1.1.1 The Council is designated as a Food Authority under the Food Safety Act 1990 and as such has a statutory duty to enforce the Act.

1.1.2 The Council also has a statutory duty under Section 18 of the Health and Safety at Work Act 1974 to enforce health and safety legislation in premises for which it is the enforcing authority.

1.1.3 The Council is the licensing authority for a number of activities, with specific responsibilities under the Licensing Act 2003 and the Gambling Act 2005. In many instances the Council issues licences for specific activities at the same premises at which the Food Safety Act and the Health and Safety at Work etc Act is enforced, as well as to individuals.

1.1.4 The Council is an enforcement authority for the purposes of Section 10 of the Health Act 2006 relating to smoke-free premises, places and vehicles.

1.2 This document examines:

1.2.1 The food safety, health and safety, and licensing objectives which express the Council's responsibility as set out in legislation.

1.2.2 The current work programmes within the Commercial Team.

1.2.3 The Council's policy on food safety enforcement, health and safety at work enforcement, licensing enforcement, smoke-free legislation enforcement, food sampling, the provision of information to businesses, response to food safety incidents, response to accident notifications and infectious disease control.

2.0 SERVICE AIMS AND OBJECTIVES

2.1 Aims

2.1.1 To ensure that food and drink on sale for human consumption, which is produced, stored, distributed, handled or consumed within the Borough, is without risk to the health and safety of the consumer.

2.1.2 To ensure that all businesses for which the Council is the enforcing authority are free from risks to the health, safety and welfare of employees and the public and workplaces, enclosed public places and vehicles to which the legislation applies are smoke-free.

2.1.3 To ensure that the public has confidence that all premises and activities within the Borough that require licensing are safe and do not present a risk to those using those premises and activities.

2.2 Objectives

2.2.1 To ensure that all premises due for inspection are inspected in accordance with statutory Codes of Practice.

- 2.2.2 To take appropriate enforcement action according to the risk involved and in accordance with the Council's General Enforcement Policy and, where appropriate, its Food Safety Enforcement Policy, Licensing Enforcement Policy and its Health and Safety Enforcement Policy.
- 2.2.3 To ensure that all staff involved in food safety, health and safety at work, licensing work and the enforcement of the smoke-free legislation are properly qualified and competent for the work.
- 2.2.4 To respond to 95% of all food complaints within 3 working days.
- 2.2.5 To respond to 95% of all complaints regarding food safety, health and safety at work and smoke-free compliance within 5 working days.
- 2.2.6 To respond to all Food Alerts within one day of receipt.
- 2.2.7 To maintain a food sampling programme.
- 2.2.8 To respond to 85% of all cases of organism-specific food-borne infectious diseases which require investigation within one working day of receipt. For non-specific diarrhoea and vomiting notifications, this interval increases to 5 working days (effective July 2007).
- 2.2.9 To respond to 97% of all requests for advice to businesses on food safety, health and safety at work, smoke-free compliance and licensing matters within 5 working days.
- 2.2.10 To investigate all fatalities and major accidents or incidents at work or in a workplace, within one working day of notification.
- 2.2.11 To target health and safety inspections towards the priority areas contained in the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) strategy and with regard to the HELA *Fit3* Programme (see paragraph 5.3.1).
- 2.2.12 To ensure all licensing applications are processed within the statutory period, or within 20 working days of receipt of all required information, and where the application can be dealt with under delegated authority.
- 2.2.13 To investigate and action as appropriate complaints relating to licensable activities within 5 working days.
- 2.2.14 To provide a source of information for businesses and the public through the Council's website and at the Food Safety Information Points throughout the Borough.
- 2.2.15 To provide opportunities for local businesses to obtain low cost food safety and health and safety training through the provision of appropriate courses and seminars.

2.3 Links to other Council Objectives and Plans

- 2.3.1 This Service Plan is in accordance with the Council's Corporate Plan and commitment to sustainability. All activities are targeted at improving the health of the population, which has high priority in the Community Strategy.

3.0 BACKGROUND

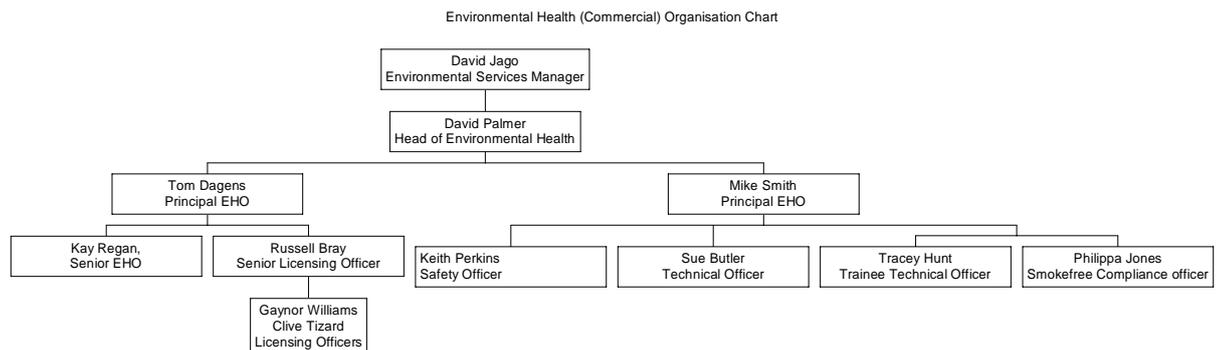
3.1 Profile of Gosport Borough Council

- 3.1.1 Gosport is a comparatively small coastal local authority with a population of 76,415 (2001 Census). There are approximately 613 food premises, mainly composed of restaurants, takeaways and retailers. There are no significant food manufacturers and no specific unusual demands on the food safety service e.g. tourism or large numbers of food premises run by

proprietors whose first language is not English. The Council is responsible for enforcing health and safety in 928 businesses, the majority of which are small businesses employing less than 5 persons.

3.1.2 Implementation of the Licensing Act 2003 has resulted in 236 Premises Licences and 33 Club Premises Certificates being issued together with 452 Personal Licences, since the Licensing Act was enacted in November 2005. The Council also administers other Licences and Registrations covering a wide range of business activities, such as taxis and private hire vehicles, hairdressers, tattooists, and pet shops.

3.2 Organisational Structure at 1 April 2007



3.2.1 The Head of Environmental Health is the officer responsible for delivery of the Service. One Principal Environmental Health Officer acts as the Council's Lead Officer for Food Safety, as required by the Food Standards Agency (FSA) and the other Principal Environmental Health Officer acts as the Lead Officer for Health and Safety at Work, as required by the Health and Safety Commission (HSC). The lead officer for food safety is also the lead officer for the licensing function and the lead officer for health and safety at work is also the lead officer for the smoke-free compliance function. All the Environmental Health Officers (EHOs) in the Commercial Section have specialist responsibility for both Food Safety enforcement and Health and Safety at Work enforcement. One Technical Officer is qualified to undertake low and medium risk health and safety inspections and medium to low risk food hygiene inspections. As a result of additional, formal training this officer should be authorised to inspect all categories of premises from early in 2008.

3.2.2 A Trainee Technical Officer has been appointed and is at present undertaking formal training. This will enable her to undertake the full range of premises inspections from early 2010. As her training progresses she will be able to undertake inspection of low risk premises for food safety and health and safety at work matters.

3.2.3 The Council's Safety Officer undertakes low and medium risk health and safety inspections, when his duties allow.

3.2.4 The Senior Licensing Officer carries out day to day supervision of the Licensing Team.. One of the Licensing Officers assists with food sampling, to provide cover for annual leave and sickness.

3.2.5 The Smokefree Compliance Officer has been appointed on secondment until 30 April 2008 to implement the smoke-free legislation which came into force on 1 July 2007.

3.2.6 The Council has appointed Hampshire Scientific Services and Wessex Environmental Microbiology Services as its Food Examiners, where specialist advice is necessary.

3.3 Scope of the Service

- 3.3.1 The Food Safety Service provides food premises inspection, food inspection, food sampling, investigation of food complaints, the investigation of complaints relating to food safety or food premises, responding to food safety incidents and national food alerts, and the provision of advice to businesses and the public on food safety matters. In addition the Commercial Team deal with all statutory nuisance and pollution matters relating to food businesses.
- 3.3.2 The Health and Safety Service provides health and safety inspections of workplaces, work-related accident investigations, the investigation of complaints regarding health, safety and welfare at work and the provision of advice to businesses and the public on health and safety matters.
- 3.3.3 The Licensing Service covers the complete range of licensing and registrations administered by the Council. This includes premises licensing under the Licensing Act 2003 and the Gambling Act 2005, food premises registration, taxi and private-vehicle hire licensing, animal welfare and registration of special treatments such as ear piercing, tattooing and electrolysis.
- 3.3.4 The Smokefree Compliance Service provides advice and guidance to businesses to enable them to comply with their smoke-free obligations. All members of the Commercial Team have been authorised to serve Fixed Penalty Notices under the provisions of the Health Act 2006 should this be considered appropriate.
- 3.3.5 The Head of Environmental Health is responsible for the provision of health and safety advice to the Council, health promotion activities in relation to the Local Strategic Partnership (LSP) and infectious disease control.
- 3.3.6 In order to maximise the use of limited staff resources and to ensure a more coherent service to businesses the same officer will deal with all food safety, health and safety and public health matters related to any single premises. Where appropriate, inspections in relation to these activities will be combined.
- 3.3.7 All matters relating solely to Licensing will be dealt with by the Licensing Team. In addition the Licensing Officers are able to provide some limited support to the rest of Environmental Health when required in areas of mutual interest.
- 3.3.8 It is the philosophy of the Commercial Team to assist regulated organisations to improve their health and safety and food safety compliance. The primary role of the Commercial Team is to assist businesses in reducing accidents and ill health caused by work activity and to assist them to produce and sell safe food. To these ends a significant amount of time during visits is spent providing the organisation with advice and guidance, including sources of more detailed information. A controlled library of leaflets is available within the Commercial Team. This includes publications from the Department of Health (DoH), the FSA, the Health and Safety Executive (HSE), the Chartered Institute of Environmental Health (CIEH), and the Royal Society of Health (RoSPA), as well as internally produced documents. During visits, officers will give appropriate leaflets to organisations and to individual duty holders.
- 3.3.9 Officers based at the Town Hall deliver the Environmental Health (Commercial) Service during normal working hours, between 0845 and 1700 hours. Provision is made for officers to work out of hours where this is deemed necessary.
- 3.3.10 Out of normal working hours the Council's duty officer will take messages for Environmental Health and pass these on during the next working day. Out of hours emergencies concerning food safety or health and safety at work are passed direct to officers on a cascade basis although there are no formal call-out arrangements.

3.4 Enforcement Policy

- 3.4.1 The Council has signed up to the central and local government Concordat on Good Enforcement.
- 3.4.2 The Council has a generic Enforcement Policy that covers all of its enforcement activities.
- 3.4.3 The Council has a separate documented Food Safety Enforcement Policy that meets the requirements of the Food Law Code of Practice (England) and guidance from the Local Authorities Co-ordinators of Regulatory Services (LACORS).
- 3.4.4 The Council also has a Health and Safety Enforcement Policy that is consistent with guidance issued under Section 18 of the Health and Safety at Work Act and with the HSE's Enforcement Management Model (EMM).
- 3.4.5 The Council adopted a Licensing Enforcement Policy on 7 March 2005
- 3.4.6 The Food Safety Enforcement Policy was revised by the Service Scrutiny Committee in April 2004, whilst the Health and Safety Enforcement Policy was revised by the Community and Environment Board at their meeting of the 7 March 2005.
- 3.4.7 All enforcement decisions are made following consideration of the relevant Enforcement Policy and, in respect of health and safety at work matters, the HSE's Enforcement Management Model is additionally applied. Any departure from the Policies will be documented.
- 3.4.8 A copy of the General Enforcement Policy and a summary leaflet explaining the key elements is available on request. Businesses are provided with a copy of the summary leaflet following an enforcement inspection. The individual enforcement policies are also published on the Council's website.
- 3.4.9 All food law enforcement is carried out in accordance with the Food Law Code of Practice (England) and other official guidance issued by LACORS or the FSA.
- 3.4.10 All health and safety at work enforcement is carried out in accordance with guidance issued under Section 18 of the Health and Safety at Work Act 1974 and other official guidance issued by the HSE or by LACORS.
- 3.4.11 All smoke-free compliance enforcement will be carried out in accordance with guidance issued by LACORS.

4.0 FOOD SAFETY SERVICE DELIVERY

4.1 Statutory Framework

The Council's statutory function for food safety is contained in the:

Food Safety Act 1990, as amended by the implementation of the **European Communities Act 1972**:

Section 5(1) – "...the food authorities in England... are (a) as respects each London Borough, district or non-metropolitan county, the council of that Borough, District or County.

Section 6 – "Every food authority shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority."

Section 40(1) – “For the guidance of food authorities, the Minister or Ministers may issue codes of recommended practice as regards the execution and enforcement of this Act and of Regulations and orders made under it.”

Section 40(2) – “In the exercise of the function conferred on them by or under this Act, every food authority (a) shall have regard to any relevant provision of such codes.”

4.2 Food Standards Agency Targets

4.2.1 In its Strategic Plan 2005-2010 the FSA set out a number of key aims:

- To reduce food borne illness further. [The Agency met this target with a reduction in food borne infection of 19.2% reported by the end of 2006].
- To help people with food allergies and intolerances to make the food choices they wish to make.
- To develop tailored guidance for small businesses on food safety management based on HACCP (hazard analysis and critical control point). This will be achieved by encouraging caterers and retailers to adopt the “Safer Food Better Business” food safety management system, available free of charge from the Council or the FSA.
- To change the way the Agency reports on local authority enforcement activity to recognise the important educational and advisory role of local authorities in assisting local businesses to deliver high standards of food safety.

4.2.2 Locally Gosport has seen a reduction in the number of cases of food poisoning reported. (See paragraph 4.9.9). An officer has received FSA funded training in food allergies. The “Safer Food is Better Business” HACCP system is being introduced into Gosport based food premises.

4.3 Demands on the Service

4.3.1 The premises profile for Gosport is currently:

<i>Manufacturers and Processors</i>	5
<i>Manufacturers selling mainly by Retail</i>	5
<i>Distributors and Wholesalers</i>	2
<i>Packers</i>	0
<i>Caterers</i>	473
<i>Retailers</i>	128
<hr/> <i>Total</i>	<hr/> 613

4.3.2 The Council is responsible for shellfish beds located between the mean high water mark, with the Southampton Port Health Boundary to the south and the Portsmouth Port Health Boundary to the east. Whilst there are no sampling points within the Council’s boundary, demands are placed on the Service to provide information to local fishermen concerning any changes to classification of the water. Additionally, the occasional presence of Diuretic Shellfish Poisoning or sewage contamination means the shellfish beds have to be temporarily closed.

4.4 Food Premises Inspections

- 4.4.1 The enforcement of the Food Safety Act 1990 and its associated Regulations are governed by a statutory Code of Practice. This specifies procedures and forms to be used by staff when enforcing the legislation. In particular the Food Law Code of Practice (England) specifies a risk rating scheme to assess the inspection frequency of each food business.
- 4.4.2 The use of the risk rating scheme ensures that the highest priority is given to food businesses where conditions are below standard, and to premises that cater for vulnerable groups e.g. hospitals and residential care homes.
- 4.4.3 Inspections are usually carried out during normal working hours. Where premises open in the evenings, inspections will also be conducted outside these hours. Similarly advice is available during normal working hours.
- 4.4.4 During 2006/7 a total of 276 inspections were carried out
- 4.4.5 Revisits are undertaken where poor standards in premises require it. During 2006/7, 70 revisits were undertaken.
- 4.4.6 In June 2007 the Council introduced a website dedicated to publishing the inspection scores of all food premises operating within the borough. The site is called "Safe2eat" and it is hoped that this will eventually cover all food premises operating in Hampshire. Gosport was the first authority to go "live" with the system, since when there has been particular interest in the scheme from the media. The system has a resource implication in that premises identified as unsatisfactory are subjected to enhanced activity by the environmental health officers in the commercial team to ensure standards are brought up to an acceptable standard. This inevitably will reflect upon their ability to meet the programmed inspection requirement. A revised Food Law Code of Practice (England) is however anticipated that will it is hoped promote this outcome based approach to food safety.
- 4.4.7 The profile of premises by risk as of April 2007 is as follows:

Risk Category	Number of Premises	Inspection Period	Number of Premises Inspections carried out during 2006/7	Number of Premises Inspections due during 2007/8
<i>A</i>	<i>0</i>	<i>6 months</i>	<i>3</i>	<i>0</i>
<i>B</i>	<i>27</i>	<i>12 months</i>	<i>33</i>	<i>27</i>
<i>C</i>	<i>285</i>	<i>18 months</i>	<i>178</i>	<i>151</i>
<i>D</i>	<i>117</i>	<i>2 years</i>	<i>39</i>	<i>53</i>
<i>E</i>	<i>156</i>	<i>3 years</i>	<i>23</i>	<i>57</i>
<i>Total</i>	<i>613</i>		<i>276</i>	<i>260</i>
<i>Currently unrated</i>	<i>28</i>		<i>7</i>	<i>28</i>

During the year 2006/7 we carried out all but 34 of our planned inspections. Differences between the numbers of premises in each risk category and the number of inspections carried out are explained by the fact that premises may be re-rated into a different category following inspection.

4.4.8 The national priorities for inspection are:

- To ensure compliance with the Food Hygiene (England) Regulations 2006 which came into force on 11th January 2006 and which incorporate all previous requirements relating to food hygiene.
- To ensure food imported into the country fully complies with The Products of Animal Origin (Third Country Imports) (England) Regulations 2002.

4.4.9 The Council maintains a Register of all food premises within the Borough.

4.4.10 The FSA return for 2006/7 has been completed and submitted.

4.4.11 Currently it is estimated that the resources available for the provision of this service equate to 1.5 full time equivalent members of staff.

4.5 Food Complaints

4.5.1 During the past year 21 complaints were received concerning unfit food or food failing to comply with food safety requirements. All were fully investigated; formal action has been recommended in one case. Where complaints are indicative of a significant food safety risk, arrangements are in place to notify the Food Standards Agency in order that a national Food Alert can be considered.

4.5.2 During the last financial year we received 44 complaints about food hygiene at food businesses operating in the Borough.

4.5.3 Investigations into food complaints are given priority since these can indicate that the food supply chain has possibly broken down. We respond to 95% of food complaints within 3 working days and 100% within 5 days.

4.5.4 The decision to prosecute for food not complying with food safety requirements would be taken at the recommendation of the investigating officer, in consultation with the Head of Environmental Health and the Borough Solicitor, in accordance with the Council's Food Safety Enforcement Policy.

4.5.5 Currently, it is estimated that the resources available for the provision of this service equate to 0.1 full time equivalent members of staff.

4.6 Home Authority Principle

4.6.1 Policy :

- The Council will provide advice to businesses on legal compliance where they act as home authority or originating authority.
- The Council shall have regard to any information or advice it has received from any liaison with home authorities or originating authorities.
- The Council, having initiated liaison with any home authority or originating authority, shall notify that authority of the outcome.

4.6.2 Demands :

Currently the Council is the Originating Authority for 6 businesses but the comparatively small nature of these businesses means that no significant resources are committed to this area of activity.

4.7 Food Sampling

- 4.7.1 The Council believes that a pro-active, point of sale food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough.
- 4.7.2 The Food Law Code of Practice (England) requires food authorities to prepare and publish a food sampling policy and make it available to businesses and consumers. This Policy is published on the Council's website.
- 4.7.3 Microbiological food sampling is used by the Council as part of a planned approach to gather information about the microbiological quality and possible presence of harmful micro-organisms in particular foods that are produced, sold and used locally.

The main aims and objectives of food sampling are to:

- Protect the consumer through the enforcement of food legislation and the encouragement of fair trading;
 - Identify foods that pose a hazard to the consumer because they contain significant levels of pathogenic bacteria;
 - Identify any contraventions of food safety requirements;
 - Help evaluate temperature control, food handling and processing practices at food premises in relation to hazard analysis (and where relevant HACCP) requirements;
 - Help determine whether advice or enforcement action would be appropriate where it is suspected that poor practices and procedures exist;
 - Give advice and guidance, if appropriate, on food hygiene matters;
 - Assess the microbiological quality of food manufactured, distributed or sold in the Council's area.
- 4.7.4 These aims and objectives are achieved through sampling in the following situations:
- Participation in LACORS, FSA and Health Protection Agency (HPA) coordinated sampling programmes;
 - Sampling related to local products, events or initiatives concerning an issue particularly relevant to the Council;
 - The use of sampling as part of a food hygiene inspection to help assess hygiene standards and procedures;
 - Sampling at food contamination and food poisoning incidents;
 - Sampling in relation to food complaints;
 - Sampling of imported food, particularly imports from third countries outside the EU;
 - Sampling, as necessary, at premises for which the Council is the Originating Authority (e.g. final product and critical control point monitoring);
 - Avoiding unnecessary duplication with Port Health or Home Authorities;

- Food sampling defined by statute;
- Participation in any appropriate EU coordinated control programmes;
- To fulfil the Council's obligations under the framework agreement, and where applicable, integration with the Hampshire County Council's policy and programme for the taking of samples for food standards purposes.

4.7.5 All samples are taken in accordance with procedures designed to ensure continuity of evidence and the prevention of deterioration or damage to samples whilst under the Council's control. During 2006/7, 308 samples were taken of which 75 were considered to be unsatisfactory, this represents a 24% failure rate.

4.7.6 Sampling at a similar rate will be undertaken during 2007/8.

4.7.7 Arrangements have been made with Wessex Environmental Microbiology Services at Southampton to carry out the microbiological analysis of samples.

4.7.8 Additionally, food complaint samples are sent to Hampshire Scientific Services at Portsmouth for detailed analysis.

4.7.9 Currently it is estimated that the resources available for the provision of this service equate to 0.2 full time equivalent members of staff.

4.8 Food Safety Incidents

4.8.1 From time to time the Food Standards Agency issue Food Alerts relating to the consumption of various foods.

4.8.2 The Council has arrangements in place for dealing with Food Alerts that ensure that the most senior food safety officer available is informed immediately on receipt. These arrangements are in accordance with the Food Law Code of Practice (England).

4.8.3 Where an incident occurs out of normal working hours the Food Standards Agency will contact the Council's Duty Officer who can call out an Environmental Health Officer on a cascade basis.

4.8.4 A response to Food Alerts may necessitate contacting or, in some cases, visiting premises where the relevant food is likely to be on sale.

4.8.5 In addition, the Council uses its Food Safety Information Points throughout the Borough, and its website, to bring such Food Alerts to the notice of the public.

4.8.6 Where the Council becomes aware of a serious localised incident or a wider food safety problem it has arrangements to notify the Food Standards Agency in accordance with the Food Law Code of Practice (England).

4.8.7 During 2006/7 68 Food Alerts were received during the year as opposed to 103 in the previous year. These were predominantly advisory notifications for information only, requiring no enforcement action. The resources allocated to this area of work are approximately 0.2 full time equivalent members of staff.

4.9 Control and Investigation of Outbreaks of Food Related Infectious Disease

4.9.1 The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated Regulations. This legislation includes the control of food poisoning and food and water borne diseases. Although the number of cases reported locally is

comparatively low, it is widely acknowledged that the vast majority go unreported. Moreover, a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler.

- 4.9.2 Whilst nationally food poisoning cases are beginning to decline, this trend was not witnessed in Gosport where notifications rose in comparison to the previous year.
- 4.9.3 Organisms such as Campylobacter, Listeria, Cryptosporidium, E. coli 0157, and viral infections continue to give cause for concern. Whilst they are common causes of gastrointestinal infection, these organisms are not officially notifiable at present.
- 4.9.4 The rigorous enforcement of legislation and the provision of food hygiene training to food handlers should have some impact in reducing the incidence of food poisoning, but it is apparent that many cases arise in the home. The Food Standards Agency is actively promoting food safety in the home through television advertising and leaflets. The Council fully supports this campaign and therefore will continue to promote the food hygiene message through its own publications, at the Food Safety Information Points throughout the borough, the provision of advice during investigations, and by running specific campaigns at appropriate times, e.g. Christmas.
- 4.9.5 We provide an information booklet to food poisoning sufferers on food poisoning and its causes. The booklet is also available through the Council's website.
- 4.9.6 The investigation of food poisoning cases is given a high priority and, in the event of an outbreak, can necessitate utilising qualified staff from the Section's Pollution and Environment Team in addition to those in the Commercial Team.
- 4.9.7 All investigations will follow those procedures laid out in the Portsmouth and South East Hampshire Outbreak Control Plan.
- 4.9.8 The Council supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water/Health Professionals Liaison Meeting, which exist to promote best practice and consistency of approach in this area of work between the neighbouring local authorities.
- 4.9.9 In 2006/7 there were 27 cases of notifiable food poisoning received, compared to 56 cases in 2005/6. In addition, 63 cases of Campylobacter were notified.
- 4.9.10 The resources allocated to this area of work are approximately 0.2 fulltime equivalent members of staff.

4.10 Advice to Business

- 4.10.1 Whilst the Council will utilise its powers to enforce the food legislation, it realises that where food businesses break the law it is often due to ignorance rather than intention. As a consequence it is the Council's policy to provide advice to business in a number of different ways:
- Advisory visits to businesses on demand
 - The provision of advice prior to the setting up of a food business
 - The provision of informal advice on best practice during inspections
 - The provision of free advisory leaflets where appropriate
 - The provision of advice on Planning or Building Control applications

- The production of two newsletters (Food Watch) for local businesses per annum
- The provision of information on food safety via the Council's website.
- The provision of Level 2 Award in Food Safety Courses and other basic food hygiene training

4.10.2 Currently, it is estimated that the resources allocated to the provision of this service equate to 0.3 full time equivalent members of staff

4.11 Liaison with Other Organisations

4.11.1 The Council fully supports the work of Hampshire and Isle of Wight Food Advisory Committee. This body, which has representatives from all Hampshire and Isle of Wight Food Authorities, has, amongst its objectives, responsibility for ensuring that any enforcement action taken is consistent with other neighbouring local authorities.

4.11.2 There are internal arrangements within the Council to ensure that appropriate Planning and Building Control applications are reviewed for their compliance with Food Safety and other legislation.

4.11.3 The resources allocated to this area of work are approximately 0.1 full time equivalent members of staff.

4.12 Food Safety Education and Promotion Activities

4.12.1 The Council's educational and promotional activities can have a direct impact on food safety standards. It is therefore committed to providing advice and information both to businesses and to the public through a number of initiatives.

- The Council's Shipshape Food Hygiene Award has been discontinued as a result of introducing the Safe2eat website which now provides information on all food premises in the Borough. An award scheme based on Safe2eat is being considered by the participating authorities.
- Food Safety Information Points : These are located in three local supermarkets, two local community centres and one is located in the Holbrook recreation Centre. They are used to promote a different food safety topic each month. They are used to provide details of food hazard warnings.
- National Food Safety Week is normally held in June every year. The Council supports a number of activities during this week designed to promote food safety. This year's principal activity was the launch of the Safe2eat web site.
- Council Website : The Environmental Health (Commercial) Team provides food safety advice and information to both businesses and the public on the Council's website.

4.12.2 This work is largely dependent on the resources that may be available, but it is currently estimated that the resources allocated to this area of work are approximately 0.2 full time equivalent members of staff.

4.13 Financial Allocation

4.13.1 The financial resources specifically allocated to the Food Safety Service are as follows:

2004/2005	2005/2006	2006/2007	2007/2008
£107,830	£115,870	£94,380	165,530

4.14 Staffing Allocation

4.14.1 The resources allocated to food safety are approximately 2.8 full time equivalent members of staff. In addition approximately 0.3 full time equivalent Admin support staff is dedicated to this area of work.

4.14.2 All Environmental Health Officers involved in food safety work are fully competent to inspect all risk categories of premises as required by the Food Law Code of Practice (England). The two Principal EHO's and the Senior EHO are authorised to serve Improvement and Emergency Prohibition Notices. The Technical Officer is able to inspect low and medium risk premises but is not currently authorised to serve Improvement or Prohibition Notices.

4.15 Food Safety Work Programme

4.15.1 During 2007/8 we aim to carry out 288 inspections of commercial premises, as set out in paragraph 4.4.7 above. In particular we aim to do the following:

- Inspect our food premises on a risk-based planned food hygiene inspection programme.
- Work with owners of premises identified as unsatisfactory under the Safe2eat programme to raise standards
- Investigate all cases of food poisoning
- Respond to all national Food Alerts as appropriate
- Inspect food, as required, to ensure it is fit for human consumption and to ensure unfit food is disposed of in a proper manner
- Investigate all food and food-related complaints from the public
- Carry out our annual food sampling programme
- Register all food businesses
- Make available basic food hygiene training for all food handlers
- Raise awareness of food safety issues through the Council's website and at the Food Safety Information Points
- Provide help and assistance to local businesses through advisory visits
- Promote the Council's Safe2eat website throughout the Borough (and further afield)
- Use Food Safety Week as a vehicle to promote food safety.
- Carry out a survey of at least 33% of business inspected to assess to ascertain the degree to which officers carry out their duties in a "customer friendly" manner

4.16 Comment

4.16.1 There are defined qualifications for officers undertaking food hygiene inspections. Officers who are qualified as EHO's are deemed competent to inspect all risk categories of food premises. However Technical Officers require either the Ordinary Certificate in Food Premises Inspection or the Higher Certificate in Food Premises Inspection, both of which are validated by the Environmental Health Officers Registration Board (EHRB).

- 4.16.2 Recruiting suitably qualified staff has proved difficult for most authorities. It is currently estimated that the Country has over 1000 vacancies for EHOs. Gosport Borough Council, in partnership with Havant, East Hampshire, the Isle of Wight and Rushmoor Councils, has agreed to jointly train and support Environmental Health Officer students. The Employers Association has recognised the need to promote Regulatory Services within Local Authorities and provided additional funding to support training placement opportunities.
- 4.16.3 In addition, the Council has appointed a full-time Environmental Health Trainee Technical Officer in the Commercial Team who commenced her academic training in September 2006. The existing Technical Officer in the Commercial Team is also receiving additional academic training to enable her to inspect all categories of food premises. Environmental Health Services commitment to developing our own staff equates with the Council's policy on Investors in People.
- 4.16.4 The Commercial Team is finding it difficult to meet inspection targets. The deletion of the Head of Environmental Health (Commercial) post resulting from the creation of the new Environmental Services Unit in 2005 has led to the Principal EHOs in the Team having to take more responsibility for management issues which has placed pressure on their ability to carry out their principal inspection tasks. This has a knock-on effect to other officers. The service is currently reviewing its workload with a view to reducing effort in less essential areas. This is however proving to be difficult. The improvement in staffing competence brought about by in-house training of technical staff will be of considerable benefit. However this programme will not be fully realised until early 2010.

5.0 HEALTH AND SAFETY AT WORK SERVICE DELIVERY

5.1 Statutory Framework

- 5.1.1 The Council's statutory function for health and safety at work is contained in the **Health and Safety at Work, etc Act 1974**:

Section 18(2) – "The Secretary of State may by regulations (a) make local authorities responsible for the enforcement of the relevant statutory provisions to such extent as may be prescribed. Such prescription is contained in the Health and Safety (Enforcing Authority) Regulations 1998".

Section 18(4) – "It shall be the duty of every local authority (a) to make adequate arrangements for the enforcement within their area of the relevant statutory provisions to the extent that they are by any of those provisions or by regulations under subsection (2) above made responsible for their enforcement; and (b) to perform the duty imposed on them by the preceding paragraph and any other functions conferred on them by any of the relevant statutory provisions in accordance with such guidance as the Commission may give them".

- 5.1.2 "*The Commission*" referred to in paragraph 5.1 above is the Health and Safety Commission (HSC) which issues statutory guidance to both the HSE and to local authorities on the required framework for enforcement of health and safety legislation.

5.2 Health and Safety Commission Targets

- 5.2.1 In February 2004 the HSC published its strategy for workplace health and safety in Great Britain to 2010 and beyond. This identifies the HSC's vision, aims and strategy for improving health and safety in the workforce. The *Fit3* programme has been designed to help achieve the targets set out in the Strategy.

5.3 *Fit3*

5.3.1 *Fit3* stands for “Fit for Work, Fit for Life, and Fit for Tomorrow” and is a national strategic programme designed by the HSE, LACORS and Local Authorities to deliver the HSC’s targets through working in partnership to reduce work related ill health, injury and days lost through sickness absence. *Fit3* was planned to run for three years to concentrate local authority and HSE resources on work activities which will have the most impact.

5.3.2 Every year 40 million working days are lost in the UK, due to work injury and ill health. The *Fit 3* campaign targets are to reduce, by 2007/08, the number of accidents at work and days lost through work-related ill health, compared to figures for 2004/05, by:

- 3% reduction in the incidence rate of work-related fatal and major injuries. This target is on track and still reducing;
- 6% reduction in the incidence rate of cases of work-related ill health. This target may not be met; and
- 9% reduction in the incidence rate of days lost due to work-related injuries and ill health. This target will probably be met as the incidence rate is still falling.

5.3.3 The *Fit3* priorities are:

- Slips and Trips (of particular concern in food retailing, hotels, restaurants, cafes and takeaways)
- Falls From Height (of particular concern in warehousing and builders merchants)
- Workplace Transport (of particular concern in warehousing, builders yards and builders merchants, delivery workers and retailing)
- Contact Dermatitis (of particular concern in hairdressers, tyre fitting businesses, and car repair workshops)
- Occupational Asthma (of particular concern in car repair workshops, boat builders, paint spray booths and larger bakeries)
- Asbestos Management (of particular concern in the management of non-domestic, that is commercial and business premises and in building repair and maintenance)
- Stress (of particular concern in offices, call centres and retailing)
- Manual Handling (of particular concern in retailing, warehousing and offices)

5.3.4 The Commercial Team will concentrate on these particular hazards during routine inspections, provide more guidance and information where necessary and will contribute locally to national campaigns targeted at businesses to highlight the aims of *Fit3*.

5.4 Liaison with Other Organisations

5.4.1 The Council fully supports the work of the Hampshire and Isle of Wight Health and Safety Advisory Group. This body, which has representatives from all Hampshire and Isle of Wight Health and Safety Enforcing Authorities, including the HSE, has amongst its objectives responsibility for ensuring that any enforcement action is consistent with other neighbouring local authorities.

5.4.2 There are internal arrangements within the Council to ensure that appropriate Planning and Building Control applications are reviewed for their compliance with the Health and Safety at Work Act and other legislation.

5.5 Health and Safety Inspections

5.5.1 The Council recognises the importance of its responsibilities and duties under Section 18 of the Health and Safety at Work Act 1974 and is committed to providing adequate resources (both staffing and financial) to ensure that those responsibilities and duties are properly carried out.

5.5.2 The Council has a system of prioritised planned inspection activity according to hazard and risk, which is consistent with the advice given by the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA).

5.5.3 The Commercial Team also bases its inspection programme around the *Fit3* objectives by concentrating effort to ensure business operators (duty holders) manage and control risks from work activities. This is in accordance with the policy of the Hampshire and Isle of Wight Health and Safety Advisory Group.

5.5.4 Alternative interventions and strategies will be used to contact the lower risk premises.

5.5.5 There were 928 business premises in Gosport Borough at 1 April 2007 and the 2007/8 programmed inspection profile of premises by risk is shown below:

Category	Inspection Frequency	Inspections 2006/07	Planned Inspections 2007/08
A	12 months	4	2
B1	24 months	6	2
B2	36 months	9	5
B3	48 months	7	13
B4	60 months	16	22
C	72 months	225	129
Unrated		38	18
Total		305	191

5.5.6 In carrying out its health and safety enforcement activities the Commercial Team will comply with all statutory guidance from the Health and Safety Commission and have regard to any additional guidance from the Health and Safety Executive, HELA and the Local Authorities Coordinators of Regulatory Services (LACORS).

5.6 Complaints

5.6.1 Where a complaint is made about a business, the complaint will be investigated in accordance with the Council's Enforcement Policy. Our aim is to respond to such complaints within three working days.

5.7 Accident Notifications

5.7.1 The decision as to whether to investigate an accident is determined by reference to HSE guidance. In 2006/07 we received 79 accident or incident notifications of which 27 were

investigated. Where a decision is made to investigate we aim to do so within 2 working days of notification and where the accident or incident results in a fatality or a major injury within 24 hours of notification.

5.8 Lead Authority Principle

5.8.1 The Council fully supports the Lead Authority principle and consults Lead Authorities where appropriate for enforcement purposes. The Council does not currently act as Lead Authority for any businesses within the borough.

5.9 Advice to Businesses

5.9.1 Whilst the Council will utilise its powers to enforce the health and safety legislation, it realises that where businesses break the law it is often due to ignorance rather than intention. As a consequence it is the Council's policy to provide advice to businesses in a number of different ways:

- Advisory visits, by appointment, on request
- The provision of informal advice on best practice during inspections
- The provision of free advisory leaflets where appropriate
- The provision of advice further to Planning or Building Control applications
- The provision of articles for inclusion in the Council's Business Information Newsletter
- The provision of Level 2 Award in Health and Safety in the Workplace courses and other basic health and safety training
- The provision of extensive health and safety advice through the Council's website
- The use of the annual European Week for Safety and Health at Work as a vehicle for targeting advice for local businesses particularly in the areas covered by the HELA strategy and *Fit3*.
- The provision of specific health and safety training seminars and workshops for local business at low cost

5.10 Summary of Health and Safety at Work Activity 2006/2007

5.10.1 A summary of health and safety at work activity carried out during 2006/2007 is shown in the following Table:

Health and Safety at Work Activity by Gosport Borough Council during 2006/2007

	PROACTIVE									
	(a) Total Number of Premises at 31/3/2007	VISITS		REVISITS		REACTIVE VISITS			(h) Total visits (columns b to g) (auto calc'd)	(i) OTHER CONTACTS e.g. mailshots, service requests
(b)1 Planned <i>Fit3</i> Visits		(c)2 Other Planned Visits (based on risk rating)	(d)1 <i>Fit3</i> Revisits	(d)2 Other revisits	(e) Visits to Investigate Accidents	(f) Visits following requests for Health & Safety service received by LAs	(g) Other Visits			
1. Retail shops	311	7	28	1	1	17	12	2	68	311
2. Wholesale	12	0	1	0	0	1	0	0	2	23
3. Offices	55	0	9	0	0	0	0	1	10	49
4. Catering, restaurants and bars	254	4	15	1	1	2	2	3	28	322

5. Hotels, camp sites and other short - stay accommodation	18	0	0	0	0	0	0	0	0	20
6. Residential care homes	29	0	0	0	0	3	1	0	4	29
7. Leisure and cultural services	47	0	3	0	0	12	1	0	16	53
8. Consumer services	199	5	22	0	0	0	7	0	34	218
9. Other premises (not classified above)	3	0	0	0	0	0	0	0	0	3
TOTALS	928	16	78	2	2	35	23	6	162	1028

5.11 Financial Allocation

5.11.1 The financial resources allocated specifically to the Health and Safety at Work Service is as follows:

2004/2005	2005/2006	2006/2007	2007/2008
£84, 930	£89,530	£70,260	£105,840

5.12 Staffing Allocation

5.12.1 The resources allocated to the Health and Safety at Work Service is approximately 1.0 full time equivalent member of staff. In addition approximately 0.2 full time equivalent support staff is dedicated to this area of work.

5.12.2 All field staff involved in the Health and Safety at Work Service are fully competent to inspect all risk categories of premises as required by Section 18 guidance. The two Principal EHOs and the Senior EHO are authorised to serve Improvement Notices and Emergency Prohibition Notices. The Council's Safety Officer and the Technical Officer are competent to inspect medium and low risk premises.

5.13 Health and Safety Work Programme

5.13.1 During 2007/08 we aim to concentrate inspections on those premises which represent the highest risk to the health and safety of employees and enforcement will focus on the *Fit3* priorities highlighted in paragraph 5.3 above. In particular we aim to do the following:

- Look at ways in which businesses, particularly caterers, are taking action to reduce the incidents of slips, trips and falls to both their staff and the public within their premises.
- Provide information for businesses on the Council's website and in the Council's Business Information Newsletter.
- Look at ways in which retailers and residential care homes in particular are taking action to reduce injuries caused through lifting and carrying.
- Provide low-cost training for businesses on risk assessment and safe manual handling techniques
- Look at ways in which hairdressers in particular are taking action to reduce the incidence of contact dermatitis amongst their staff.
- Ensure that duty holders manage asbestos safely in commercial and business premises.

5.14 Joint Authorisation

- 5.14.1 In Hampshire, all the individual Council's have been working closer since 2005 when Joint Authorisation was trialled in the county. This introduced the concept of local authority Health and Safety Inspectors being authorised by the HSE to take immediate action where there is an immediate risk to the health and safety of those working in premises for which the HSE is the enforcing authority. Certain HSE inspectors are authorised to act on behalf of Hampshire local authorities in similar emergency situations.
- 5.14.2 This Joint Warranting Project has been successful and it has been continued as a rolling programme within Hampshire. Joint Authorisation is now being rolled out to other parts of the UK.

5.15 Comment

- 5.15.1 Statutory guidance issued under section 18(4) of the Health and Safety at Work etc Act 1974 by the Health and Safety Commission details the competency of inspectors. Local Authorities are obliged to ensure inspectors are only appointed if they demonstrate the appropriate competencies.
- 5.15.2 The workload in other areas of Environmental Health, particularly Licensing and Food Safety enforcement, has placed significant pressure on the Health and Safety at Work Service. At the same time the Health and Safety Commission has called on local authorities to commit adequate resources to this important area of work. The decision to prioritise effort on *Fit3* within high risk premises goes some way to address this imbalance.
- 5.15.3 However, like the Food Standards Agency, the Health and Safety Commission recognises that there are a variety of increasing and conflicting pressures on local authorities to meet inspection and other targets, whilst continuing to operate with limited or restricted staffing and financial resources. Revised statutory guidance is currently being jointly trialled by local authorities and the HSE in some parts of the country (including Basingstoke and Deane BC and Southampton City Council locally). In common with Government thinking on better regulation, it has been proposed that local authorities and the HSE work closer together in a new partnership to make best use of joint resources and to address issues such as better regulation.

6.0 LICENSING SERVICE

6.1 Statutory Framework

The Council's statutory function for Licensing is contained in a variety of legislation, which is given in the specific sections below relating to the overall Licensing Service.

6.2 Animal Welfare

6.2.1 Statutory Function

Riding Establishments Acts 1964 & 1970

Section 1 – "Every local authority may, on application being made to them ...grant a licence to keep a riding establishment..." Section 6(4) – "'local authority' means the Council of a district..."

Animal Boarding Establishments Act 1963

Section 1 – "Every local authority may, on application being made to them ...grant a licence to keep a boarding establishment for animals..."

Section 5(2) – "'local authority' means the council of any county district..."

Pet Animals Act 1951

Section 1 – “Every local authority may, on application being made to them ...grant a licence to keep a pet shop...”

Section 7(3) – “‘local authority’ means the council of any county district...”

Breeding of Dogs Act 1973 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999

Section 1 – “Every local authority may, on application being made to them ...grant a licence to keep a breeding establishment for dogs....”

Section 5(2) – “‘local authority’ means in England ...the council of a district...”

Dangerous Wild Animals Act 1976

Section 1(1) – “...no person shall keep any dangerous wild animal except under the authority of a licence granted ... by a local authority.”

Section 7(4) Section 7(3) – “‘local authority’ means in relation to England a district council...”

6.2.2 Aims

To ensure the public has confidence that minimum standards of animal welfare are maintained in establishments to which various legislation applies: Pet Shops Animal Boarding Establishments Horse Riding Establishments Dog Breeding Establishments Dangerous Wild Animals.

6.2.3 Policy

These businesses will be inspected prior to the issue of a licence and on at least one other occasion during the year. Except where required by the legislation the Council’s Authorised Veterinary Officer will not routinely accompany enforcement officers on visits to premises.

6.2.4 Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited. Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and Enforcement Policy. The Environmental Health Section will comply with all guidance from the Home Office. Complainants are investigated to ensure the quality of service is maintained. In order to assist businesses to comply with their legal duties and to improve animal welfare standards, training will be offered where appropriate.

6.2.5 The Animal Welfare Act 2006 has recently been enacted. This will, subject to secondary legislation that is still pending lead to an increase in workload developing new procedures for animal welfare licensing provisions and informing the trade of the changes.

6.2.6 Table showing Numbers of Premises in 2007

Type	Number
Pet Shops	3
Riding Establishments	0
Boarding Establishments	2
Dog Breeders	1
Dangerous Wild Animals	0

6.3 Street Trading

6.3.1 Statutory Function

Adopted statutory function - Local Government (Miscellaneous Provisions) Act 1982 Section 3 - “A district council may resolve that Schedule 4 to this Act shall apply to their district.....”

The Council adopted the provisions on 27 October 1992

6.3.2 Aims

6.3.2.1 To ensure that the terms of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 with regard to street trading are complied with. Policy: Under the terms of the legislation it is an offence to trade on a street without consent from the Council. The basis for granting or refusing consent is laid down in the Council's Policy approved by the Policy and Resources Committee on 19 September 2001.

6.3.2.2 Regular Surveys of areas where traders commonly operate are conducted. Complaints of illegal trading will be investigated. Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited. Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and Enforcement Policy.

6.3.3 Policy

Under the terms of the legislation it is an offence to trade on a street without consent from the Council. The basis for granting or refusing consent is laid down in the Council's Policy approved by the Policy and Resource Committee on 19 September 2001. This policy is as follows:

1. The trader shall provide a service which is of benefit to the public and be compatible with the character of the area in which it is proposed to be situated.
2. The use shall not be in direct competition, in terms of the goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away.
3. The number of traders permitted in any one street shall be limited so as not to cause undue concentration.
4. The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirements of emergency vehicles.
5. The use shall not be likely to cause problems of noise, smell, litter or late night disturbance, especially in residential streets. Uses involving the sale of food shall meet any additional requirements of the Head of Environmental Health.
6. The appearance and use of any stall/vehicle together with associated equipment and structures shall be of good quality and the precise appearance of the facility shall be identified before consent is granted.
7. No consents will be given in respect of the Gosport High Street pedestrianised area on market days (Tuesdays and Saturdays).
8. Consent will not be granted for the sale of cars from the highway.
9. Where trading takes place on private land to which the public have free access trading consent will be required in addition to the permission of the landowner.

6.3.4 All street trading consents are subject to a range of conditions affecting the layout and operation of the stall. Regular Surveys of areas where traders commonly operate are conducted. Complaints of illegal trading will be investigated.

6.3.5 Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

6.3.6 The sale of vehicles on the street has been re allocated to the new Streetscene Section as the provisions of the Clean Neighbourhoods and Environment Act 2005 now apply to this particular activity.

6.3.7 Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and Licensing Enforcement Policy.

6.3.8 **Consents Issued**

As at the 1 August 2007 there were 6 consented traders operating in the Borough.

6.4 **Special Treatments**

6.4.1 **Statutory Function**

Acupuncture, Tattooing, Ear-piercing & Electrolysis

Local Government (Miscellaneous Provisions) Act 1982 Section 13(2) – “A local authority may resolve that the provisions of this Part of this Act ...apply to their area...”

The Council adopted the relevant provisions of the Act in 1984, effective from 1 June 1984, and made associated bylaws.

Hairdressing

Hampshire Act 1983 Section 3

Body Piercing

Section 120 of the Local Government Act 2003 gives the Council power to register cosmetic piercing. To date these provisions have not been adopted by the Council.

6.4.2 **Aims**

To ensure that the public has confidence that all special treatments that are carried out within the Borough are safe and do not present a risk to those being treated. These treatments include: Ear Piercing, Body Piercing, Tattooing, Acupuncture, Electrolysis, Hairdressing.

6.4.3 **Policy**

6.4.3.1 Certain businesses require registration under one of the above statutes. Before registration they will be inspected, the frequency of inspection thereafter will be determined by the level of risk that they present in accordance with the health and safety priority planning system.

6.4.3.2 Regular surveys of businesses are conducted to ensure the quality of service is maintained and to enable improvements to be made. Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited. Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and Enforcement Policy.

6.5 **Table showing Numbers of Premises registered in 2007**

Type	Number
Ear Piercing	29
Electrolysis	22
Tattooist	3
Acupuncturist	4
Body Piercers	2*
Hairdressers	69

** In the absence of formal registration these are the only known premises in the Borough.*

6.6 Alcohol Licensing

6.6.1 Statutory Function

Licensing Act 2003

Section 4 – A Licensing Authority must carry out its functions under this Act (“Licensing Functions”) with a view to promoting the licensing objectives.

6.6.2 Aims

To ensure that the public have confidence that licensed premises are operated in such a way as to promote the four licensing objectives, which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance and
- Protection of children from harm

6.6.3 Policy

The Council has published its Licensing Policy. The policy is subject to a formal review after 3 years in consultation with the Licensing Forum (this process is being undertaken to present a revised policy for adoption in November 2007). Under the Policy, where representations are received from statutory consultees or members of the public living in the vicinity of licensed premises, the decision in relation to that licence will be made by a Licensing Sub-Board.

6.6.4 Licences Issued

Alcohol licensing transferred from the Magistrates Courts on 7 February 2005. All new licenses under the Act come into effect on 27 November 2005. All relevant licences were converted and or varied by November 2005 although it was April 2006 before all documentation was finally released.

Since November 2005 there has been a continuing workload linked to the Licensing Act involved in processing the various changes to the licences and licensees.

	Licences Granted 2006/7	Total Licences Granted
Premises Licences /Club Premises Certificates Granted	30	289
Personal licences granted	103	452
Temporary Event Notices	77	114

6.6.5 To date only one request to review a Premises Licence has been received; this was subsequently withdrawn.

6.7 Taxis and Private Hire

6.7.1 Statutory Function

Hackney Carriages

Section 171 of the Public Health Act 1875 universally applied Section 37 of the Town Police Clauses Act 1847. This permits District Councils to license to ply for hire within the District, any hackney carriage.

Private Hire Vehicles

Local Government (Miscellaneous Provisions) Act 1976 Part 2 - the Council may resolve that the provisions of this part of the Act are to apply to relevant area. The Council resolved to apply that part of the Act at its meeting of 23 February 1977.

6.7.2 Aims

To ensure that the fare paying public has confidence that taxis and private hire vehicles that they use are safe, reliable and efficient.

6.7.3 Policy

6.7.3.1 Vehicles and drivers are licensed annually. The Council has byelaws and conditions covering these activities. The issue of Hackney Carriage Licences is controlled with new licences only being issued to vehicle that are wheelchair accessible. (In April 2005 the Council determined to issue licences to any person who provided a vehicle which is adapted to carry persons with disabilities).

Periodic checks of vehicles, drivers and operators are carried out to ensure that byelaws and conditions are being complied with.

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

6.7.3.2 Hackney Carriage Drivers and Private Hire Vehicle Driver's Licences are only issued subject to successful completion of a driving assessment with the Driving Standards Agency, a geography test and a satisfactory criminal record check. All new applicants must also undergo a medical test to Group 2 standard of the "Medical Aspects of Fitness to Drive" produced by the Medical Commission for Accident Prevention.

6.7.3.3 The Council has adopted national guidelines relating to the relevance of certain convictions to the granting of a licence. The Council may consider spent convictions where these are serious and relevant to public safety. Hackney carriage drivers are subject to Council byelaws and Private Hire Drivers to Conditions applied to their licence.

6.7.3.4 Where licensed drivers commit offences that would have resulted in the non-consideration of an initial application, the Council may suspend their licence pending a meeting of the Regulatory Board. In considering such convictions the presumption is that Board will confirm any suspension or revoke a licence unless the Board is convinced that the nature of the offence is such that that the risk to crime and disorder through their employment will be minimal.

6.7.3.5 In determining the relevance of criminal convictions for new applications the Council will have regard to the following guidelines extracted from Government Joint Circular, Dept of Transport 2/92 & Home Office Circular 13/92:

1. Each case will be decided on its merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions from three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

- a) Major Traffic Offences : An isolated conviction for reckless driving or driving without due care and attention etc, will normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction for this type of offence within the last two years could merit refusal and no further application may be considered until a period of one to three years from convictions has elapsed.
- b) Drunkenness with Motor Vehicle : A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink. An isolated incident will not necessarily debar an applicant but strict warnings could be given as to future behaviour. More than one conviction for these offences can raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered.
- c) Drugs : An applicant with a conviction for a drug related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she was an addict.
- d) Indecency Offences : As Hackney Carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind will preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct will be issued.
- e) Violence : As Hackney Carriage and PHV drivers maintain close contact with the public; a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning will be administered.
- f) Dishonesty : Hackney Carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, a period of three to five years free from conviction should be required before entertaining an application.

6.7.3.6 Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Licensing Enforcement Policy.

6.7.3.7 Information on criminality of drivers is supplied by the Criminal Records Bureau. Concerns have been raised that the information provided by the CRB only covered periods of UK occupancy. To overcome this shortfall a requirement to provide

“certificates of good conduct” covering periods of foreign residency has been introduced.

- 6.7.3.8 To further enhance the criminality check applicants are required to provide photographic proof of identity on initial application. As a one off exercise all existing licensed drivers on renewal during 2007 are being required to provide photographic proof of identity as part of their application. To date this has not caused any difficulties with the trade and no anomalies have been identified.
- 6.7.3.9 Licensing and enforcement is carried out by Council officers appointed ‘Authorised Officers’ for that purpose and they have been issued with written authority to do so.
- 6.7.3.10 In relation to taxis and private hire operators and drivers the Council operates a points system to deal with infringements of its licensing conditions. The Head of Environmental Health is authorised to issue points with the person concerned having the right of appeal to the Environmental Services Manager. The Environmental Services Manager has delegated authority to suspend a licence where the infringement is so serious as to place the public at risk or where the person concerned has accumulated 12 points in any 12-month period. Any suspension must be ratified at the next available Licensing Board. During 2006/7 nine points were issued against one driver.
- 6.7.3.11 The Road Safety Act 2006 provides licensing authorities with enhanced powers to suspend drivers licences with immediate effect in the interests of public safety, or to suspend licences subject to a 21 day appeal process in all other cases. To date two immediate suspensions have been issued.

6.7.4 Licenses Issued.

All licences for hackney carriages and private hire operations are issued on an annual basis.

Type of Licence	Number issued 2006/7	Number issued 2005/6
Hackney Carriage Vehicle	71	63
Private Hire Vehicle	79	81
Hackney Carriage Driver	86	75
Private Hire Vehicle Driver	120	112
Dual Driver	40	47
Private Hire Operator	9	10

- 6.7.5 During the year concerns have been raised by the trade regarding safety, racial incidents and poor communication with the licensing authority. In an effort to address these issues hackney carriage and a private hire operators fora are being developed in collaboration with the trade.

6.8 House to House Collections

6.8.1 Statutory Function

Section 2 of the House to House Collections Act 1939 - Licensing Authority means District Council

House to House Regulations 1947

Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, – A District Council may make regulations with respect to where and the conditions under which persons may be permitted in any street or public placeto collect money for Charitable and other purposes.

6.8.2 **Aims**

To ensure that the public has confidence that collections are for a genuine charitable or other purpose.

6.8.3 **Policy**

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Generic Enforcement Policy.

6.8.4 **Permits Issued**

During 2005/6, 14 house to house collection permits were issued.

6.9 **Street Collections**

6.9.1 **Statutory Function**

The power to regulate street collections and to issue licences is contained in the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

Section 271 and Schedule 20 Part II of The Local Government Act 1972 transferred these functions from Police Authorities to District Councils.

6.9.2 **Aims**

To ensure the public have confidence that persons carrying out street collections for charity are bone fide.

6.9.3 **Policy**

It is the policy to restrict licences in any given street on a given day to one charity only except in unusual circumstances and at the discretion of the Head of Environmental Health (Commercial).

6.9.4 **Licenses Issued**

During 2006/7, 75 street collection licences were granted.

6.10 **Gambling**

6.10.1 **Small Lotteries**

6.10.1.1 **Statutory Function**

Lotteries and Amusement Act 1976

Schedule 1 Para. 1 – In this Act Registration Authority means a District Council.

6.10.1.2 **Aims**

To ensure that the public has confidence that lotteries are genuine and that the proceeds go the cause for which the lottery was promoted.

6.10.1.3 **Policy**

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Licensing Enforcement Policy.

6.10.1.4 **Registrations Issued**

During 2006/7, 65 small lotteries were registered.

6.10.2 **Amusements with Prizes**

6.10.2.1 **Statutory Function**

The Gaming Act 1968 has now been superseded by the Gambling Act 2005.

Machines subject to Section 34 permits are still controlled. No machine to which this Part of the Act applies shall be used for gaming except on premises in respect of which a permit is for the time being in force.

Schedule 9 Para 3 - A local authority may resolve that the authority will neither grant nor renew any permit in premises specified in the resolution

6.10.2.2 **Aims**

That persons under 18 are exposed to gambling in areas which are not strictly controlled

6.10.2.3 **Policy**

On 14 October 1992 the Council adopted a policy whereby it would not grant licences for amusement with prizes machines in takeaways, launderettes, cafes, restaurants and any Council Premises

This policy does not apply to premises which are wholly or mainly uses for amusements by way of machines.

This policy has been re enforced by provisions of the Gambling Act 2005.

6.10.3 **Gambling Act 2005**

6.10.3.1 The Gambling Act is an attempt to relax the law on gambling by allowing amongst other things open access to casinos for the public (currently persons have to apply to be a member of a casino 24 hours before you are allowed to have access to the casino).

6.10.3.2 Licensing authorities and will have new powers to licence gambling premises only. Personal Licences and Operators Licences will be issued by the Gambling Commission. The Licensing authorities are the same as under the Licensing Act 2003. The Act also covers remote gambling (i.e. by internet, telephone, television or radio). Regional Casinos which will require a special licence and both regional and local approval; these are now to be limited to 2 Regional Casinos nationally. This authority decided not to enter the bidding process for one of these types of premises.

6.10.3.3 The Act seeks to protect children and vulnerable people from the effects of harmful gambling by creating specific criminal offences preventing access to children, young people and vulnerable people. The Government have made the point that maintaining the status quo is not an option as new legislation is necessary because the old legislation passed in the 1960s does not deal with new technology and the way people can now gamble via the Internet and on mobile phones.

6.10.3.4 The Act has caused some controversy amongst local authorities with many fearful that more relaxed gambling laws will lead to a series of social problems such as gambling addiction and increase in crime in the areas where casinos are located. Others see the relaxing of the laws as a great regeneration opportunity for the area with many local jobs in the leisure, hotel and entertainment industries being created in the locality. This authority has adopted its own statement of gambling policy which will be used in determining applications for premises

licences. The Act will come into full effect in September 2007 though applications were accepted for processing from May . The impact on the authority of the Act will not be as significant as the Licensing Act 2003 as the number of premise requiring licensing will be small and subject to “grandfather” rights.

6.11 Caravan Sites

6.11.1 Statutory Function

Caravan Sites and Control of Development Act 1960

Section 3... A local authority may on an application under this section issue a site licence in respect of the land.

6.11.2 Aims

To ensure that persons using a caravan site have confidence that the site is properly run and is safe for them to use

6.11.3 Licensed Caravan Sites

There is currently one licensed caravan site within the Borough. This has three separate areas, a touring site, a holiday site and a small residential site for the site owners. These areas have separate conditions.

6.11.4 The Government released a consultation paper in January 2005 outlining proposed changes to the legislation governing caravan sites. The outcome of the consultation is awaited.

6.12 Registration of Food Businesses

6.12.1 Statutory Function

Food Hygiene (England) Regulations 2006

6.12.2 Aims

The purpose of the registration process is to identify to the Council where premises are situated and what type of business is being operated. In this way we can ensure that premises receive an inspection, and resources can be allocated and targeted in the appropriate areas.

6.12.3 Policy

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Food Safety Enforcement Policy.

6.13 Scrap Metal Dealers

6.13.1 Statutory Function

Scrap Metal Dealers Act 1964

Section 1 - Every Local Authority shall maintain a register of persons carrying on business in their area as scrap metal dealers

6.13.2 Aims

To ensure that dealings in scrap metal are recorded.

6.13.3 Policy

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Licensing Enforcement Policy.

6.13.4 **Premises Licensed**

There is currently 1 licensed scrap metal dealer operating in the borough.

6.14 **Motor Salvage Operators**

6.14.1 **Statutory Function**

Motor Salvage Operators Regulations 2002, Vehicle (Crime) Act 2001

Local Authorities (Functions and Responsibilities) (England) Regulations 2000 - In paragraph B of Schedule 1 "... there shall be added -

(a) in column (1) - Power to register motor salvage operators."

Any person who carries on a business that involves the recovery of salvageable parts from motor vehicles and the subsequent sale or disposal for scrap of the remainder of the vehicle, or the purchase of 'written off' vehicles for repair or resale, or other related activities needs to register with the Borough Council.

6.14.2 **Aims**

To ensure dealings in salvaged car parts are recorded

6.14.3 **Policy**

Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Licensing Enforcement Policy.

6.14.4 **Premises Licensed**

There is currently 1 motor salvage operator licensed.

6.15 **Sex Establishments**

6.15.1 **Statutory Function**

Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 – A Local Authority may resolve that Schedule 3 to this Act is to apply to their area. The Council has adopted this formal licensing procedure.

6.15.2 **Aims**

To protect the welfare of persons under the age of 18 who might otherwise be exposed to material of an explicit sexual nature

6.15.3 **Policy**

For new applications the Council will apply hours of operation between 9am to 8pm from Sunday to Thursday and 9am to 10pm on Friday and Saturday for all licences.

Licences for sex establishments will only be granted in predominantly commercial streets and no more than two sex establishment licences will be granted in the Borough. In considering the location of new applications, the Council will take into account:

- proximity to places of worship and schools
- proximity to community facilities or public buildings

- cumulative adverse impact of existing sex related licensed activities in the vicinity
- proximity to areas with the highest levels of recorded crime (as identified in the Crime and Disorder Audit).

Where a complaint is made about a business, the complaint will be investigated and, where appropriate, the premises will be visited.

Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Licensing Enforcement Policy.

6.15.4 Premises Licensed

At present there is 1 licenced sex establishment operating in the Borough.

6.16 Financial Allocation

The financial resources, net of fee income, allocated specifically to the Licensing Service are as follows:

2004/2005	2005/2006	2006/2007	2007/8
£164,881	£171,490	£277,230	£105,800

6.17 Staffing allocation

The resources allocated to licensing is approximately 3.6 members of staff.

6.18 Comments

The Gambling Act means that Council will be required to produce and publish its gambling policy during 2006 and licence relevant premise. In addition consolidation of the work so far undertaken under the Licensing Act 2003 will continue.

7.0 SMOKEFREE COMPLIANCE SERVICE

7.1 Statutory Framework

The Council's statutory function for Smokefree compliance is contained in the **Health Act 2006**:

Section 10 (1): "The appropriate national authority may make regulations designating the bodies or descriptions of body which are to be enforcement authorities for the purposes of this Chapter."

Section 10 (3): "It is the duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter and regulations made under it."

Section 10 (5): "In this Chapter, "authorised officer", in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specifically, to act in matters arising out of this Chapter."

7.2 Smoke-free Premises, Places and Vehicles

The Health Act came into force on 1 July 2007 and prohibits smoking in workplaces, public enclosed places, vehicles used for public transport and certain vehicles used as a workplace.

7.3 Smokefree Compliance Officer

- 7.3.1 Gosport Borough Council, in common with other enforcing authorities, received a grant from the Department of Health, for 2007/2008 only, to aid the implementation of the new smoke free legislation. A temporary full-time Smokefree Compliance Officer was appointed to the Commercial Team on 30 April 2007 on secondment until 30 April 2008. This officer will provide businesses with advice on compliance with the Health Act 2006 and will enforce the smoke-free requirements.
- 7.3.2 The Smokefree Compliance Officer has held a number of seminars and drop-in sessions to assist businesses to understand their responsibilities under the new Act. Some of these seminars have been jointly held with a Smokefree Advisor from the Hampshire Primary Care Trust (PCT).

7.4 Liaison with Other Organisations

- 7.4.1 The Council fully supports the work of the Hampshire and Isle of Wight Smokefree Legislation Working Group, which has representatives from the Hampshire and Isle of Wight Smokefree Enforcing Authorities and from the PCT. The aim of the Working Group is to ensure that any enforcement action is consistent with other neighbouring local authorities.
- 7.4.2 In carrying out its smokefree enforcement activities the Commercial Team will comply with any statutory guidance from the Department of Health and have regard to any national guidance from LACORS.

7.5 Smokefree Compliance Inspections

- 7.5.1 The Smokefree Compliance Officer is currently visiting business premises throughout the Borough to check that they are displaying the correct signage and that they are ensuring their customers and employees are not smoking in contravention of the law.
- 7.5.2 All officers in the Commercial Team are "authorised officers" for the purposes of the Health Act 2006.
- 7.5.3 Whilst initial compliance will continue initially to be sought via advice and guidance, there is provision made in the Act for the service of Fixed Penalty Notices or prosecution in the event of contravention of the legislation.
- 7.5.4 In the first two weeks of the new smokefree laws being in place, from 1 July to 13 July 2007, 260 premises in the Borough had been checked for the display of correct "No Smoking" signage, 14 premises had requested advice on smoking shelters and 7 requests for general advice had been received.

7.6 Financial Allocation

Due to the receipt of Department of Health funding to implement the Health Act 2006, the financial resources allocated for Smokefree Compliance is £41,322. This funding is for 2007/2008 only and there is unlikely to be any similar funding for preceding years.

7.7 Staffing Allocation

- 7.7.1 The resources allocated for Smokefree Compliance is 1.0 full time equivalent member of staff. In addition approximately 0.2 full time equivalent support staff is dedicated to this area of work.
- 7.7.2 The post of Smokefree Compliance Officer will terminate on 30 April 2008.

7.8 Work Programme

The Smokefree Compliance Officer will work within the Commercial Team to continue to provide advice and guidance to businesses on implementation of the new smokefree laws. However, it is anticipated that more formal enforcement will be introduced towards the end of 2007.

7.9 Comment

- 7.9.1 The relatively smooth introduction of the smokefree legislation in Gosport Borough would not have been possible without grant funding from the Department of Health which enabled the Council to second a member of staff to the post of Smokefree Compliance Officer. If that officer had not been appointed, the existing members of the Commercial Team would not have been able to cope with the demand for requests for advice and information from local businesses.
- 7.9.2 The Smokefree Compliance Officer is only on secondment until 30 April 2008 when it is anticipated that the post will be deleted. That officer's advisory and enforcement role relating to the smokefree provisions of the Health Act 2006 will then revert to the remaining members of the Commercial Team. However it is anticipated that the smokefree compliance workload should have reduced within that 12 month period due to the increased knowledge and familiarity with the legislation by the business community.

8.0 STAFF DEVELOPMENT PLAN

- 8.1 The Council's policy is to ensure that all officers involved in food safety work receive a minimum of 10 hours continuing professional development training annually, as required by the HSC Guidance. In addition, all officers involved in health and safety enforcement must receive other appropriate training in order to maintain their competence. The Council is also committed to ensuring it's Environmental Health staff receives a minimum of 20 hours CPD training in accordance with CIEH requirements for their members.
- 8.2 This training may be provided through attendance at externally organised courses and seminars or through in-house training activities.
- 8.3 All training received will be documented according to corporate procedures in accordance with the requirements of the Council's IIP accreditation.

9.0 CUSTOMER SURVEYS

- 9.1 A number of customer surveys are regularly undertaken:
- 33% of businesses inspected for food safety and health and safety at work are randomly surveyed to ascertain the degree to which officers carry out their duties in a "customer friendly" manner.
 - During 2006/7, of those businesses inspected for Food Safety, 97% of those replying to the questionnaires said the findings of the Inspector were fair and accurate. The vast majority of respondents rated the inspection as being very useful.
 - Health and Safety at Work survey returns were too low to draw any conclusions.
 - A similar survey is also carried out for those applying for Licences. 97% of respondents rated the overall service as good to excellent.

10.0 QUALITY ASSESSMENT

10.1 Monitoring Arrangements

- 10.1.1 The Council has in place quality assurance procedures designed to ensure that all the services of the Commercial Team are provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice, Section 18 Guidance and other nationally issued guidance.
- 10.1.2 All procedures are internally audited to ensure they are consistently followed. Whilst the quality system is not externally accredited to ISO 9002 it is designed and operated in such a way as to meet the requirement of that standard.
- 10.1.3 The Hampshire and Isle of Wight Environmental Health Managers' Group has an advanced system of Inter-Authority Auditing that has been carried out on a 5-year cycle. The Council is committed to this initiative and accepts that there is much that can be learned from the process. The results of the latest inter-authority audit have been taken into account in the development of this service plan. The audit process is currently under review to ensure that it remains fit for purpose.
- 10.1.4 The Council's staff development procedures are accredited to Investors in People.
- 10.1.5 In addition the Council operates a system of peer review where officers carry out joint inspections to ensure a consistent interpretation of legislation, codes of practice and national guidance.

10.2 Benchmarking

- 10.2.1 The Council is committed to supporting the Hampshire and Isle of Wight Environmental Health Benchmarking activities. The aim of these is to provide a simple and effective means of comparing services provided by different Authorities and to share best practice. The various matrices produced, have wide acceptance as providing best practice. Among those organisations that support this approach are the Audit Commission, the Food Standards Agency, LACORS and HELA.
- 10.2.2 It is our intention to work towards improving our services wherever possible within existing budgets.
- 10.2.3 Environmental Health Services was awarded a Charter Mark for in 2002 for the excellence of its customer service and remains committed to the continuous improvement in its services. Following a further assessment, Charter Mark status was renewed in December 2006.

11.0 REVIEW

11.1 Review against the Service Plan

The Council annually reviews its performance against the Service Plan through this annual report to the Community and Environment Board. Quarterly reports are made to the Council's Performance Sub-Group.

11.2 Identification of Variances from the Plan

The review identifies variances from the Service Plan and where appropriate, identifies reasons for those variances. Where additional work carried out in other areas of the enforcement mix has achieved the same objective, this is identified.

11.3 Identification of Improvements

Any areas of improvement identified as a result of the review will be included in the Service Improvement Plan for the following year.