



NOTICE OF MEETING

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING

WEDNESDAY, 11 NOVEMBER 2015 AT 10AM

CONFERENCE ROOM A, SECOND FLOOR, THE CIVIC OFFICES

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CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING

Councillor Robert New (Conservative)

Group Spokespersons

Councillor Yahiya Chowdhury, Labour

Councillor Julie Swan, UK Independence Party

Councillor Phil Smith, Liberal Democrat

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

- 1 Apologies for Absence
- 2 Declaration of Members' Interests
- 3 Proposal to Address the Issue of New Psychoactive Substances (Pages 1 - 18)

Purpose.

To brief the Cabinet Member for Environment and Community Safety on the process and consideration given to date, to the implementation of a Public Space Protection Order (PSPO) to address concerns about New Psychoactive

Substances (NPS).

To advise the Cabinet Member for Environment and Community Safety that primary legislation to address NPS is due to be enacted early in 2016.

Recommendation

That the Cabinet Member for Environment and Community Safety agrees to use primary legislation, due to be enacted in early 2016, to address the concern around NPS in the city.

4 Health & Safety Service Plan 2015/ 2016 (Pages 19 - 24)

Purpose.

This report is an expression of the council's commitment to its health and safety role and responsibilities to develop a Health and Safety Delivery Team. It sets out the manner in which health and safety inspections, initiatives and activities have been designed to meet the requirements of the National Local Authority Enforcement Code, issued by the Health and Safety Executive (HSE), under section 18 of the Health and Safety at Work etc. Act 1974 (HSW Act).

The HSE requires a Health and Safety Intervention Plan to be submitted annually for Member approval to ensure local transparency and accountability.

As in 2014/15, this year's plan is based upon the following key priorities:

- Controlling real risks - those which arise most often and those with the serious consequences.
- Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly will lead to robust action.

Upon approval, the plan will be effective for a period of 1 year.

Recommendation

That the Cabinet Member for Environment and Community Safety approve the manner in which Environmental Health proposes to deliver its Health and Safety responsibilities in 2015/ 2016.

5 Noise Enforcement Policy 2015 (Pages 25 - 74)

Purpose.

The Environmental Protection Act 1990 is the principal legislation for dealing with the majority of noise related issues. The introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBC&P) does however provide new powers that may be useful in combating noise in the street and other public areas where there is a strong element of noise related anti-social behaviour.

Environmental health investigates all complaints received by PCC in relation

to noise nuisance and has consequently devised comprehensive service management procedures guiding officers in the investigation of multiple types of noise nuisance, including domestic, industrial, entertainment and machinery sources. Few of these, however, are of assistance in dealing with noise outside the boundary of a premises.

The purpose of this report is therefore to seek approval for changes to Portsmouth City Council's (PCC) Noise Enforcement Policy 2011 following the adoption of the ASBC&P Act to assist particularly with noise occurring in public areas but also occasionally in conjunction with existing noise enforcement powers.

Recommendation

That the Cabinet Member for Environment & Community Safety:

- 1. Adopts the Portsmouth City Council 2015 neighbourhood noise enforcement policy as attached as Appendix 1 to this report.**
- 2. Approves the guidance note attached as Appendix 2 which sets out how the ASBC&P Act might be used in relation to noise.**
- 3. Acknowledges both the content of the statistical report, attached as Appendix 3 which provides details of the pollution control team specifically in relation to noise enforcement.**

6 Inspection Plan for Food Business Operators 2015/ 2016 (Pages 75 - 126)

Purpose.

The purpose of this report is to update the Cabinet Member for Environment & Community Safety on the current level of food business hygiene compliance in Portsmouth and to set out the programme of inspection during 2015/ 2016.

Recommendation

- a) That the Cabinet Member for Environment and Community Safety:**
- b) Approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators.**
- c) Acknowledges the level of hygiene compliance in food businesses in Portsmouth and the public health importance of this service.**
- d) Approves the Food Operating Plan 2015/ 2016 as described in Appendix 1 of this report.**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

Title of Meeting Cabinet Member for Environment and Community Safety

Agenda Item:

Date of Meeting 11 November 2015

Subject Proposal to address the issue of new psychoactive substances (NPS)

Report by: Director of Regulatory Services, Community Safety and Troubled Families

Key decision Yes

Full Council decision No

1. Purpose of report

- 1.1 To brief the Cabinet Member for Environment and Community Safety on the process and consideration given to date, to the implementation of a Public Space Protection Order (PSPO) to address concerns about New Psychoactive Substances (NPS)
- 1.2 To advise the Cabinet Member for Environment and Community Safety that primary legislation to address new psychoactive substances is due to be enacted early in 2016.

2. Recommendation

- 2.1 That the Cabinet Member for Environment and Community Safety agrees to use primary legislation, due to be enacted in early 2016, to address the concern around new psychoactive substances in the city.

3. Background

- 3.1 In March 2015 the following notice of motion was considered at the meeting of the City Council as follows:

The City Council is deeply concerned at the growth of legal highs or New Psychoactive Substances, (NPS). According to a recent study up to one in 12 young people, over 670,000 15-24 year olds have already tried a legal high and this number is predicted to increase. New Psychoactive Substances are responsible for a growing number of deaths and hospital admittances as the number of NPS flooding the market rises.

It has been reported 6,486 people were treated in 2011/12 for abusing these drugs, an increase of 39 per cent since 2005/06. 43 young people died nationally in 2010 an eight-fold increase on the

previous year. By 2012 the number of deaths had risen to 97, with more than 60 young people losing their lives.

Given the rapid increase in the number of associated problems caused by the proliferation of NPS, the City Council instructs the City Solicitor to prepare a report on the introduction and enforceability of Public Space Protection Order (PSPO) as in Lincoln.

The report would detail any associated costs and how this order would prevent the ingestion of NPS in all public spaces, in particular, all open spaces, on the street or on any Council owned property.

- 3.2 A PSPO is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014. The details of how to secure a PSPO are laid out in appendix 1.
- 3.3 Although there are concerns across the country about the nature of the products sold and the effects on an individual's health in relation to the use new psychoactive substances, there are no legislative powers currently in place that will allow authorities to adequately address the manufacture and sale of them. The only powers that currently exist are aimed at addressing the behaviours arising after the consumption of these products.
- 3.4 After much lobbying by locally elected members and communities, it was announced in the Queen's Speech that new legislation, the Psychoactive Substances Act, will be introduced to tackle the sale of new psychoactive substances. It will seek to create a blanket ban on new psychoactive substances, which would prohibit and disrupt the production, distribution, sale and supply of new psychoactive substances in the UK. A psychoactive substance will be any substance intended for human consumption that is capable of producing a psychoactive effect, with alcohol, tobacco, caffeine, food and medical products excluded from the scope of the offence. It is expected that this new legislation will be available for use early in 2016. The detail contained in the new act is outlined in appendix 2.
- 3.5 A number of locations, including Lincoln, have used the new PSPO to deal with behaviours, which often result from individuals taking new psychoactive substances in public spaces, but they are often linked to prohibitions for alcohol as well.
- 3.6 Although Portsmouth does not have a PSPO in place, the city council and police have adopted a very proactive approach and as a result of complaints from local residents about anti-social behaviour, successfully applied for a premises closure order in respect of one particular premise. This immediately resolved the issue for residents and allowed police to speak to the premises owner about a more responsible approach both to selling new psychoactive substances and operating their retail premises. The premises had been closed for 3 months and the proprietor has agreed voluntarily to remain closed for a further 6 weeks. When it reopens it will have made many changes to the manner of its operation.

- 3.7 The information in appendix 1 clearly states that in order to secure a PSPO there must be evidence of anti-social behaviour being carried out in an identified public space:
- be having, or likely to have, a detrimental effect on the quality of life of those in the locality;
 - be persistent or continuing in nature; and
 - be unreasonable.

The evidence solely in relation to a citywide PSPO for new psychoactive substances would be difficult to meet the PSPO test based on current evidence. There is evidence to support a wider PSPO to include alcohol but there is currently a citywide DPPO for Portsmouth which provides for action around alcohol related anti-social behaviour already.

- 3.8 Given the time taken to conduct the extensive 28 day consultation associated with securing a PSPO, and that the council and police already have used powers to address anti-social behaviour, such that complaints have greatly reduced, it is suggested that the most appropriate enforcement will be derived from using the new Psychoactive Substances Act that is enacted in the New Year

4. Reason for recommendations

- 4.1 The city council and police, whilst frustrated by the lack of wholly appropriate legislation, have worked proactively to minimise the impact of new psychoactive substances on local communities. Although there is currently no legislation in place to prevent the sale of new psychoactive substances, the council and partners have used other elements of the new Anti-social Behaviour and Crime and Policy Act 2014, to close premises associated with new psychoactive substances related anti-social behaviour and tackle individuals using new psychoactive substances in public areas.
- 4.2 The new legislation specifically aimed at controlling the sale and distribution of new psychoactive substances will be the best means of solving the problem; at present our powers only permit the mitigation of impact.
- 4.3 Since partner agencies have taken action to tackle overt cases of new psychoactive substances in public, it is difficult to show that the PSPO powers would have been used since April 2015.

5. Equality impact assessment (EIA)

- 5.1 An EIA has not been completed as an initial review indicates that a PSPO to tackle new psychoactive substances will not have an impact on Equality groups.

6. Legal Implications

- 6.1 The Psychoactive Substances Bill 2015 legislation progressing through Parliament is designed to tackle the production and supply of psychoactive substances.

6.2 If a PSPO was to be considered then it is a necessity to comply with the requirements of an appropriate and accurate consultation exercise in addition to the other requirements of the Anti-Social Behaviour, Crime and Policing Act 2014.

7. Director of Finance's comments

7.1 The recommended use of the new primary legislation will be cost neutral for the authority as there is no requirement for consultation and support for those using new psychoactive substances.

7.2 The introduction of a new Public Space Protection Order (PSPO) would incur costs associated with the implementation will include the cost of consultation, signage and putting in place appropriate outreach support. This could amount to around £15,000 in the first year and around £10,000 in subsequent years. There is no capacity in existing budgets to absorb this level of spend.

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Signed by Director of Regulatory Services, Community Safety and Troubled Families

Appendices:

Appendix 1 Public Spaces Protection Order (PSPO) Guidance

Appendix 2 Psychoactive Substance Bill 2015

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report

Title of Document	Location
The Anti-Social Behaviour, Crime and Policing Act 2014	http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted
The Anti-Social Behaviour Crime and Policing Act	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

2014 Guidance	
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The recommendation(s) set out above were approved/approved as amended/ deferred/
rejected byon.....

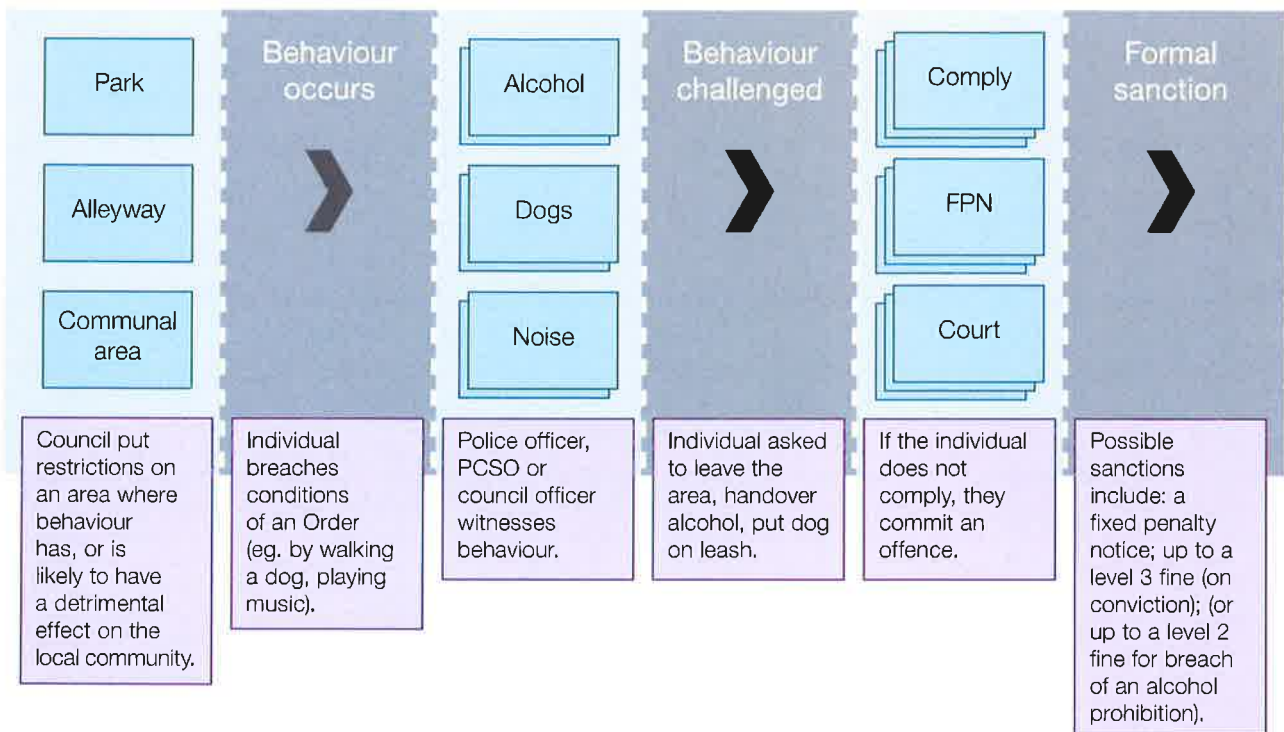
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Signed by Cabinet Member for Environment and Community Safety

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2.6 Public spaces protection order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	<ul style="list-style-type: none"> Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable.
Details	<ul style="list-style-type: none"> Restrictions and requirements set by the council. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. Can be enforced by a police officer, police community support officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> Breach is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. A fine of up to level 3 on prosecution.
Appeals	<ul style="list-style-type: none"> Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.
Important changes/differences	<ul style="list-style-type: none"> More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.

Public spaces protection order



Purpose

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Who can make a PSPO?

Councils will be responsible for making the new PSPO although enforcement powers will be much broader. District councils will take the lead in England with county councils undertaking the role only where there is no district council. In London, borough councils will be able to make PSPOs, as will the Common Council of the City of London and the Council of the Isles of Scilly. In Wales, responsibility will fall to county councils or county borough councils. The new power is not available to parish councils and town councils in England, or community councils in Wales. Section 71 ensures that bodies other than local authorities can make PSPOs in certain circumstances by order of the Secretary of State. This will allow the City of London Corporation to continue managing a number of public spaces with the permission of, and on behalf of, local authorities.

Test

The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Putting victims first: In deciding to place restrictions on a particular public space, councils should consider the knock on effects of that decision. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.

Details

Where can it apply? The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

Working with partners: Before making a PSPO, the council must consult with the local police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the County Council (if the PSPO application is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park or specific activities such as busking or other types of street entertainment. Before the PSPO is made, the council also has to publish the draft order in accordance with regulations published by the Secretary of State.

Box G: Land requiring special consideration

Before a council makes a PSPO, it should consider whether the land falls into any of the following categories:

- **Registered common land:** There are around 550,000 hectares of registered common land in England and Wales. Common land is mapped as open access land under the Countryside and Rights of Way (CROW) Act 2000 with a right of public access on foot. Some commons, particularly those in urban districts, also have additional access rights and these may include rights for equestrian use.
- **Registered town or village green:** Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, picnics, fetes and similar activities, such as dog walking.
- **Open access land:** Open access land covers mountain, moor, heath and down and registered common land, and also some voluntarily dedicated land, for example the Forestry Commission's or Natural Resources Wales' freehold estate. Open access land provides a right of open-air recreation on foot although the landowner can voluntarily extend the right to other forms of access, such as for cycling or horse-riding.

This can be done by contacting the Commons registration authority (county council in two-tier areas; unitary authority elsewhere). If the land in question is a registered common, the council will be able to find out what common land rights exist and the access rights of any users. Defra considers the model set out in 'A Common Purpose' to be good practice in consulting directly affected persons (including commoners) and the public about any type of potential change in the management of a common.

If land is a registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on what activities are included within the access rights. It is possible for local restrictions on CROW rights to be put in place to meet wider land use needs, and this system is normally administered by Natural England.

Where an authority is considering an order on one of these types of land, the council should consider discussing this with relevant forums and user groups (e.g. Local Access Forums, Ramblers or the British Horse Society) depending on the type of provision that is contemplated in the order. It could also be appropriate to hold a local public meeting when considering whether to make an order for an area of such land to ensure all affected persons are given the opportunity to raise concerns.

What to include in a PSPO? The PSPO can be drafted from scratch based on the individual issues being faced in a particular public space. A single PSPO can also include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead. However, activities are not limited to those covered by the orders being replaced and so the new PSPO can be used more flexibly to deal with local issues.

When deciding what to include, the council should consider scope. The PSPO is designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access. Restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

Putting victims first: Although it may not be viable in each case, discussing potential restrictions and requirements prior to issuing an order with those living or working nearby may help to ensure that the final PSPO better meets the needs of the local community and is less likely to be challenged.

In establishing which restrictions or requirements should be included, the council should ensure that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

When the final set of measures is agreed on, the PSPO should be published in accordance with regulations made by the Secretary of State and must:

- identify the activities having the detrimental effect;
- explain the potential sanctions available on breach; and
- specify the period for which the PSPO has effect.

Box H: Controlling the presence of dogs

When deciding whether to make requirements or restrictions on dogs and their owners, local councils will need to consider whether there are suitable alternatives for dogs to be exercised without restrictions.

Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Councils should be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions. Consideration should also be made on how any restrictions affect those who rely on assistance dogs.

In relation to dogs and their owners, a PSPO could, for example:

- exclude dogs from designated areas (e.g. a children's play area in a park);
- require dog faeces to be picked up by owners;
- require dogs to be kept on leads;
- restrict the number of dogs that can be walked by one person at any one time; and
- put in place other restrictions or requirements to tackle or prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality, or is likely to have such an effect.

Restricting alcohol: A PSPO can be used to restrict the consumption of alcohol in a public space where the test has been met. However, as with the Designated Public Place Order which it replaces, there are a number of limitations on using the power for this end.

A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if PSPOs were introduced here.

Restricting access: In the past, Gating Orders have been used to close access to certain public rights of way where the behaviour of some has been anti-social. The PSPO can also be used to restrict access to a public right of way. However, when deciding on this approach, the council must consider a number of things.

- **Can they restrict access?** A number of rights of way may not be restricted due to their strategic value.
- **What impact will the restriction have?** For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- **Are there any alternatives?** Previously gating was the only option, but it may be possible under a PSPO to restrict the activities causing the anti-social behaviour rather than access in its totality.

There are also further consultation requirements where access is to be restricted to a public right of way. This includes notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day to day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order, and be given details of how they can make representations and by when. The council should then consider these representations.

It will be up to the council to decide how best to identify and consult with interested persons. In the past newspapers have been used. However in the digital age, other channels such as websites and social media may be more effective. Where issues are more localised, councils may prefer to deal with individual households. Alternatively, where appropriate, councils may decide to hold public meetings and discuss issues with regional or national bodies (such as the Local Access Forum) to gather views.

Duration of a PSPO: The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point.

At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate.

Changing the terms: The new PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public space. However, if a new issue arises in an area where a PSPO is in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. For instance, a PSPO may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the PSPO to deal with both issues.

As well as varying the PSPO, a council can also seek to discharge it at any time. For instance when the problem has ceased to exist or the land ceases to be classified as a public space.

Penalty on breach

It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a PSPO (other than consume alcohol – see below); or
- fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, council officer or other person designated by the council. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).

Appeals

Any challenge to the PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

Enforcement

Although PSPOs are made by the council in an area, enforcement should be the responsibility of a wider group. Council officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers and PCSOs will have the ability to enforce the order.

Transition

Where a designated public place order, gating order or dog control order is currently in force, this will continue to be valid for a period of three years following commencement of the new power. At this point it will be treated as a PSPO. However, councils need not wait for this to happen and could decide to review the need for their current orders ahead of that transition to simplify the enforcement landscape.

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PSYCHOACTIVE SUBSTANCES BILL 2015

Psychoactive substance means any substance which:

- Is capable of producing a psychoactive effect on a person who consumes it and
- Is not an exempted substance

For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state

For the purposes of the Act a person consumes a substance if the person causes or allows the substance or fumes given off by the substance to enter the person's body in any way.

In this Act an 'exempted substance' means a substance listed in Schedule 1 and the Secretary of State may amend Schedule 1 to add or vary any description of a substance and remove any description of substance. Before making amendments consultation must be undertaken with those deemed appropriate.

OFFENCES

Producing a psychoactive substance

An offence is committed if:

- the person intentionally produces a psychoactive substance,
- the person knows or suspects that the substance is a psychoactive substance and
- the person intends to consume the psychoactive substance for its psychoactive effects or knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by some other person for its psychoactive effects

Supplying, or offering to supply, a psychoactive substance

A person commits an offence if:

- the person intentionally supplies a substance to another person
- the substance is a psychoactive substance
- the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance and
- the person knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects

Aggravation of offence

This section applies if:

1. a court is considering the seriousness of an offence under Section 5 (above) and
2. at the time the offence was committed the offender was aged 18 or over

If either of the conditions above are met the court:

- must treat the fact that the condition is met as an aggravating factor and
- must state in open court that the offence is so aggravated

Condition 1 is that the offence was committed in or in the vicinity of school premises at a relevant time

Condition 2 is that in connection with the commission of the offence the offender used a courier who, at the time of the offence was committed, was under the age of 18.

Possession of psychoactive substance with intent to supply

A person commits an offence if:

- the person is in possession of a psychoactive substance
- the person knows or suspects that the substance is a psychoactive substance and
- the person intends to supply it to another person for its consumption, whether by any person to whom it is supplied or by some other person, for its psychoactive effects
- Importing or exporting a psychoactive substance

A person commits an offence if:

- the person intentionally imports a substance
- the substance is a psychoactive substance
- the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance and
- the person intended to consume the psychoactive substance for its psychoactive effects or knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by some other person for its psychoactive effects

A person commits an offence if:

- the person intentionally exports a substance
- the substance is a psychoactive substance
- the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance and
- the person intended to consume the psychoactive substance for its psychoactive effects or knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by some other person for its psychoactive effects

Penalties

A person guilty of an offence under of the sections above is liable:

- on summary conviction in England and Wales to imprisonment for a term not exceeding 12 months (or 6 months if the offence is committed before the

commencement of section 154(1) of the Criminal Justice Act 2003 or a fine or both

- on conviction by indictment to imprisonment for a term not exceeding 7 years or a fine or both

Powers to deal with prohibited activity

A prohibited activity means any of the following activities:

1. producing a psychoactive substance that is likely to be consumed by individuals for psychoactive effects
2. supplying such a substance
3. offering to supply such a substance
4. importing such a substance
5. exporting such a substance

Offences relating to prohibited activity in specified premises is also being included in the Bill.

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Title of meeting:	Cabinet Member for Environment and Community Safety Decision Meeting
Date of meeting:	11 November 2015
Subject:	Health & Safety Service Plan 2015 / 2016
Report by:	Director of Regulatory Services, Community Safety and Troubled Families
Wards affected:	All
Key decision:	No

1. Purpose of report

- 1.1. This report is an expression of the Council's commitment to its health and safety role and responsibilities to develop a Health and Safety Delivery Team. It sets out the manner in which health & safety inspections, initiatives and activities have been designed to meet the requirements of the National Local Authority Enforcement Code, issued by the Health and Safety Executive (HSE), under Section 18 of the Health and Safety at Work etc. Act 1974 (HSW Act).
- 1.2. The HSE require a Health and Safety Intervention Plan to be submitted annually for Member approval to ensure local transparency and accountability.
- 1.3. As in 2014/2015, this year's plan is based upon the following key priorities:
 - Controlling real risks – those which arise most often and those with the serious consequences;
 - Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly will lead to robust action.
- 1.4. Upon approval, the plan will be effective for a period of 1 year.

2. Recommendation

- 2.1. **That the Cabinet Member for Environment & Community Safety approves the manner in which Environmental Health proposes to deliver its Health and Safety responsibilities in 2015 / 2016.**

3. Statement of purpose

- 3.1. By ensuring that health and safety regulation is sensible and proportionate and by acknowledging the Government's robust approaches to tackle damaging compensation cultures, Environmental Health aims to support economic growth by helping business to flourish whilst maintaining a healthy, productive workforce.

4. Statutory function

- 4.1. Environmental Health will devote sufficient resource to health and safety enforcement to comply with its duties under section 18 (4) of the HSW Act.
- 4.2 The HSE have the powers to take a view on our enforcement performance using the information supplied by us and by reviewing inter-authority audits carried out using the Health and Safety Executive / Local Authority Enforcement Liaison Committee (HELA) protocol.
- 4.3 Should we fail to meet our legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a local authority has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct us to perform our enforcement functions in a specified manner within a specified period of time.
- 4.4 Should any defaulting local authority fail to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting local authority to the HSE, in which case the HSE's expenses are paid by the defaulting authority.
- 4.5 The following elements are essential to adequately discharge our duty as an Enforcing Authority:
- A clear published statement of enforcement policy and practice;
 - A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA;
 - A Service Plan detailing the LA's priorities and its aims and objectives for the enforcement of health and safety;
 - The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
 - Arrangements for benchmarking performance with peer local authorities;
 - Provision of trained and competent regulators; and
 - Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.

5 Background

- 5.1 Recent years' activities have been determined by the reducing service budget, the local public health agenda and the 'better regulation' agenda. As part of the council's efficiency drive to make savings this year the Environmental Health H&S team will go through further subtle changes directing more and more resource away from these responsibilities onto functions of higher profile, risk and demand.

- 5.2 Deregulation impacted on health and safety following Lord Young's review of health and safety, Common Sense - Common Safety, the Löfstedt review recommending reducing the burden of unnecessary regulation on businesses and the HSE's National Local Authority Enforcement Code which provided a principle based framework that recognised the respective roles of business and the regulator in the management of risk. The resulting reduced demand reflects the decreased level of full time employee equivalent provided for health and safety responsibilities and the redirection of staff to deliver other service priorities within Environmental Health, particularly those surrounding support and advice to food business operators.
- 5.3 Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, Environmental Health retain an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to a wider public health agenda.
- 5.4 To fulfil these obligations it is vital that the city council's regulatory resource in terms of health and safety is maintained and used consistently to the best effect by targeting specific risks or focussing on specific outcomes.
- 5.5 To do this, in 2015 / 2016 Environmental Health will continue to use the full range of regulatory interventions available to influence behaviours and the management of risk. Proactive inspections will, however, only be utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed. Explicitly therefore our Intervention Plan excludes proactive inspections which have historically characterised health and safety regulation.

6. Service delivery - Intervention Plan

- 6.1 As in 2014 / 2015, whilst managing demand with fewer resources, Environmental Health will only:
- Proactively inspect high risk activities in those sectors specified by HSE and where intelligence suggests risks are not being effectively managed;
 - Assess RIDDOR accident notifications;
 - Investigate complaints about poor working practices or working conditions.
- 6.2 Unequivocally, inspections are not considered to be an effective use of public or business resources which are managing their risks effectively. Risk ratings will not be used for determining the use of a particular intervention or to decide an intervention frequency. Rating or re-rating of premises will be a desktop risk assessment, which will use all available information about a site, compare it with the HSE National Code objectives and local priorities to determine what intervention, if any, is appropriate.
- 6.3 Consequently, reactive interventions will further develop as the primary Health and Safety service delivery function. To further support this strategy, businesses have the right to refer to the Independent Regulatory Challenge

Panel (IRCP) if they are subject to a proactive inspection when they consider themselves to be operating in a lower-risk sector and have been unreasonably targeted. Environmental Health therefore needs to be prepared to explain to a business why, if used, proactive inspection was considered to be the best intervention.

7 Categorisation of Regulated Sites

- 7.1 Regulated sites are divided into risk categories. The risk based upon an assessment of the performance of management on the site to secure health and safety, rather than the inherent site hazards. The risk rating alone will be used to determine the use of a particular intervention or to decide an intervention frequency.
- 7.2 Four categories (A – high risk; B1 and B2 - medium risk and C – low risk) based on a business's health and safety performance are available. These will assist us to assess and score premises and determine intervention priorities. The rating process evaluates and gives a value to four different elements of a business's health and safety performance: confidence in management, safety performance, health performance, welfare compliance gap.

8 Reactive Interventions

8.1 Accident Investigations

8.1.1 Environmental Health will investigate accidents notified under the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) which meet the selection criteria. In deciding which accidents to investigate regard shall be had to the severity and scale of actual harm, the seriousness of any potential breach of the law and previous history of the duty holder.

8.1.2 Generally, the following categories of accident will be investigated:

- All fatalities arising out of work activities;
- Certain incidents reportable under RIDDOR namely – defined major injuries, diseases and dangerous occurrences related to the severity of the outcome;
- All RIDDOR incidents where there is likely to have been a serious breach of health and safety law.

8.2 Complaints about Health and Safety Failings

8.2.1 Environmental Health will deal with issues of concern and complaint relating to health and safety practices/conditions and to advise all complainants of the outcome.

8.2.2 Complaints fall into three broad categories:

- Complaints about unsafe working conditions or practices;

- Complaints about welfare related issues i.e. working hours, breaks, temperature;
- Complaints about lack of suitable training, supervision or instruction of employees.

9 Reporting performance

- 9.1 As required, Environmental Health monitor, capture and share health and safety intervention, enforcement and prosecution activity. This information is shared with HSE via a statutory return to allow the preparation of national data.
- 9.2 Data, in relation to the HSE return for the last two years is provided below in Table 1.

Table 1

Intervention		2013 / 2014	2014 / 2015
Proactive inspections		0	0
Non-inspection interventions	Visits	4	4
	RIDDORS processed	161	153
Reactive visits	Visits in relation to incidents	1	10
	Visits in relation to complaints	14	8
	Visits following requests from businesses	0	0
Revisit following earlier intervention		1	12

10. Enforcement Policy

- 10.1 The Compliance Code, replacing the Regulators' Compliance Code was published in July 2013. Officers within the Health and Safety Team take into account the principles of good enforcement set out in the Code. The Council's general enforcement policies are compliant with the Compliance Code.

11. Enforcement Action 2014 / 2015

- 11.1 Compliance with health and safety law remains consistent. Warning letters requiring improvement works have been sent to a number of businesses. There have been six formal improvement notices served and one simple caution was issued in relation to an asbestos related offence. No prosecutions were taken.

12. The necessity to adopt the 2015 / 2016 plan

- 12.1. To ensure that there is an agreed, transparent programme of health and safety inspection and investigation for the city of Portsmouth for the forthcoming year.
- 12.2. To demonstrate that the local authority is complying with its statutory duties, following national guidance and is supporting businesses in an effort to reduce the incidence of accidents.

13. Equality Impact Assessment

13.1. The intervention and inspection criteria have previously been subject to a provisional equality impact assessment. There are unlikely to be any equality impacts as a result of this proposal as it will not result in a change to the level of service currently provided.

14. Legal Implications

14.1. Legal Services have confirmed that it is within the Cabinet Member's powers to approve adoption of the Health & Safety Intervention Plan 2015 / 2016 as contained within this report.

15. Director of Finance's comments

15.1. The activities proposed within the Health and Safety Intervention Plan 2015 / 2016 and summarised in this report, will be funded from the existing portfolio budget, as approved by Full Council.

.....
Signed by: Rachael Dalby - Director of Regulatory Services, Community Safety and Troubled Families

Appendices: None

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document and location of document
Nil

The recommendation set out in 2.1 above was approved/ approved as amended/ deferred/ rejected by the Cabinet Member for Environment and Community Safety on 2nd October 2015.

.....
Signed by: Councillor Robert New, Cabinet Member for Environment and Community Safety

Title of meeting:	Cabinet Member for Environment and Community Safety Portfolio Decision Meeting
Date of meeting	11 November 2015
Subject:	Noise Enforcement Policy 2015
Report by:	Director of Regulatory Services, Community Safety and Troubled Families
Wards affected:	All
Key decision:	No

1. Purpose of report

- 1.1 The Environmental Protection Act 1990 is the principal legislation for dealing with the majority of noise related issues. The introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (ASBC&P Act) does however provide new powers that may be useful in combating noise in the street and other public areas where there is a strong element of noise related anti-social behaviour.
- 1.2 Environmental health investigate all complaints received by PCC in relation to noise nuisance and have consequently devised comprehensive service management procedures guiding officers in the investigation of multiple types of noise nuisance, including domestic, industrial, entertainment and machinery sources. Few of these, however, are of assistance in dealing with noise outside the boundary of a premises.
- 1.3 The purpose of this report is therefore to seek approval for changes to Portsmouth City Council's (PCC) Noise Enforcement Policy 2011 following the adoption of the ASBC&P Act to assist particularly with noise occurring in public areas but also occasionally in conjunction with existing noise enforcement powers.

2 Recommendation

- 2.1 **That the cabinet member for environment & community safety:**
 - a) **Adopts the Portsmouth City Council 2015 neighbourhood noise enforcement policy as attached as Appendix 1 to this report;**
 - b) **Approves the guidance note attached as Appendix 2 which sets out how the ASBC&P Act might be used in relation to noise;**
 - c) **Acknowledges both the content of the statistical report, attached as Appendix 3 which provides details of activities of the pollution control team specifically in relation to noise enforcement.**

3 Statement of purpose

- 3.1 PCC is committed to improving the health and wellbeing of our residents and the quality of their surroundings. In terms of noise impact there is no right to absolute peace and quiet and people should be tolerant of occasional disturbance from noise. Environmental Health aim to effectively investigate serious or persistently unacceptable levels of noise and thereby maintain a quality of peaceful life through the prevention and abatement of statutory nuisance and noise related anti-social behaviour.

4 Noise and public health

- 4.1 Noise is recognised as a factor impacting on people's health in the Public Health Outcomes Framework (PHOF) February 2015. This sets out a vision for public health in England, with desired outcomes and indicators to aid understanding of how well public health is being improved and protected. The PHOF includes a noise indicator as a 'wider determinant of health'.

5. Background - investigation of statutory nuisance

- 5.1 Over 2,400 complaints are received by PCC each year in respect of noise issues affecting residents or businesses in Portsmouth. Of these around 80% relate to domestic noise. Statistics are not currently kept in relation to noise in the street, common areas or public spaces however the numbers are expected to be relatively low.
- 5.2 Noise often affects only one person or household, but over a period of time may result in much greater disturbance. It is therefore necessary to intervene early. In an attempt to do so, generally within 3 days of receipt of a complaint, we write to, or visit, those accused of creating the noise.
- 5.3 In the vast majority of situations this contact is sufficient to resolve the problem and no further contact from the complainant is received. Where noise recurs after the date of registration, we ask complainants of domestic noise to notify us that our contact with the person responsible for the noise has failed to resolve the problem.
- 5.4 Where we receive notification that the problem has recurred, the complaint then becomes active and passed to a designated officer for investigation. The service provides details of how further incidents of unreasonable noise should be reported and details of our investigation processes, which include details of our out-of-hours noise investigation service. Complainants are expected to assist in the investigation of recurring noise problems and reactively contact officers when noise is occurring and/or permit and operate the installation of noise monitoring equipment.
- 5.5 Complaints relating to non-domestic properties are dealt with slightly differently as upon contact complainants are provided with details of our out of hour's service immediately.

6. Changes to service delivery

- 6.1 Following delegation of authority to officers within Environmental Health, the ASBP&C Act would be appropriately used by them to investigate and take enforcement action relating to noise related activities.
- 6.2 Such actions may include the use of civil injunctions, criminal behaviour orders, community protection notices and closure notices.

7. Potential use of new powers to tackle noise problems

- 7.1 The aforementioned summary of procedures set out in section 5 is unlikely to apply to the investigation of noise in public spaces. New procedures have therefore been devised in compliance with the legislative requirements of the ASBP&C Act to appropriately tackle such problems. The summary of the new powers and overriding operational resolutions are set out below.
- 7.2 Civil Injunctions
 - 7.2.1 Injunctions may be used to prevent individuals from engaging in noise related anti-social behaviour. It is envisaged that the use of injunctions will usually be a last resort used in situations where other noise specific legislation is unavailable or has failed to provide a permanent remedy. Injunctions could be used as a fast and effective protection for victims and communities, so there may be circumstances where injunctions may be appropriate to prevent serious noise problems from escalating.
- 7.3 Criminal Behaviour Order
 - 7.3.1 Criminal behaviour orders (CBO) may be used when a perpetrator is convicted of a criminal offence and where there is evidence beyond reasonable doubt that the offender has engaged in noisy behaviour that caused or was likely to cause harassment, alarm or distress and the court considers that making the order will help in preventing such behaviour.
 - 7.3.2 As contravention of an abatement notice served under the provisions of the EPA1990 is a criminal offence it is possible to seek a CBO on a conviction obtained under our specific noise related powers.
- 7.4 Community Protection Notice
 - 7.4.1 Community protection notices (CPN) are intended to deal with repeated or on-going conduct which negatively affects the quality of life of the community. The test for anti-social behaviour under this part of the Act is that officers have to be satisfied on reasonable grounds that the noisy conduct of the individual or business is having a detrimental effect on the quality of life of those in the locality and must effect the community at large. Where proven, where the governing procedural issues have been implemented, a CPN could be issued in relation to noisy behaviour.
 - 7.4.2 There is a principle of law that a specific power e.g. statutory nuisance under EPA1990 should be used in preference to a general one. Therefore prior to the

service of a CPN consideration should first be given to the use of statutory nuisance and other legislation such as The Noise Act 1996, Control of Pollution Act 1974 and Clean Air Act 1993.

7.5 Closure Notices

7.5.1 Section 76 of ASBC&P Act gives powers to enable closure of premises associated with noise nuisance for up to 48 hours by issuing of a Closure Notice (CN) and for up to 3 months by obtaining a Closure Order from the Courts.

7.5.2 To issue a CN officers must be satisfied on reasonable grounds:

- That the use of a particular premises has resulted or is likely to result in noise nuisance to members of the public; or
- There has been or is likely soon to be disorder near those premises associated with the use of those premises and that the notice is necessary to prevent the noise nuisance from occurring, recurring or occurring;
- Authorised officers of the Council can issue CN for a period of 24hours, whilst the Chief Executive Officer or a designated officer for the Chief Executive Officer can issue Closure notices for a period of up to 48 hours in relation to noise emissions.

7.6 Absolute ground for possession

7.6.1 Although not a power likely to be used unilaterally by Environmental Health, working in partnership, landlords have powers to seek mandatory possession within a 4 week notice period once a tenant or a member of their household or a person visiting the property has been convicted for a breaching noise abatement notice or a CBO.

8 Equality impact assessment

8.1 An EIA has previously been completed for the current noise enforcement policy operated by PCC. The amended policy further improves the noise enforcement and regulation service currently received by Portsmouth residents.

9 Legal implications

9.1 Statutory nuisance is defined by the provisions of the EPA1990 Section 79(1) which states that it is the duty of every local authority to take such steps as are reasonably practicable to investigate and detect statutory nuisance.

9.2 The EPA does not specify how this duty should be implemented. In 2011 the Council amended the 2009 Noise Enforcement Policy and approved the current manner in which complaints of statutory noise nuisance are investigated. This report merely seeks an amendment to that existing policy to take account of the new powers provided under the ASBP&C Act and enhance the ability of officers to tackle noise problems.

9.3 There is no statutory requirement to adopt or use the powers provided by the ASBP&C Act.

10 Director of Finance's comments

- 10.1 The activities proposed within the Noise Enforcement Policy 2015 and summarised in this report, will be funded from the existing portfolio budgets, as approved by Full Council.

.....
 Signed by: Rachael Dalby - Director of Regulatory Services, Community Safety and Troubled Families

Appendix 1: Portsmouth City Council 2015 neighbourhood noise enforcement policy.

Appendix 2: Anti-Social Behaviour Criminal & Police Act 2014 guidance for use within environmental health in relation to noise.

Appendix 3: Activities of the pollution control team in relation to noise enforcement

Background list of documents: The following list of documents discloses facts or matters, which have relied upon to a material extent by the author in preparing this report:

Title of Document	Location
NIL	NIL

The recommendations set out above in 2.1 above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for the Environment and Community Safety on 2nd October 2015

.....
 Signed by: Councillor Robert New, Cabinet Member for Environment and Community Safety

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Neighbourhood Noise Enforcement Policy 2015

Environmental Health - Pollution Control Team

www.portsmouth.gov.uk



Introduction

Portsmouth City Council is committed to improving the health and wellbeing of our residents and the quality of their surroundings. Noise is defined as unwanted sound and can be irritating and stressful. Neighbourhood noise can include noise from industrial and commercial activities, recreational and entertainment sources, and that created by neighbours and anti-social behaviour.

This enforcement policy sets out the general approach which the City Council will adopt when enforcing specific noise legislation and the more general powers which have been provided to tackle noise related anti-social behaviour. The aim of the policy is to secure compliance with legislation through education, by providing advice and through enforcement.

It is important to note that there is no right to absolute peace and quiet and people need to be tolerant of occasional disturbance from noise. We aim to effectively investigate serious or persistently unacceptable levels of noise and thereby maintain a quality of peaceful life through the prevention and abatement of statutory nuisance and noise related anti-social behaviour.

To do this, together with our partner stakeholders, we have developed a consistent joined up approach to proactively and reactively investigate unreasonable noise. Our commitment to the public and a summary of our procedures used to investigate and combat neighbourhood noise is contained within this document.

What are our objectives when handling noise related complaints?

At all times we aim to:

- communicate our policies, powers and procedures to the public;
- provide advice and guidance on the appropriate control of noise;
- take timely and appropriate action to control, mitigate and seek to prevent serious or persistent noise through proactive and reactive assessment;
- prioritise and investigate complaints relating to noise in a cost effective manner;
- focus resource on urgent and recurring nuisance and serious noise related to anti-social behaviour;
- keep complainants informed of any significant developments in our investigations;
- actively liaise with and assist other agencies in a co-ordinated and mutually supportive way to provide the best overall remedy to noise problems;
- seek to protect the identity and confidentiality of those making complaints about noise until enforcement proceedings begin and seek to protect the identity and confidentiality of persons about whom complaints have been made;
- ensure that our actions are proportionate and reasonable and do not infringe the rights of others who may be the target of malicious or unfounded complaints;

- act in a fair and impartial manner, ensuring that our policies serve all parties fairly and enforce the law in a non-discriminatory manner;
- ensure that all our actions and decision making is properly recorded and transparent and that we are accountable for our decisions;
- maintain the Health and Safety of our enforcement officers;
- maintain the professional development of staff;
- ensure effective maintenance and calibration of all recording equipment used in the investigation of nuisance complaints where there is a likelihood of enforcement proceedings; and
- continue to improve and identify where changes in the service might be justified.

What does the law say about statutory noise nuisance?

A statutory noise nuisance is defined by the Environmental Protection Act 1990, however within the UK there is no absolute right to silence within your home. Therefore, although you may be unhappy with the level of noise you are exposed to, if it does not amount to a statutory nuisance you may have to endure it.

To ensure we can help you the noise must be:

- substantial; and
- unreasonable.

Numerous other factors are taken into account when determining nuisance. These vary but the common nuisance assessment criteria issues are:

Locality

If you live in an area of the City that has a high number of restaurants it may be reasonable to expect some low level noise from extraction equipment. Likewise if you live next to a pub it may also be reasonable to expect occasional minor impact from music, to hear some voices, witness the inconvenience of deliveries and/or suffer minor interference from the use of gardens. Living by a shop or adjoining an industrial area is likely to generate noise which is different to that experienced in a domestic neighbourhood as plant and delivery noise may periodically be heard. People who have domestic neighbours should also expect to hear them. Perhaps they keep different hours, work shifts, carry out DIY, own pets, have young children or argue a lot. Wherever you live and whoever your neighbour is you will have to tolerate hearing them from time to time.

Duration and frequency

For example, “one-off” parties that are reasonably managed and controlled but still audible are unlikely to be a nuisance.

The time the nuisance occurs

For example, undertaking DIY activities, lawn mowing and vacuuming are all very reasonable activities if carried out during a sensible hour, doing so late at night or in the early morning is however likely to cause problems for neighbours.

Sensitivity

The test for assessing sensitivity has two elements. Not only must the person causing the nuisance be acting unreasonably but the complainant must also be acting reasonably.

For example a shift worker trying to sleep during the day and complaining of general daytime noise, such as the use of a washing machine from a neighbour, is not being reasonable.

Case law requires us to act as the standard person when reaching a decision so we cannot take into account those who might have a different or higher expectation of peace and quiet (e.g. shift workers, persons who may be ill, infirm or otherwise susceptible to noise).

Social Acceptance

Certain activities such as children playing or crying are socially accepted commonplace and unavoidable. The impact of children is therefore unlikely to be classified as a nuisance.

It is understood that children, and/or adults, using foul language, whilst not necessarily a noise issue, may be socially unacceptable and distressing. In such cases, and/or in cases where concerns are raised in respect to child/adult protection issues other agencies may be informed.

Evening fireworks around the 5th November, planned street celebrations, music on New Years Eve, public events such as fun fairs, fetes, carnivals or festivals held on our open spaces may all give rise to some noise and cause a degree of disturbance. These are, however, often tolerated and accepted by the community as they are part of tradition, celebration or are held for the public as a whole to enjoy and therefore these may not be classified as a nuisance.

The use of the Noise Act 1996

In addition to statutory noise nuisance as defined in the Environmental Protection Act 1990, the Noise Act 1996 introduced an offence of emitting excessive noise from a dwelling or licensed premises at night (between 23:00 and 07:00 hours). If noise measured inside the dwelling of a complainant exceeds the 'permitted level' as prescribed in legislation the Local Authority may prosecute. Alternatively the Local Authority may offer the person who has committed the offence the opportunity to discharge liability to conviction with payment of a fixed penalty notice within 14 days.

The use of the Anti-Social Behaviour Crime and Policing Act 2014

Most complaints received by the City Council in relation to noise nuisance are likely to be dealt with under the Environmental Protection Act 1990. This legislation is however of little assistance in dealing with noise which occurs outside the boundary of a premise.

Where appropriate, complaints relating to noise in public areas will be dealt with using powers provided under the Anti-Social Behaviour Crime and Policing Act 2014. Such powers include the use of Civil Injunctions, Criminal Behaviour Orders, Community Protection Notices and Closure Notices. The aforementioned assessment criteria will however continue to be relevant when assessing the impact of the noise under this Act.

So what should you do if you believe you are suffering from unreasonable noise?

Generally we all accept when living in such a small, densely populated City that we will hear noise from time to time. However, when it is unnecessary, excessive in volume or duration, has a material impact and / or occurs at unreasonable times of the day it should not have to be tolerated. Regardless of who is creating the problem, complaints of these types of noise should be made to the pollution control team of the City Council.

Other agencies may be able to assist with low level noise disturbance or other associated anti-social behaviour and where appropriate we will either signpost you to these agencies or contact them directly to discuss the detail of your complaint with them. These agencies may include landlords, Community Wardens, the Police, Community Support Officers and the Anti Social Behaviour Unit. All these groups have very limited powers regarding noise issues and although they may be able to help us resolve the problems informally it is vital that serious widespread or repeat disturbance should always be reported directly to the pollution control team.

If you are suffering with noise from a domestic neighbour we would suggest that you first attempt to resolve the matter by approaching them directly, particularly as this is often the easiest and most efficient method of settling problems. It's possible that they may not even be aware that they are causing you a problem. However, understand that you may be unwilling or unable to do so and therefore we do not require this prior to accepting your complaint.

It does not matter if you own your home, rent it from either a private or social landlord, or if you are a Council tenant. If you are suffering with unreasonable noise then we will try to help you.

What about noise from open air events?

Should you have concerns in relation to the level of music from formal organised events held upon City Council land, be assured that it is highly likely that considerable pre-planning has already taken place to ensure that the levels of noise created are reasonable.

The City Council is keen to ensure that appropriate balances are achieved whilst:

- encouraging the use of our open areas;
- meeting our own and the organisers' objectives to provide high quality events;
- ensuring that attendees' expectations in terms of noise level are achievable; and
- safeguarding the interests of the community at large, who may be affected by the resultant entertainment noise levels.

When approving or providing events the City Council accepts that not everyone will enjoy the musical entertainment provided and some residents and businesses may suffer some disruption. In addition, in areas where residential accommodation is in close proximity to open areas such as Southsea Common, the City Council accepts that negative impacts from musical entertainment, particularly if it can be heard inside peoples' homes, may lead to some dissatisfaction.

All complaints received in relation to such events will be assessed in accordance with the aforementioned assessment of nuisance criteria.

How do you contact the team?

To register your complaint you can either:

Telephone the City Help Desk on 023 9283 4167;

E-mail: cityhelpdesk@portsmouthcc.gov.uk;

Write to City Helpdesk, Civic Offices, Guildhall Square, Portsmouth, PO1 2BG.

When you contact us by telephone you will be asked a number of questions to enable us to appropriately process your complaint. Should you choose to write or e-mail please ensure that you include the following:

- Your name, address and telephone numbers;
- The address, site or vehicle / machinery where the noise is coming from;
- Details of the type of noise, how long it lasts for and how often it occurs;
- An explanation of how the noise affects you, where, when and in what circumstances it can be heard;
- Details of any action you have taken to try to deal with the problem yourself. This may include speaking with your neighbour directly, approaching your landlord or details of any actions or approaches to other agencies such as the Portsmouth Mediation Service, the Community Wardens or the Police.

What will happen next?

We will normally categorise complaints as either urgent or recurring.

Urgent complaints are classified as one-off events that are so serious that they require a rapid investigation and response.

These might include:

- building alarms;
- complaints received from three or more separate households regarding the same address.

Domestic noise

Most complaints are likely to relate to recurring noise. These types of problem often affect only one person or household but over a period of time result in much greater disturbance. In an attempt to immediately resolve complaints of this type, where possible, upon receipt and prior to any investigation, we will write to or visit those accused of creating the noise.

During this contact with the accused, we will not disclose details of the complainant but we will highlight the nature of the problem, provide advice and explain our procedures. We hope that this contact will prevent a recurrence of the problem and solicit a response.

We are always interested in discussing problems with both parties, so should you receive our letter of complaint notification we would suggest that you contact us as soon as possible. Should an officer visit your home or approach you in respect to noise complaints, we would be grateful if you would either discuss the matter directly or arrange a convenient time for the officer to re-visit.

We hope that our contact with those accused will resolve the problems. Should the noise continue after the date of registration, we ask complainants of domestic noise to notify us that we have failed to resolve the problem.

Complainants usually choose to do this by telephone or e-mail but any method of contact is acceptable. Should you decide to visit the Civic Offices to report recurring noise and wish to discuss an issue with an officer it will be necessary to do so through a prior appointment. You can however register a new recurring nuisance complaint in person, our reception staff will be only too pleased to assist you.

Should we be notified that we have not prevented a recurrence of the problem, or if the noise is occurring in open areas and pre-emptive contact with the perpetrators is impossible, complaints will become active and assigned to an officer for investigation. This officer will contact you to explain how further incidents of unreasonable noise should be reported and how they will be investigated.

Non domestic noise

All complaints about non-domestic noise, such as those registered against businesses or entertainment venues, will be activated immediately upon receipt and you will be able to contact us for investigation next time the noise disturbs you. We will also make contact with the company concerned in an attempt to resolve the problems so that you are not disturbed again.

How do we investigate the noise problem?

Upon activation we generally employ four methods of investigation.

Reactive observations

This is where we receive notification by telephone from a complainant that a noise incident is occurring. We will seek to make a rapid response by visiting the complainant's home to verify the complaint and collect evidence to support further action.

We are aware that noise is most likely to cause significant problems during the evening and night and therefore we operate an out of hours service. We are available almost every evening of the year for registered complainants to report recurring noise.

Pro-active observations

This is where we target premises that are causing noise nuisance or where we believe problems may be caused. We will aim to target times where we expect problems to occur. We will often use this approach where regular patterns of disturbance occur, where reactive observations have failed to verify the complaint or where the noise occurs persistently outside our normal operational hours. We are more likely to employ this approach to investigate non-music related complaints.

Unattended monitoring

This is where we place a monitoring device such as an audio recorder and sound level meter in the complainant's home to either operate continually or more typically under the control of the complainant.

Independent evidence

This is where we receive information from persons other than the complainant to verify their allegations. We will need to be satisfied that the evidence is genuine and that it can be presented persuasively in any court proceedings. Typically we will rely upon evidence of this type when provided by independent professional witnesses such as the Police.

What happens when we are satisfied that a noise problem has occurred?

When we are satisfied that a significant noise disturbance or statutory nuisance exists or is likely to occur or recur we will take the appropriate enforcement action.

Where we are satisfied that a problem is continuing, and where it is appropriate to do so, we will increase the level of enforcement until the problem has been resolved.

This action may include any number of the following:

Action	Comment
Service of Statutory Notices.	Where statutory nuisance has been substantiated or where formal enforcement action is considered necessary and appropriate.
Issuing a Simple Caution	These may be issued following the service of a Statutory Notice and the admission of guilt involving first time offences.
Seizure of noise making equipment	This may occur where there have been substantiated multiple or repeated breaches of a Statutory Notice.
Carry out works in default.	If necessary we will undertake work to resolve ongoing nuisance from audible alarms following the service of Statutory Notices.
Service of Warning and Fixed Penalties Notices	<p>These notices relate to noise only from dwellings and licensed premises between 23:00 and 07:00 hours. A warning notice may be served if an officer is of the opinion that the “permitted noise level” may be exceeded.</p> <p>A fixed penalty notice may be served following the service of a warning notice once the “permitted level” has been exceeded. The fine is £100 for domestic and £500 licensed premises.</p>
Seek a review of a Premises Licence	This will be in accordance with the provisions of the Licensing Act 2003. It is likely that this procedure will only follow the service of a Statutory Notice and/or where warnings regarding the problem have remained unheeded by the person responsible.
Prosecution in Magistrate’s Court	<p>We are likely to seek a prosecution for multiple substantiated breaches of Statutory Notices, i.e. where Statutory Notices have not been complied with.</p> <p>Maximum fine for a single offence is £5,000 for domestic and £20,000 for commercial premises.</p>

Civil Injunctions	<p>Injunctions may be used to prevent individuals from engaging in noise related anti-social behaviour. It is envisaged that the use of injunctions will usually be a last resort used in situations where other noise specific legislation is unavailable or has failed to provide a permanent remedy. Injunctions could be used as a fast and effective protection for victims and communities, so there may be circumstances where injunctions may be appropriate to prevent serious noise problems from escalating.</p>
Criminal Behaviour Order	<p>Criminal behaviour orders (CBO) may be used when a perpetrator is convicted of a criminal offence and where there is evidence, beyond reasonable, doubt that the offender has engaged in noisy behaviour that caused or was likely to cause harassment, alarm or distress and the court considers that making the order will help in preventing such behaviour.</p> <p>As contravention of a noise abatement notice served under the provisions of the Environmental Protection Act 1990 is a criminal offence it is possible to seek a CBO on a conviction obtained under our specific noise related powers.</p>
Community Protection Notice	<p>Community protection notices (CPN) are intended to deal with repeated or on-going conduct which negatively affects the quality of life of the community. The test for anti-social behaviour under this part of the Act is that officers have to be satisfied, on reasonable grounds, that the noisy conduct of the individual or business is having a detrimental effect on the quality of life of those in the locality and its effect is persistent or continuing in nature. Where proven, where the governing procedural issues have been implemented, a CPN could be issued in relation to noisy behaviour.</p> <p>There is a principle of law that a specific power e.g. statutory nuisance under EPA1990 should be used in preference to a general one. Therefore prior to the service of a CPN consideration should first be given to the use of statutory nuisance legislation.</p>

<p>Closure Notices</p>	<p>Anti-Social Behaviour Crime & Policing Act 2014 gives powers to enable closure of premises associated with noise nuisance for up to 48 hours by issuing of a Closure Notice (CN) and for up to 3 months by obtaining a Closure Order from the Courts.</p> <p>To issue a CN officers must be satisfied on reasonable grounds:</p> <ul style="list-style-type: none"> • That the use of a particular premises has resulted or is likely to result in noise nuisance to members of the public; or • There has been or is likely soon to be disorder near those premises associated with the use of those premises and that the notice is necessary to prevent the noise nuisance from recurring or occurring. • Authorised officers of the Council can issue CN for a period of 24hours, whilst the Chief Executive Officer or a designated officer for the Chief Executive Officer can issue Closure notices for a period of up to 48 hours in relation to noise emissions.
<p>Absolute ground for possession</p>	<p>Although not a power likely to be used unilaterally by the pollution control team, working in partnership, landlords have powers to seek mandatory possession within a 4 week notice period once a tenant or a member of their household or a person visiting the property has been convicted for breaching a noise abatement notice or a CBO.</p>

When will we take enforcement action?

It is important that each case be treated on its merits and therefore it is not possible to give definitive answers to every situation. The following guidance indicates the type of action we will normally take:

Minor breaches of legislation

Where low level disturbance is witnessed and the person responsible is prepared to put things right, no further action may be taken, although warning letters may be sent.

Serious breaches of legislation

Although we prefer to secure compliance with legislation by a process of education and encouragement, from time to time more formal action will be necessary. This may involve the service of enforcement notices which state what must be done and gives a time for completion.

Such Notices are most likely to be served when:

- there has been a breach of law; and/or
- the Council has a statutory duty to serve notice; and/or
- an informal approach by the Council has not been successful.

Fixed penalty offences

These will only be used in specific circumstances where an investigation takes place which indicates that an offence has been committed under the Noise Act or the Anti-Social Behaviour Crime and Policing Act 2014 as a result of noise from a dwelling, or licensed premises which exceeds the 'permitted level' or when a Community Protection Notice has been issued.

Simple Cautions / Criminal proceedings

These will happen when:

- a formal approach by the council has failed to resolve the problem;
- there has been a blatant disregard of the law and a failure to comply with a notice;
- the offence is so serious that other forms of action would be inappropriate.

When issuing a caution, seeking prosecutions or implementing other enforcement proceedings we will consider all available information and discuss matters with the person or company responsible to ensure that a fair, consistent and objective decision is made. When deciding what action is appropriate we will look at the following:

- the seriousness of the offence;
- the history of the person / company concerned;
- the willingness of the person / company concerned to prevent a repetition;
- any explanation given;
- the public benefit;
- any deliberate actions intended to deceive;
- the likelihood of success of the prosecution and resolution of the complaint thereafter;
- the period from the service of Notice.

In exercising our duties we will enforce the above provisions and will seek to do so in a firm but fair, open, consistent and helpful way.

All actions will be undertaken in line with the principles of good enforcement, which are:

Standards

We have developed clear standards setting out the level of service the public and businesses can expect.

Openness

We will provide information and advice in plain language and ensure it is widely available. We will explain our work and how we undertake it.

Helpfulness

Prevention is better than cure and therefore we will advise and assist with compliance. We will be courteous and provide an efficient service. We will identify ourselves by name. We will ensure we can be contacted easily and we will encourage people to seek advice and guidance from us. We will deal with enquiries efficiently and promptly and ensure, wherever practicable, our enforcement services are effectively coordinated with other services to minimise overlaps and delays.

Proportionality

All our actions will be proportionate to the risks and without unnecessary expense.

Consistency

We will try to ensure that all our officers act the same way when faced with the same enforcement circumstances. We will also work with other Authorities to ensure that this principle is applied at a local and national level.

Good enforcement

We will enforce clearly and simply, explaining enforcement procedures, mitigation and timescales wherever possible, prior to taking enforcement action.

Transparency

We will help people to understand the law and make clear what needs to be done or indeed what cannot be done.

Targeting

Our enforcement efforts will normally be directed against those whose activities pose the most serious risks or those who have a history of non-compliance.

Informative

Enforcement efforts will be given to providing information that is timely, relevant and helpful to each situation.

Any decision to prosecute an individual or company is a serious step. We will therefore comply with the Council's Enforcement Policy. By doing so we will treat victims fairly and prosecute justly and effectively.

The Policy provides the following:

- Our prosecutions will be fair, independent and objective;

- Ethnic or national origin, sex, religious belief, political views or the sexual orientation of the suspect, victim or witness will not influence our decisions;
- We will prosecute the right person for the right offence;
- We will act in the interest of justice and not for the purpose of obtaining a conviction;
- We will ensure the law is properly applied, all relevant evidence is considered and that obligations of disclosure are complied with;
- Our proceedings will be scrutinised and reviewed to make sure they meet the evidential and public interest tests;
- Our review will take into account changes in circumstances i.e. changes in address, further contraventions and admissions of guilt;
- We will be satisfied that there is a realistic prospect of a conviction;
- We will ensure evidence is compliant with admissibility rules, is robust and reliable;
- We will balance factors for and against prosecution carefully and fairly.

What if you are not happy with our service?

We aim to provide an efficient and fair enforcement service incorporating a culture of accountability and transparency. However, in the event that a person or business is not satisfied with the actions of the pollution control team the City Council has a formal procedure for registering complaints.

Any expression of dissatisfaction about the service provided will be dealt with as a complaint. In the first instance the investigating officer may deal with complaints as mistakes and misunderstanding can usually be dealt with quickly and informally. Complaints regarding process management or service delivery will however be directed to the environmental health manager for investigation. Complaints of this type should be made in writing / by email. They will be acknowledged within 5 working days. Within the acknowledgment the complainant will be advised of the date when they can expect a formal response.

Environmental Health

Pollution Control Team

Telephone: 023 9283 4167

Email: public.protection@portsmouthcc.gov.uk

www.portsmouth.gov.uk

You can get this
Portsmouth City
Council information
in large print, Braille,
audio or in another
language by calling
023 9284 1121.



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Committed to clearer communication.

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Environment and Community Safety Portfolio Decision Meeting

Date of meeting: 2nd October 2015

Appendix 2

Environmental Health Guidance on the procedures for the enforcement powers available under The Anti-Social Behaviour, Crime and Policing Act 2014

1. Introduction:

- 1.1. This document is to provide guidance for delegated officers within Environmental Health on the procedures for the enforcement powers available under The Anti-Social Behaviour, Crime and Policing Act 2014 (The Act).
- 1.2. The document has been drafted based upon information obtained from the following documents:
 - The Anti-Social Behaviour Crime and Policing Act 2014.
 - Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. (Home Office July 2014).
 - Guidance on the use of Community Protection Notices Professional Practice Note (Chartered Institute of Environmental Health).
- 1.3. The Act contains a number of powers but those specifically relevant to the enforcement role within Environmental Health are:
 - Civil Injunctions (Part 1 of The Act).
 - Criminal Behaviour Order (Part 2 of The Act).
 - Community Protection Notice (Part 4 Chapter 2 of The Act).
 - Closure Notices (Part 4 Chapter 3 of The Act).
- 1.4. It is anticipated that the majority of issues relevant to Environmental health will continue to be dealt with using specific legislation where available, particularly in relation to complaints of noise nuisance, however there may be situations where the above provisions may prove useful, particularly for matters occurring in the street, or communal areas where there is a strong element of anti-social behaviour evident.
- 1.5. It should be understood that any enforcement action relating to activity in the street may be difficult for Environmental Health to enforce unless individuals can be identified and linked to an address, which may require assistance from the police.
- 1.6. It is not envisaged that injunctions and closure notices will be used routinely. Owing to the potential severity of the penalties these are viewed as actions of last resort for extreme circumstances which require an immediate response.

2. Civil Injunctions

- 2.1. Injunctions may be granted against anyone who is over 10 years of age and are used to describe actions the respondent must either do or not do to prevent them from engaging in anti-social behaviour.
- 2.2. To grant an injunction the Court must be satisfied on the "balance of probabilities" that the respondent has engaged or threatens to engage in anti-social behaviour.
- 2.3. There are three definitions for anti-social behaviour:

- Where the anti-social behaviour has occurred in a public place, the definition is, "*conduct that has caused or is likely to cause, harassment, alarm or distress to any person*".
 - For anti-social behaviour affecting residential premises it is defined as "*conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises*".
 - The third definition relates to "*conduct capable of causing housing related nuisance or annoyance to any person*". Housing related meaning directly or indirectly relating to the housing management functions of a local authority or housing provider.
- 2.4. Only the first two definitions will be applicable to Environmental Health and it is envisaged that the use of injunctions will usually be a last resort used in situations where other legislation is unavailable or has failed to provide a permanent remedy.
- 2.5. However it should also be borne in mind that the intention of The Act is that injunctions could be used as a fast and effective protection for victims and communities, so there may be circumstances where injunctions may be appropriate to prevent a serious problem from escalating.
- 2.6. Failure to comply with the injunction can lead to an unlimited fine and up to two years in prison for adults and a supervision order, curfew or activity requirement for respondents under the age of 18.
- 2.7. Despite the fact that any breach of an injunction is not a criminal offence, owing to the potential severity of penalties the court can impose, a criminal standard of proof will be required i.e. beyond reasonable doubt. However in order to protect the identity of persons from intimidation, hearsay evidence is admissible from professional witnesses who have interviewed the witness first hand.

Applications

- 2.8. Prior to applying for an injunction against someone under the age of 18 officers must consult with the local Youth Offending Team (YOT) or any other appropriate body or individual e.g. youth charity.
- 2.9. The YOT cannot veto the application but it is important that their views and advice are taken into consideration.
- 2.10. All applications for an injunction are made via the County or Crown Court, or for individuals less than 18 years of age via the Youth Court.
- 2.11. Applications must first be approved by The Environmental Health Manager and officers must ensure they are familiar with the current version of The Act to ensure the draft injunction meets all necessary requirements.
- 2.12. The injunction must include the relevant prohibitions and/or positive requirements to deal with the underlying cause of the anti-social behaviour. Positive requirements can include such matters as attendance of alcohol awareness classes, mediation sessions etc.

- 2.13. The court will require evidence that any prohibitions and requirements are appropriate, enforceable and so far as practicable will not interfere with attendance at any work or educational establishments or conflict with the requirements of any other court orders / injunctions.
- 2.14. Where an injunction includes a requirement it should also specify the person who is to be responsible for supervising compliance. This may be an individual or an organisation and they will be required to give evidence as to the suitability and enforceability of any requirement. See Part 1 Section 3 of The Act.
- 2.15. Standard application forms for injunctions are available from the HM courts website (Form number N16A).

Duration of Injunction

- 2.16. Prohibitions and requirements can be for a fixed or indefinite period for adult perpetrators. However for persons under the age of 18 there must be a specified time limit which must not exceed 12 months.

Exclusion

- 2.17. The court may exclude a perpetrator over the age of 18 from any premises or area specified within the injunction. Where the court believes there have been threats of violence or there is a risk of harm to other persons this can include exclusion from their own home.
- 2.18. In the case of a tenanted or leasehold property, prior to obtaining the injunction officers should consult and inform the landlord or freeholder where circumstances permit.

Power of Arrest

- 2.19. If there have been any threats of violence or there is a risk of harm to others, then written evidence should be produced as part of the application to enable the court to consider attaching a power of arrest to a prohibition or requirement of the injunction. This will enable a police officer to arrest the respondent without a warrant in the event of a breach of any prohibition or requirement.
- 2.20. In all other circumstances should the respondent breach any requirement or prohibition of the injunction an arrest warrant will need to be obtained by officers from whichever court granted the injunction.

Notice

- 2.21. The General Rules for Applications for Court Orders require that a copy of the application is served upon all respondents giving at least 3 days' notice of the hearing.
- 2.22. In exceptional circumstances applications can be made without giving notice to the respondents in order to prevent serious harm to victims.
- 2.23. If a "without notice" application is successful the court will adjourn the proceedings and impose an interim injunction.
- 2.24. A decision has to be made whether to publicise when an injunction is granted. This can be important as it provides assurance to the community

that action is being taken and also enables local people to identify and report any breaches of the order.

- 2.25. For persons under the age of 18 section 39 of The Children and Young Persons Act 1933 applies so the court can make an order prohibiting publication of the injunction. Consequently at the application stage consideration should be given to whether publication is necessary and proportionate to interfere with a young person's right to privacy and the likely impact upon their behaviour balanced against the need to reassure and protect the community.

3. Criminal Behaviour Order

- 3.1. Criminal behaviour orders (CBO) are available when a perpetrator is convicted of a criminal offence and there is evidence beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress and the court considers that making the order will help in preventing such behaviour.
- 3.2. Failure to comply with the terms of a CBO without reasonable excuse can on summary conviction in a magistrates court lead to a maximum of six months in prison and or a fine or on conviction on indictment in a Crown Court a maximum of Five years in prison and or a fine.
- 3.3. Hearings for persons under 18 years of age will take place in a youth court where the maximum detention is a two year detention and training order.
- 3.4. The Prosecution (CPS or Local Authority) can apply for an order either on their own behalf or at the request of the Police or Local Authority.
- 3.5. Application for an order does not require any link between the criminal behaviour which led to the conviction and the anti-social behaviour associated with the CBO application, so evidence not heard in the criminal case can still be admissible at the CBO hearing.
- 3.6. If relying on evidence from witnesses who are fearful of intimidation it may be possible for hearsay evidence to be given by officers who have interviewed the witnesses, however regard must be given to the provisions in Chapter 1 Part 2 of The Youth Justice and Criminal Evidence Act 1999.
- 3.7. As contravention of an abatement notice is a criminal offence it is possible for the Anti-Social Behaviour Unit or the Police to seek a CBO on a conviction obtained by Environmental Health.
- 3.8. The only formal consultation required is where the order is sought against a person under the age of 18 years. In which case the views of the local Youth Offending Team should be sought and included in the file of evidence forwarded to the prosecution.
- 3.9. However it is likely that consultation will be required with other organisations notably educational establishments, mental health services, social services etc. prior to drafting any requirements / prohibitions to be included within the order.

- 3.10. The CBO must include the duration of the order, which for adults is a minimum of two years or an indefinite period and between one year and three years for persons under the age of 18.
- 3.11. It must also clearly describe the proposed prohibitions and / or requirements to prevent further anti-social behaviour by the offender and tackle the underlying cause of the behaviour; however the court will ultimately decide which are the most appropriate.
- 3.12. So far as practicable these must not interfere with an offenders work / education commitments or conflict with other court orders / injunctions so communication with other agencies and bodies will be required.
- 3.13. A decision has to be made whether to publicise when a CBO is granted. This can be important as it provides assurance to the community that action is being taken and also enables local people to identify and report any breaches of the order.
- 3.14. For persons under the age of 18 Section 39 of The Children and Young Persons Act 1933 applies so the court can make an order prohibiting publication of the CBO. Consequently at the application stage consideration should be given to whether publication is necessary and proportionate to interfere with a young person's right to privacy and the likely impact upon their behaviour balanced against the need to reassure and protect the community.
- 3.15. For persons under the age of 18 there is an annual review process which is the responsibility of the Police but will be conducted in co-operation with The Council.

4. Community Protection Notice

- 4.1. Community protection notices (CPN) are intended to deal with repeated or on-going conduct which negatively affects the quality of life of the community.
- 4.2. They can be issued to individuals or corporate bodies but cannot be issued to persons under the age of 16.
- 4.3. The test for anti-social behaviour under this part of the Act is that officers have to be satisfied on reasonable grounds that the conduct of the individual or business is
 - having a detrimental effect on the quality of life of those in the locality
 - unreasonable and
 - its effect is persistent or continuing in nature.
- 4.4. For conduct consisting of acts of omission, officers should consider to what extent the subject is under any obligation to act and whether a more appropriate remedy is available than the use of a CPN.
- 4.5. There should also be some malign intent and the effect should be substantial.
- 4.6. It should be borne in mind there is a principle of law that a specific power e.g. statutory nuisance under The Environmental Protection Act 1990 should be used in preference to a general one.

- 4.7. Therefore consideration should first be given to the use of statutory nuisance under The Environmental Protection Act 1990 and other legislation such as The Noise Act 1996, Control of Pollution Act 1974 and Clean Air Act 1993.

Detrimental Effect

- 4.8. Officers must have regard to any material evidence to form an objective opinion and be able to describe the detrimental effect the conduct is having upon the community, as this needs to be clearly stated in the notice.
- 4.9. Officers should interview victims to obtain first-hand accounts and establish the detrimental effect of the conduct upon them and characteristics such as frequency and duration.
- 4.10. It is not absolutely necessary for officers to witness the conduct first hand but if relying solely on evidence obtained from interviewing victims they must ensure to exclude any exaggeration, prejudice or unusual sensitivities.
- 4.11. As this is potentially the start of a criminal process, complainants should be advised that they may be asked to provide formal statements or give evidence in court as hearsay evidence is not admissible under this part of The Act.

Quality of Life

- 4.12. The test for quality of life should be based upon the character of the locality and must impact at community level not just upon a single neighbour. In terms of Environmental Health it is similar to what we would define as a public nuisance.

Persistent or Continuing

- 4.13. The detrimental effect must be present at the time of issue. CPN's cannot be issued on the basis of likely to occur or in respect of conduct which has ceased to have any impact unless there are grounds to believe it may soon recur such that its effect could be regarded as persistent.

Unreasonable

- 4.14. Officers must make a judgement as to whether independent of its effect the conduct is unreasonable and not influenced by factors beyond the control of the person.
- 4.15. Careful consideration will need to be given to cases which involve subjects who may suffer from mental health or disability.

Written Warning

- 4.16. Prior to the service of a CPN a written warning must be issued to the person responsible outlining the behaviour that is causing the problem. The written warning should only be sent once the officer is satisfied on reasonable grounds that the behaviour is unreasonable and having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality. It should not be sent as part of a routine procedure.
- 4.17. The letter should specify a reasonable time for compliance to prevent service of a CPN. However unless works or steps are required it is envisaged in most circumstances the behaviour in question can be required to cease immediately.

- 4.18. The written warning is a legal condition precedent to the service of the CPN therefore its service should be treated and documented as a statutory notice in its own right.

Issuing a CPN

- 4.19. Where a warning notice has not been heeded and there is sufficient evidence of further anti-social behaviour a Community Protection Notice may be issued.
- 4.20. Prior to service consideration must be given to consultation with any other bodies or persons considered appropriate, this could include Social Services, mental health teams, PCC Housing / ASBU and the police.
- 4.21. The service of a Community Protection Notice is similar in all aspects to the procedures followed for service of an abatement notice for statutory nuisance, but detailed guidance can be found within Sections 44, 45 and 55 of The Act.
- 4.22. When deciding on what requirements to include within the notice officers should remember that CPN's have been designed to deal with short or medium term issues therefore they should avoid conditions requiring for example attendance at drug rehabilitation courses etc. which are more appropriate to an order issued by the courts.
- 4.23. Any requirements in the notice must be reasonable and designed to ensure the following:
- Prevent the detrimental effect from continuing or recurring.
 - Reduce the effect or reduce the risk of its continuance or recurrence.
 - Must be clearly as to what is required and can be shown beyond a reasonable doubt whether they have been undertaken within the required timescale.

Appeals

- 4.24. There are rights of appeal against the notice in section 46 of The Act, and appeals must be made to the Magistrates Court within 21 days of service. The grounds of appeal are as follows:
- *The behaviour did not take place:* In most cases officers will have collected evidence to place beyond any reasonable doubt that the behaviour occurred. However in cases where the officer has relied on witness statements alone, they should consider the potential for this route of appeal.
 - *The behaviour has not had a detrimental effect on the quality of life of those in the locality:* Witness statements and any other evidence that the behaviour is having a negative impact should be collected to ensure this defence is covered.
 - *The behaviour was not persistent or continuing:* In cases where a decision to issue a CPN is taken more quickly, officers should use their professional judgement to decide whether this is met and may need to justify this on appeal.

- *The behaviour is not unreasonable:* In deciding whether behaviour is unreasonable officers should consider the impact the behaviour is having on the victim, whether steps could be taken to alleviate this impact and whether the behaviour is necessary at all.
 - *The individual cannot reasonably be expected to control or affect the behaviour:* In issuing the CPN the officer must make a judgement as to whether the individual or business can reasonably be expected to do something to change the behaviour and be prepared to justify this decision.
 - *Any of the requirements are unreasonable:* Officers should ensure all requirements relate to the behaviour in question.
 - *There is a material defect or error with the CPN:* Arise when there has been a failure to comply with a requirement of The Act such as failure to provide a written warning prior to issuing a CPN.
 - *The CPN was issued to the wrong person:* CPN posted to the wrong address or the wrong person was identified.
- 4.25. On appeal any requirement imposed by the notice to stop doing specified things remains in effect unless the court orders otherwise but any other requirement imposed by the notice is of no effect pending the outcome of the hearing.

Non-Compliance

- 4.26. Failure to comply with the requirements of a CPN is an offence under section 48 of The Act punishable on conviction by a fine not exceeding level 4 on the standard scale for individuals (currently £2500) and £20 000 in the case of a body.
- 4.27. There are two defences:
- The person took all reasonable steps to comply with the notice.
 - There is some other reasonable excuse for the failure to comply with the notice.
- 4.28. The burden of proving the failure to comply and that any excuse for the failure was not reasonable lies with the prosecutor to the criminal standard i.e. beyond reasonable doubt. However the burden of proving the defendant took all reasonable steps to comply lies with him on the balance of probabilities.
- 4.29. There are three alternatives to prosecution for non-compliance
- Remedial action by local authority
 - Seizure
 - Fixed penalty notice.

Remedial action for non-compliance

- 4.30. Where works are required to comply with the CPN the local authority can carry out the works in default but only on land that is open to air (this includes gardens), for which a power of entry is available under section 47(5).

- 4.31. To reclaim costs a further notice would need to be issued giving details of the work carried out and specifying an amount that is no more than the cost to the authority of having the work carried out; however there is a right of appeal under Section 47(7) on the grounds that the amount was excessive.
- 4.32. If considering remedial works to or within a building a further notice must be issued specifying works intended to be carried out, estimated costs and inviting the defaulter to consent to the works.
- 4.33. Works can only be carried out if consent is given and upon completion notice must be issued as per paragraph 4.31 above. If consent is not given or withdrawn this can be used as part of the prosecution evidence.
- 4.34. On conviction the court can make a Remedial Order requiring the defendant to carry out specified works or to allow the works to be undertaken by the Local Authority.
- 4.35. This does not authorise entry to the defendants home without consent, however the defendant will be in breach of a court order.

Seizure

- 4.36. Section 51 of The Act provides similar powers to those currently use by Environmental Health under The Noise Act 1996 to seize any item used in commission of an offence.
- 4.37. A warrant of entry can be obtained from a Justice of the Peace to seize items, which can be retained for 28 days unless criminal proceedings are commenced within that period then it can be held pending the outcome of the hearing.
- 4.38. Environmental Health already has procedures in place for obtaining warrants and seizure of equipment.

Fixed Penalty Notices

- 4.39. Under section 52 of The Act fixed penalty notices of up to £100 can be issued in lieu of prosecution.
- 4.40. Where a fixed penalty notice is issued no prosecution may be taken for a period of 14 days. If after 14 days no payment is received a prosecution should be taken.
- 4.41. Notices may be issued by handing it to the person, leaving it at the person's proper address or sending it by post to the person at that address.
- 4.42. Environmental Health have procedures in place for issuing fixed penalty notices for the night noise offence under The Noise Act 1996 but these will require updating due to changes in the councils payment and financial systems.

5. Closure Notices

- 5.1. Section 76 of The Act gives powers to enable closure of premises associated with nuisance or disorder for up to 48 hours by issuing of a Closure Notice and for up to 3 months by obtaining a Closure Order from the Courts.
- 5.2. To issue a closure notice officers must be satisfied on reasonable grounds:

- That the use of particular premises has resulted or is likely soon to result in nuisance to members of the public or
 - There has been or is likely soon to be disorder near those premises associated with the use of those premises and that the notice is necessary to prevent the nuisance from occurring, recurring or occurring.
- 5.3. Authorised officers of the Council can issue Closure Notices for a period of 24 hours, whilst the Chief Executive Officer or a designated officer for the Chief Executive Officer can issue Closure notices for a period of up to 48 hours.
- 5.4. The Closure Notice prohibits access to the premises by all persons except those specified, for example access cannot be prohibited to anyone who routinely lives on the premises or the owner of the premises. Consideration should also be given to anyone who may need access to secure the premises which may not always be the owner.
- 5.5. Therefore prior to service of the notice all reasonable efforts must be made to inform the above persons that the notice is going to be issued and that all appropriate persons have been consulted.
- 5.6. This can include the victims, members of the public that might be affected, community representatives, other organisations and bodies, the police or others that regularly use the premises and who may be impacted by the closure.
- 5.7. Whenever a Closure Notice is issued an application must be made to the Magistrates Court for a closure order within 48 hours, unless the officer is satisfied there is no longer any risk of nuisance or disorder in which case a Cancellation Notice must be issued.
- 5.8. To avoid pressure on the courts thought should be given to as to exactly when to serve the notice, where possible it is advisable to liaise with the courts listing office before serving the notice especially as the date and time of the hearing should be specified in the notice.
- 5.9. The court should also be advised if the intention is to serve a cancellation notice prior to the end of the 48 hour notification period.
- 5.10. A variation notice can also be issued if the Closure Notice is no longer applicable to a particular part of the premises.
- 5.11. Closure Notices should:
- Identify the premises
 - Explain the effect of the notice
 - State that failure to comply with the notice is an offence
 - State that an application will be made for a closure order
 - Specify when and where the application will be heard.
 - Explain the effect of the closure order; and
 - Give information about the names of and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

- 5.12. A 24 hour notice can be extended to 48 hours by the Chief Executive Officer should it be considered necessary, by the service of an Extension Notice.
- 5.13. All Notices (Closure, Extension, Variation, Cancellation) must be served if possible by:
- Fixing a copy to at least one prominent place on the premises
 - Fixing a copy to each normal means of access.
 - Fixing a copy to any outbuildings that appear to be used with or as part of the premises.
 - Giving a copy to at least one person who appears to have control of or responsibility for the premises, and
 - Giving a copy to the people who live on the premises and to any person who does not live there but habitually but were informed that the notice was to be issued.
- 5.14. There is no right of appeal against a closure notice but there is a 21 day right of appeal to the Crown Court regarding a Closure Order for both parties i.e. the local authority can appeal against a decision not grant a closure order.
- 5.15. However it should be borne in mind that the courts may order the payment of compensation if it is satisfied
- that the applicant is not associated with the use of the premises, or the behaviour on the premises, on the basis of which the closure notice was issued or the closure order made.
 - if the applicant is the owner or occupier of the premises, that the applicant took reasonable steps to prevent that use or behaviour,
 - that the applicant has incurred financial loss in consequence of the notice or order, and
 - that having regard to all the circumstances it is appropriate to order payment of compensations in respect of all loss.
- 5.16. A Person who without reasonable excuse remains on or enters premises in contravention of a closure notice is liable on summary conviction to imprisonment for a period not exceeding 3 months and / or an unlimited fine.
- 5.17. A person who without reasonable excuse remains on or enters premises in contravention of a closure order is liable on summary conviction to imprisonment for a period not exceeding 51 weeks and / or an unlimited fine.
- 5.18. A person who without reasonable excuse obstructs an authorised officer is liable on summary conviction to imprisonment for a period not exceeding 3 months and / or an unlimited fine.

6. Absolute ground for possession

- 6.1. Although not a power likely to be used by Environmental Health, officers should be aware that landlords now have powers to seek possession within a 4 week notice period one of the conditions for which is that a tenant or a member of their household or a person visiting the property has been convicted for breaching noise abatement notice or a criminal behaviour order.
- 6.2. Therefore it is important to communicate all local authority, social and private landlords the outcome of any enforcement action.

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Environment and Community Safety Portfolio Decision Meeting

Date of meeting: 2nd October 2015

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Appendix 3

Activities of the pollution control team in relation to noise enforcement

Contents

Page 3	Headlines
Page 4	Number of noise related complaints - all categories
Page 5	Noise complaint by category
Page 6	Analysis of domestic noise
Page 7	Average complaint resolution time (days)
Page 8	Noise abatement notices served 2005 to 2014
Page 9	Demand for the night noise service
Page 10	Hourly analysis of demand for the night noise service
Page 11	Analysis of service referral from the Police via the Single Non-Emergency Number 101
Page 12	Analysis of demand for Noise Monitoring Equipment
Page 13	Complaints of noise nuisance geographically

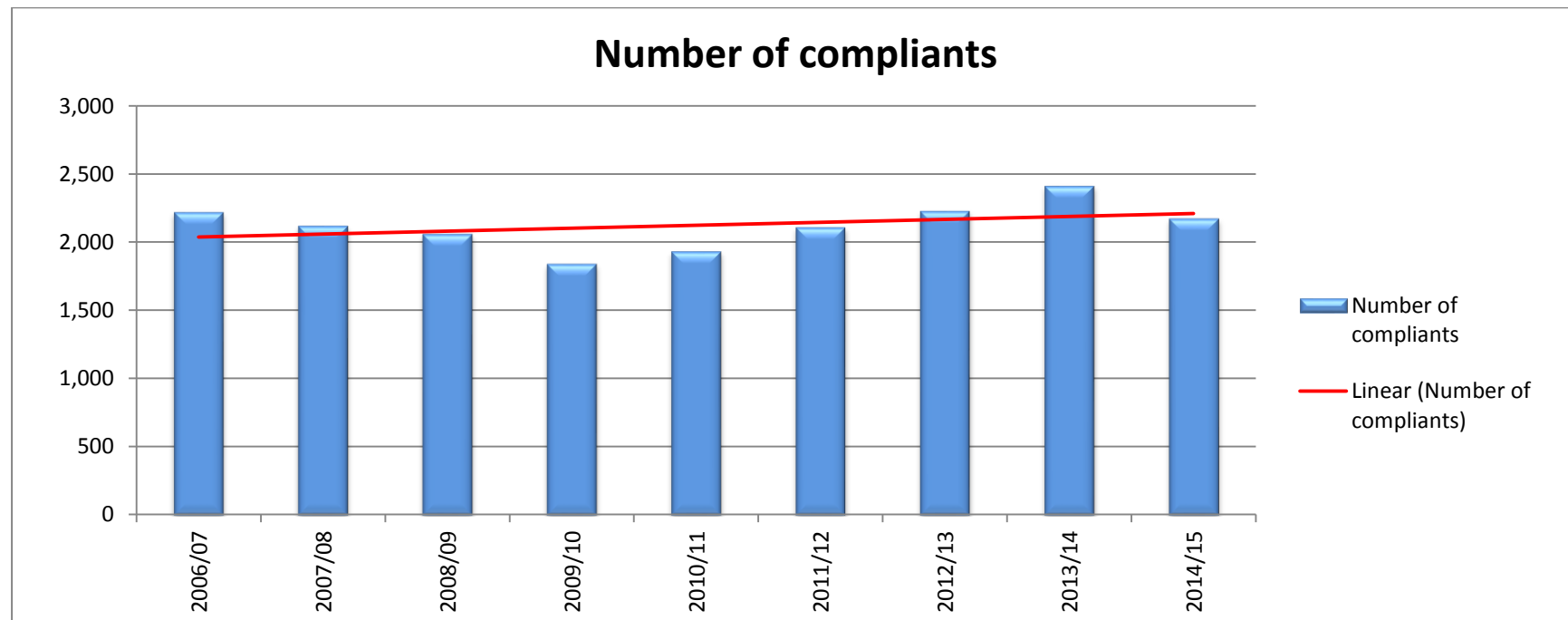
Headlines

- The fall in complaints in 2014/15 is largely due to an 11% fall in complaints about domestic noise. Demand for all other noise remains steady at approximately 22% of all complaints received.
- Despite the fall in demand in 2014/15, the overall underlying trend in complaints remains upwards.
- Noise complaints have increased by 12% between 20010/11 and 2014/15.
- Trends in relation to 'barking dogs', 'people noise' and 'party noise' are on the increase whilst complaints about 'music noise' continue to fall.
- Average complaint resolution time has fallen by 24% from 2011/12 to 2014/15.
- Enforcement levels in 2014/15 were the third highest in the last 10 years with an underlying upward trend continuing
- Demand for the night noise service has increased by 35% from 2013/14 to 2014/15.
- Visits to complainants calling the night noise service has increased for the third year running, up 9% since 2012/13.
- The highest number of calls were received at 19:00 hours, followed closely by 22:00 hours.
- The Southern half of the city (PO1, PO5 and PO4) generates the highest number of complaints (64%)
- Music remains the most frequently complained of type of noise, having over twice the demand as the second highest category

Number of noise related complaints - all categories

Year	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Number of compliants	2,222	2,123	2,062	1,843	1,934	2,111	2,231	2,415	2,175
Percentage change year on year	-	-4.4%	-2.8%	-10.6%	4.9%	9.1%	5.7%	8.2%	-10.0%

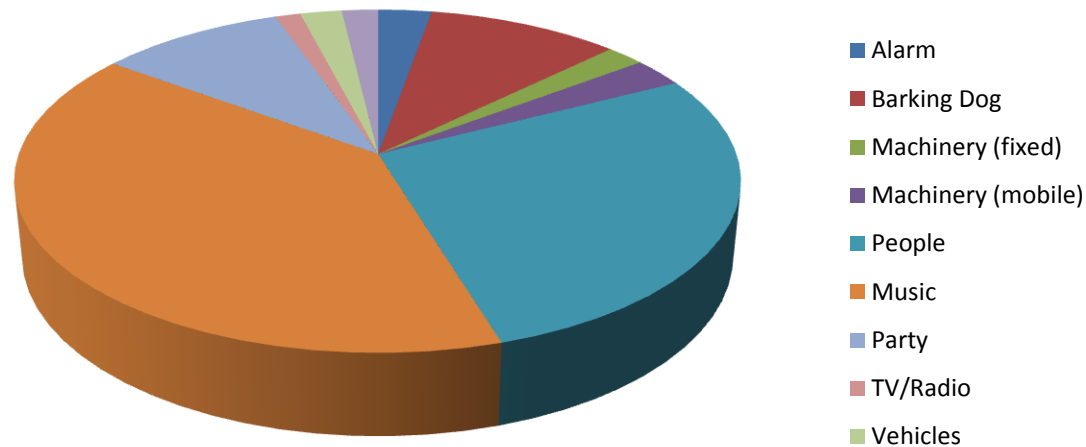
Number of compliants



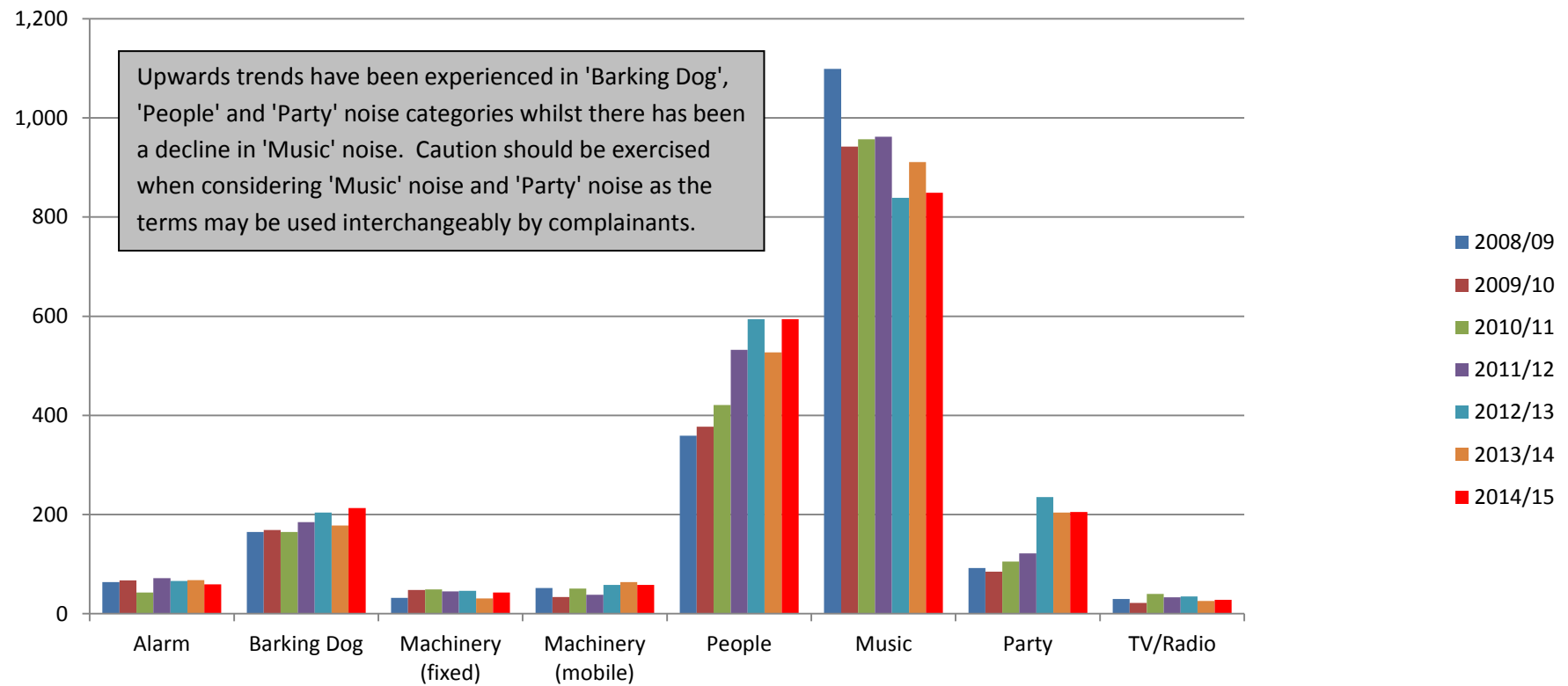
Noise complaint by category

Category	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Alarm	64	67	43	72	66	68	59
Barking Dog	165	169	165	185	204	178	213
Machinery (fixed)	32	48	49	45	46	31	43
Machinery (mobile)	52	34	51	38	58	64	58
People	359	377	421	532	594	527	594
Music	1,099	942	957	962	839	911	849
Party	92	85	105	122	235	204	205
TV/Radio	30	22	40	33	35	26	28
Vehicles	41	25	29	34	37	31	46
DIY	34	22	30	34	28	29	40
TOTAL	1,968	1,791	1,890	2,057	2,142	2,069	2,135

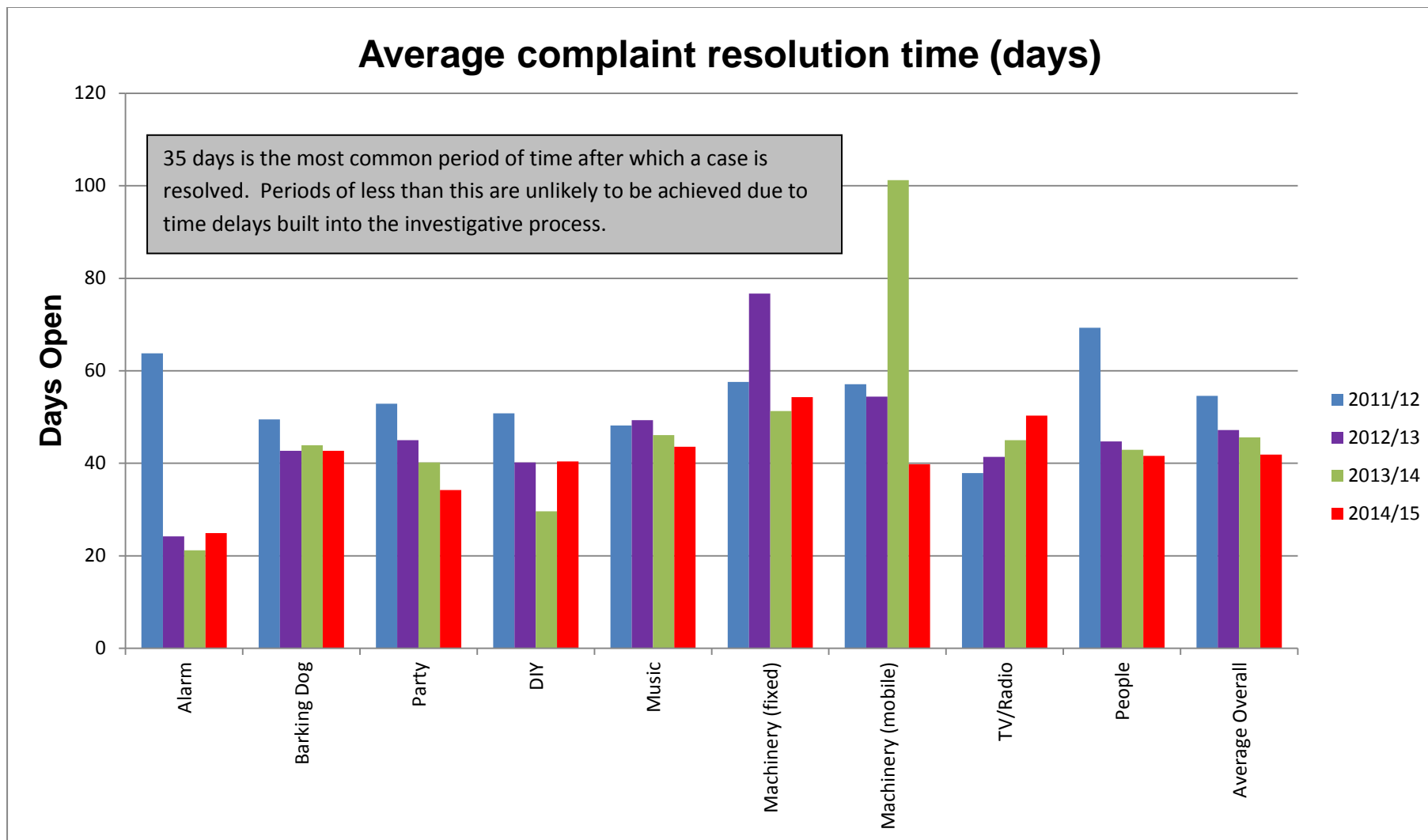
2014/15 Complaints by Category



Trends in Noise Complaints - Selected Categories



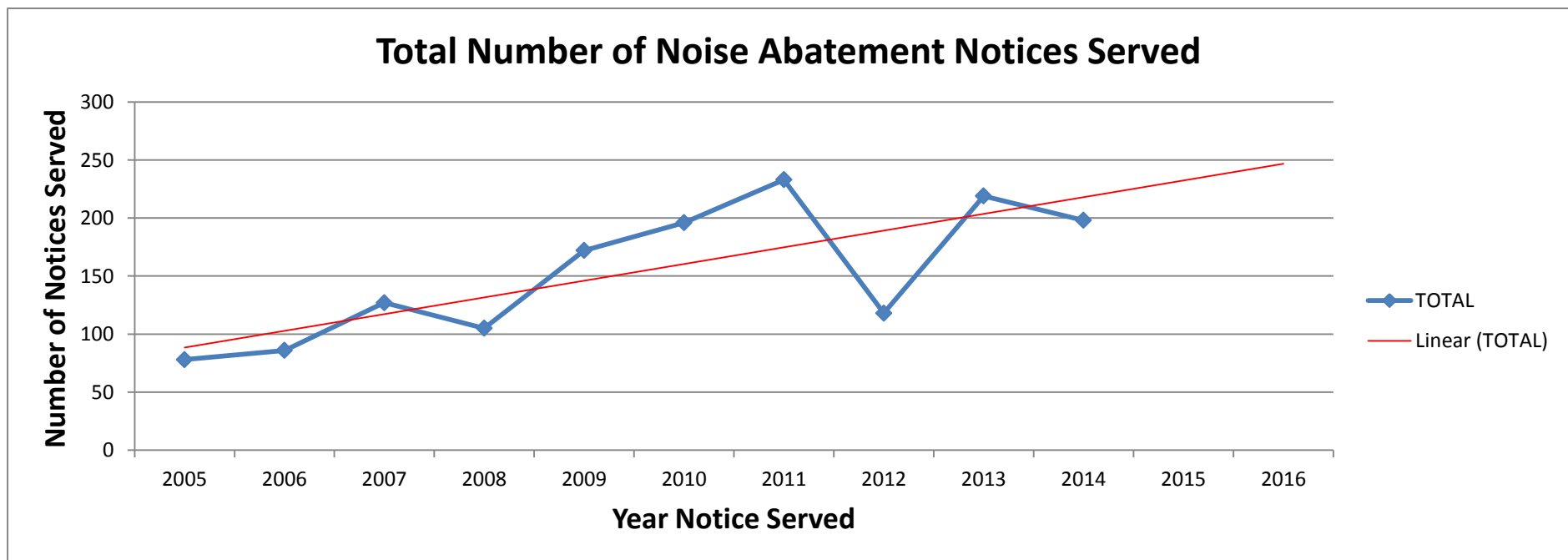
Average complaint resolution time (days)



Noise related abatement notices served 2005 to 2014

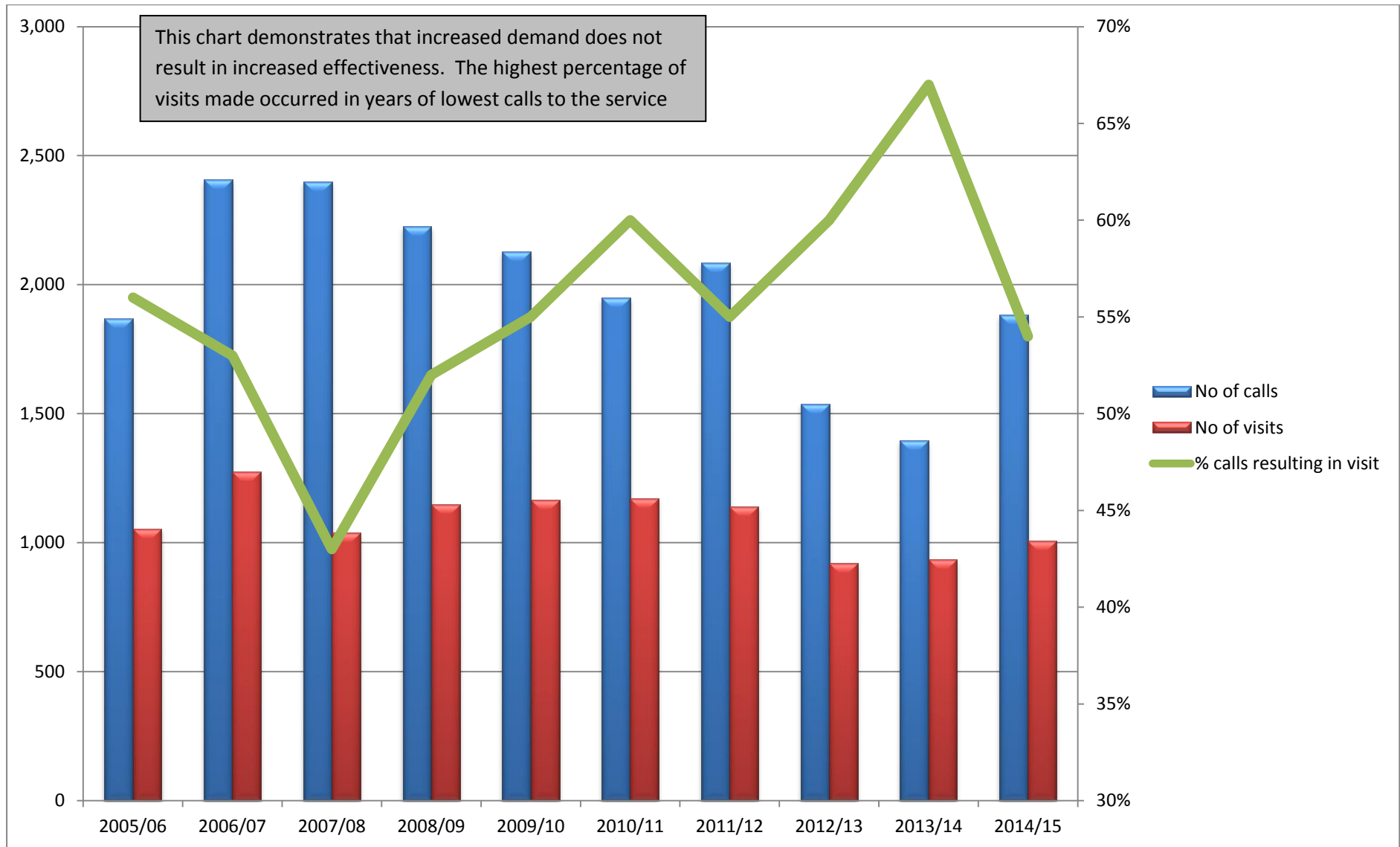
Month	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
January	9	9	11	9	12	6	18	9	8	23
February	4	11	15	12	13	15	14	9	23	19
March	7	4	13	7	14	27	41	17	15	10
April	10	2	11	10	26	12	14	11	17	11
May	3	9	11	8	16	19	31	15	24	10
June	3	3	6	5	13	9	34	5	12	10
July	9	9	15	9	10	30	19	7	19	23
August	4	15	7	11	28	18	9	10	6	6
September	9	8	7	5	9	9	16	12	16	10
October	8	4	15	16	2	12	18	10	25	37
November	11	8	5	9	21	25	11	8	21	18
December	1	4	11	4	8	14	8	5	33	21
TOTAL	78	86	127	105	172	196	233	118	219	198

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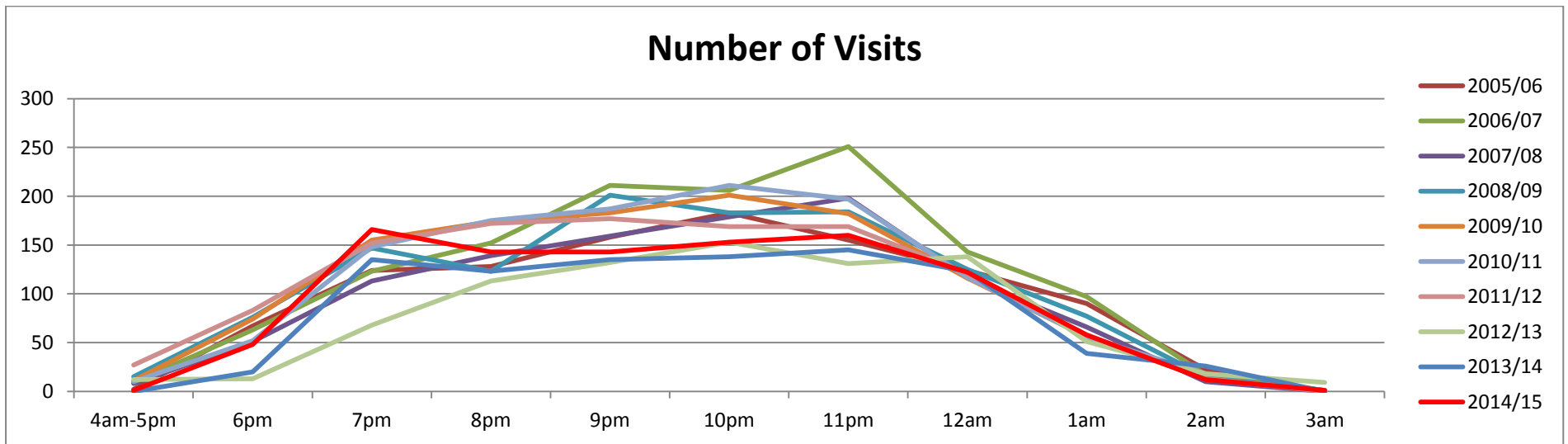
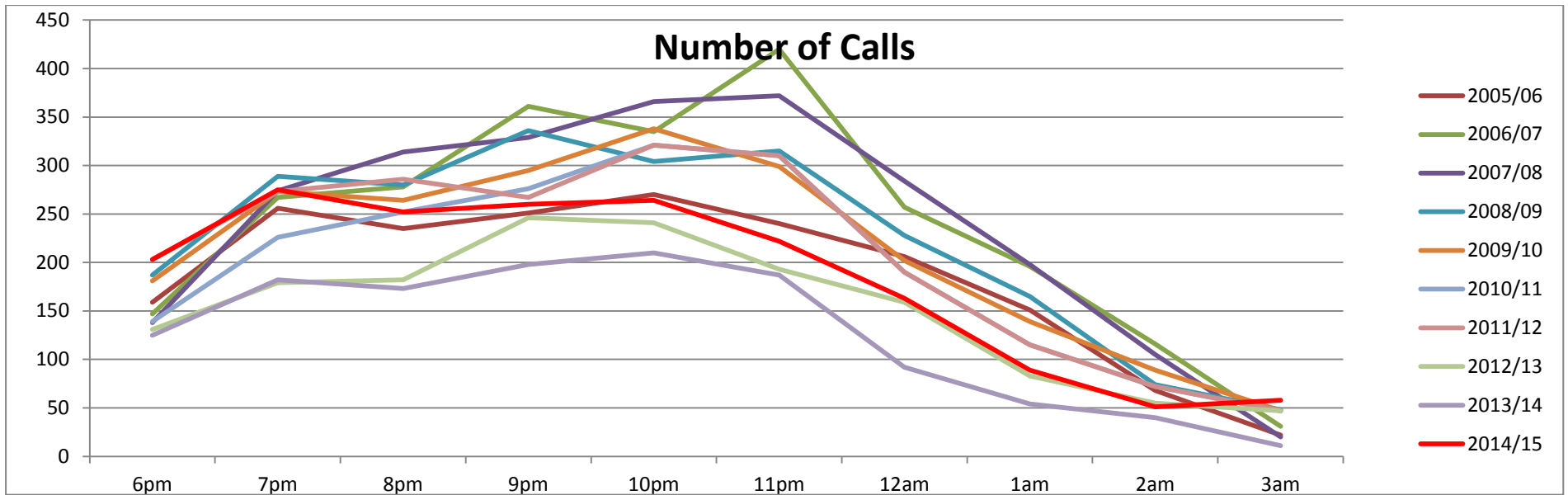
Demand for the night noise service

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Hourly analysis of demand for the night noise service

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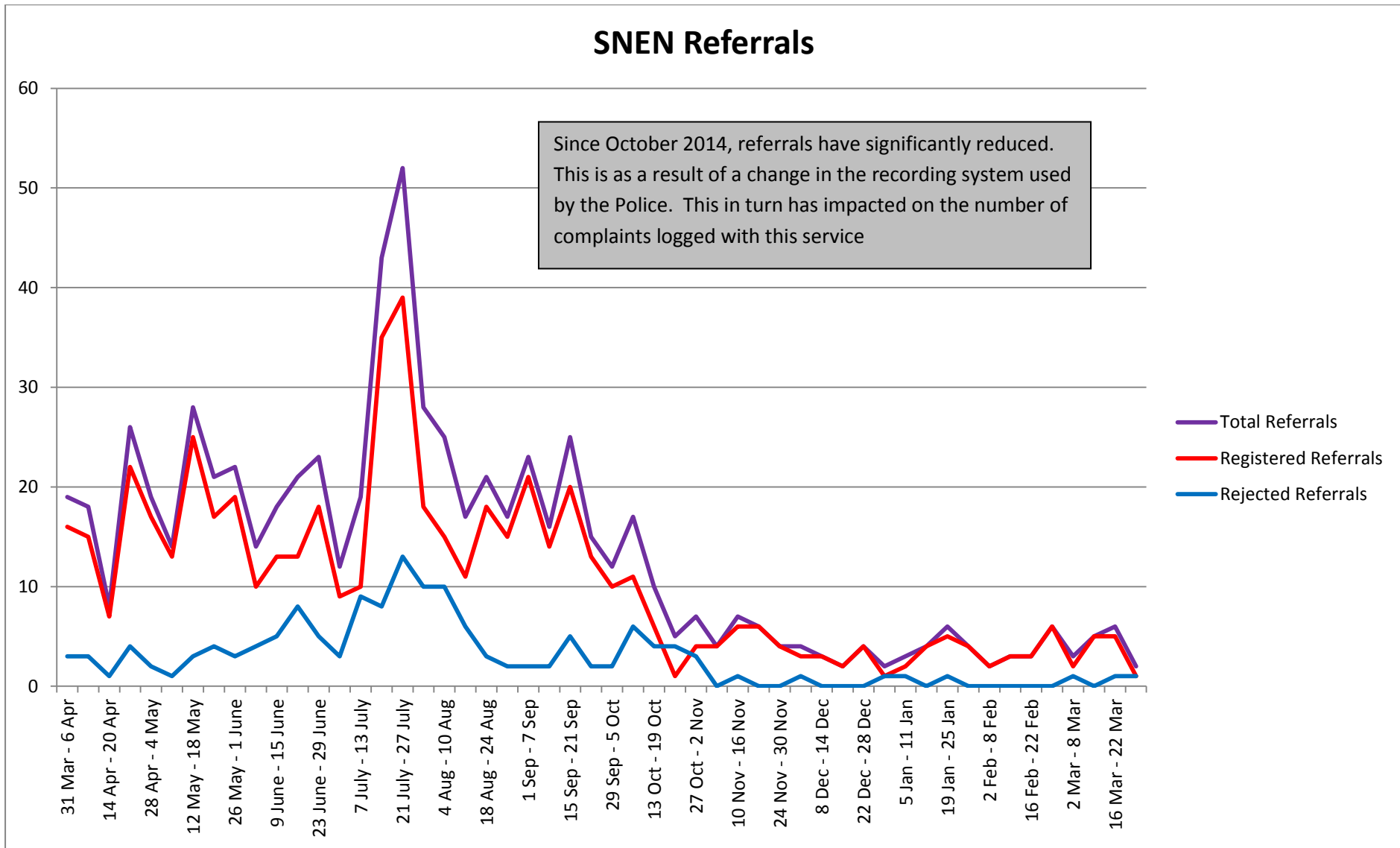


Analysis of service referral from the Police via the Single Non-Emergency Number 101

SNEN Referrals

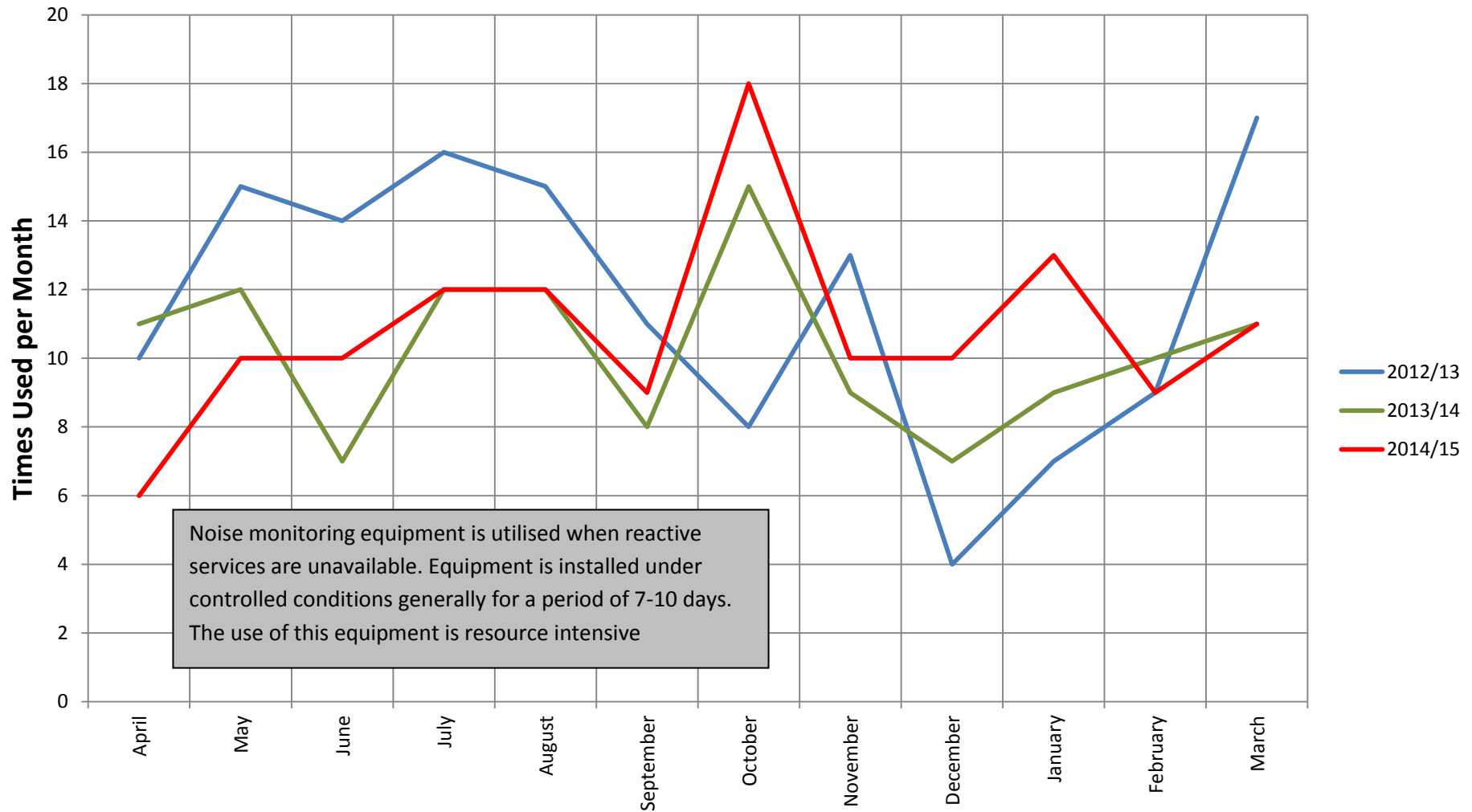
Since October 2014, referrals have significantly reduced. This is as a result of a change in the recording system used by the Police. This in turn has impacted on the number of complaints logged with this service

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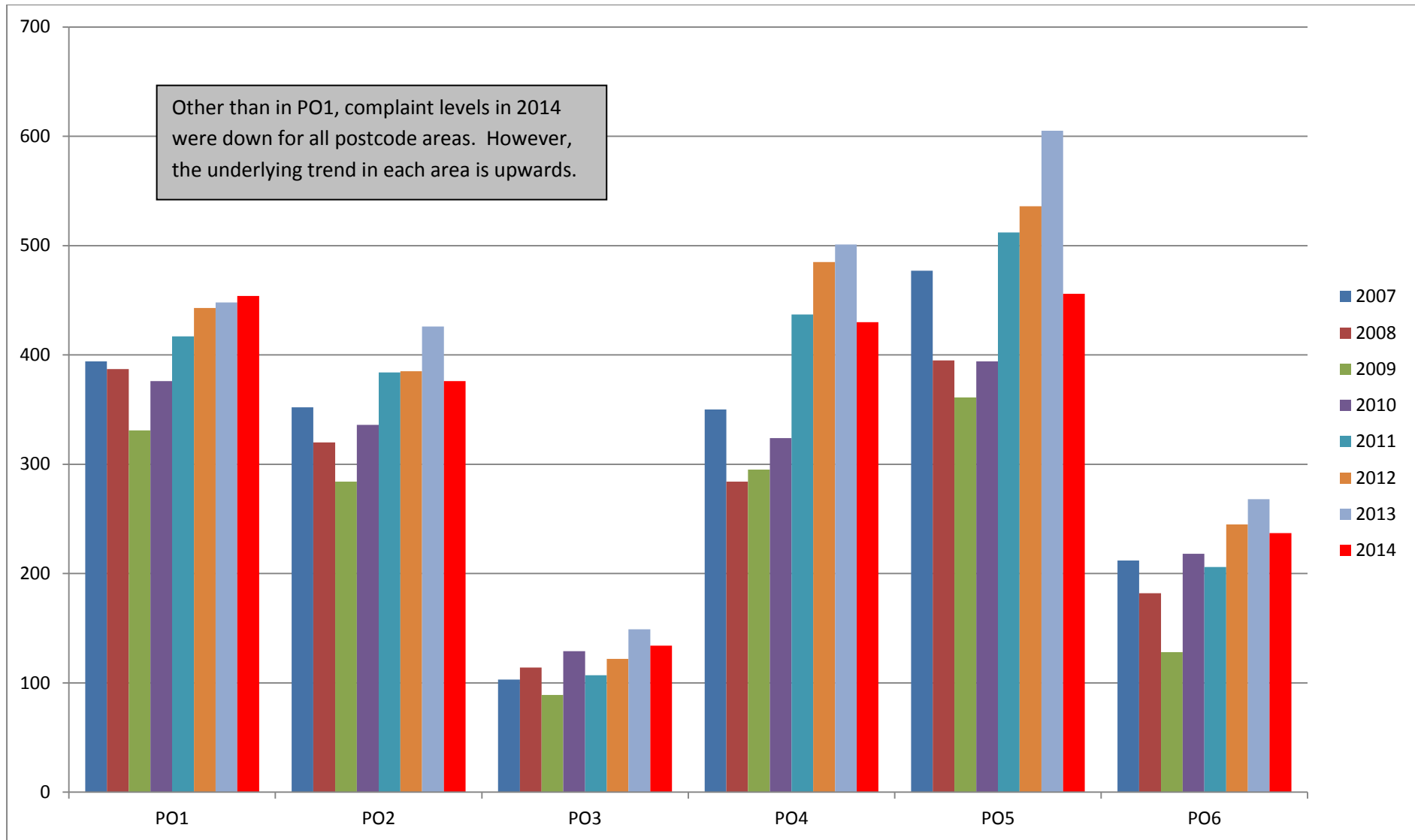


Analysis of the use of noise monitoring equipment to investigate noise nuisance

Analysis of Demand for Noise Monitoring Equipment



Complaints of noise nuisance geographically



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Title of meeting:	Cabinet Member for Environment and Community Safety Portfolio Decision Meeting
Date of meeting	11 November 2015
Subject:	Inspection plan of food business operators 2015 / 2016
Report by:	Director of Regulatory Services, Community Safety and Troubled Families
Wards affected:	All
Key decision:	No

1. Purpose of report

- 1.1 The purpose of this report is to update the Cabinet Member for Environment and Community Safety on the current level of food business hygiene compliance in Portsmouth and to set out the programme of inspection during 2015 / 2016.

2 Recommendation

2.1 That the Cabinet Member for Environment and Community Safety:

- a) approves the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators;**
- b) acknowledges the level of hygiene compliance in food businesses in Portsmouth and the public health importance of this service;**
- c) approves the Food Operating Plan 2015 / 2016 as described in Appendix 1 of this report.**

3 Statement of purpose

- 3.1 To protect public health and contribute to a healthy community in Portsmouth by ensuring the safety, wholesomeness and quality of food through education and enforcement.

- 3.2 Our priorities are the public and businesses. We support the following objectives of the Food Standards Agency as outlined in their Strategic Plan to 2015; Safer food for the nation, namely:

- Food produced or sold in the UK is safe to eat;
- Imported food is safe to eat;
- Enforcement is effective, consistent, risk-based, proportionate and is focused on improving public health.

4. Background

- 4.1 Since 2011 the Environment Health Business Support Team (BST) has implemented the national 'Food Hygiene Rating Scheme' (FHRS) which is run in partnership with the Food Standards Agency (FSA). In the subsequent four years various Cabinet Members have endorsed revised risk based inspection and enforcement plans devised to target resources upon businesses where the lowest acceptable level of hygiene is being maintained.
- 4.2 The FHRS is intended to offer guidance to consumers in choosing where to eat out or shop for food by giving them an enhanced level of information about the hygiene standards in restaurants, cafés, takeaways, hotels and food shops. The FHRS is also intended to actively encourage businesses to improve their hygiene standards.
- 4.3. Under the FHRS, officers from the BST inspect food businesses to ensure that they meet the requirements of food hygiene law. Subsequently these officers rate the hygiene standards found at the time of inspection. At the bottom of the scale is '0' which requires urgent improvement. At the top of the scale is '5' which means the hygiene standards are very good.
- 4.4 The Food Law Code of Practice (FLCofP) sets out the framework under which the BST must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It requires every local authority to have a Food Operating Plan and prescribes the manner in which it is formatted.
- 4.5 The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code, decisions and actions of the team are likely to be successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against the city council by the FSA.
- 4.6. The 2015 / 2016 plan outlines how food safety will be monitored and controlled. The service plan covers a wide range of topics including:
- food team aims and objectives;
 - authority background;
 - service delivery;
 - resources;
 - quality assessment;
 - service plan and operational plan review;
 - approved premises controls at approved premises; and
 - food sampling.

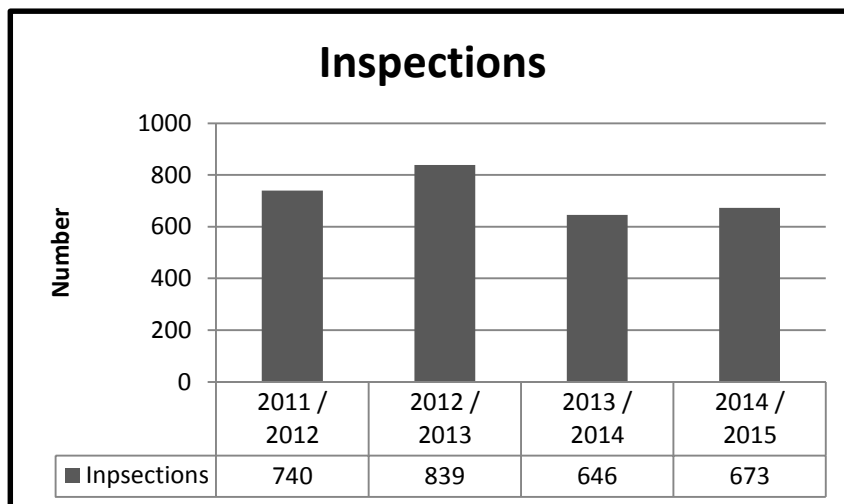
5. Analysis of service delivery

- 5.1. The number and type of Food Business Operators (FBO) on the 13th June 2015 is shown in table 1. The number in brackets is the change in premises number within each category as from 1st April 2015).

Table 1

Primary Producer	0 (-)	Restaurant / Caterers	
Manufacturer and Packer	13 (+4)	Hotel/Guest House	51 (-1)
Importer / Exporter	3 (+2)	Mobile Food Unit	58 (+10)
Distributor / Transporter	22 (+3)	Caring Premises	222 (-14)
Retailers:		Restaurant and Caterer	320 (+14)
Supermarket / Hypermarket	35 (+6)	Pub/Club	210 (+3)
Small Retailer	332 (+16)	Restaurant / Café / Caterer	381 (+11)
Retailer Other	24 (+4)	School / College	66 (+1)
		Takeaway	220 (+4)
Total Premises - 1957 (+63)			

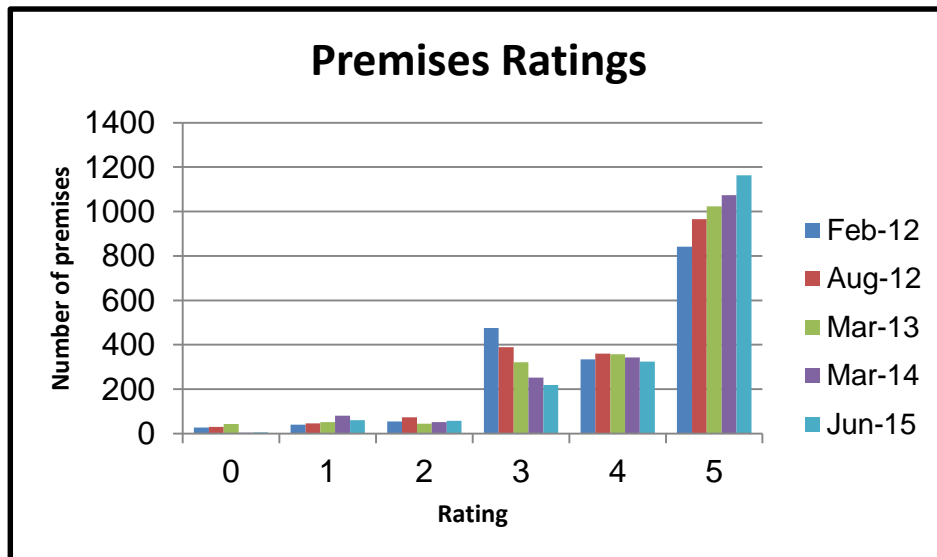
- 5.2. The total number of inspections carried out in last three years is shown in **graph 1** below.

Graph 1


- 5.3 In 2014 / 2015 the inspection rate was lower than that achieved in previous years, but in line with that projected. A 4% increase in visits over 2013 / 2014 was obtained. Estimates made following an audit of our processes by the FSA in 2013 suggest that an inspection rate of 600 per annum could be achieved. The 2014 / 2015 is therefore an improvement on that projection.
- 5.4 The level of inspection performance in 2013 was based around the number of full time equivalent (FTE) officers available at that time (3.35) and the number of food business operators in the city (approximately 1900). These figures have slightly changed in 2014 / 2015 as staff available engaged in this specific activity over the past 12 months has been impacted by staff illness. The current level of resource stands at 2.85 FTE.

- 5.5 The numbers of premises rated '0', '1', '2', '3', '4', or '5' as of February / August 2012, March 2013, March 2014 and June 2015 are highlighted in **graph 2** below.

Graph 2



- 5.6 **Graph 2** demonstrates that the number of premises achieving the highest '5' rating is continuing to improve. Additionally, the number of premises within the lowest ratings '0', '1' and '2' remains low and static.
- 5.7 Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standard dictating the new rating score. The frequency of inspection is determined by the risk to people's health. The greater the risks to health, the more frequent the inspection.
- 5.8 As the rating of each of the inspected premises may have changed (positively or negatively) following inspection it is difficult to provide direct comparisons with the level of improvement or decline in the quality of food being offered by the businesses in the city (i.e. it's not possible to say that the reduction in '3' rated premises directly reflects the increase in '5' rated premises), but it is clear that the general standard of premises is continuing to improve.
- 5.9 All current food business ratings are reported on the FSA's website, which is freely available to the public and business alike - no indication of the previous performance is necessary within the scheme. Businesses rated '0', '1' or '2' are given priority for action to secure improvement in hygiene standards. Irrespective of the original rating, if during inspection hygiene standards are very poor, or there is an imminent risk to health, appropriate enforcement action is taken to make sure that consumers are protected. This can include agreeing with the proprietor to voluntarily close the premises.
- 5.10 All FBOs are provided feedback following an inspection. Officers will provide improvement advice and how any problems identified can be avoided and rectified. Where improvements are required inspectors will issue a comprehensive written report clearly explaining precisely what is required to comply with the law. Where problems are acute or persistent, appropriate enforcement action is taken.

5.11 In 2013 / 2014 and 2014 / 2015 interventions compliance rating remained steady at approximately 85% as demonstrated by **table 2** below.

Table 2

Year	Number of food businesses	Number of broadly compliant premises - premises rated '3' or above	% of 'broadly compliant' premises
2013 / 2014	1894	1691	87
2014 / 2015	1959	1707	86

5.12 The number of enforcement actions taken during the last six years is recorded in **table 3** below.

Table 3

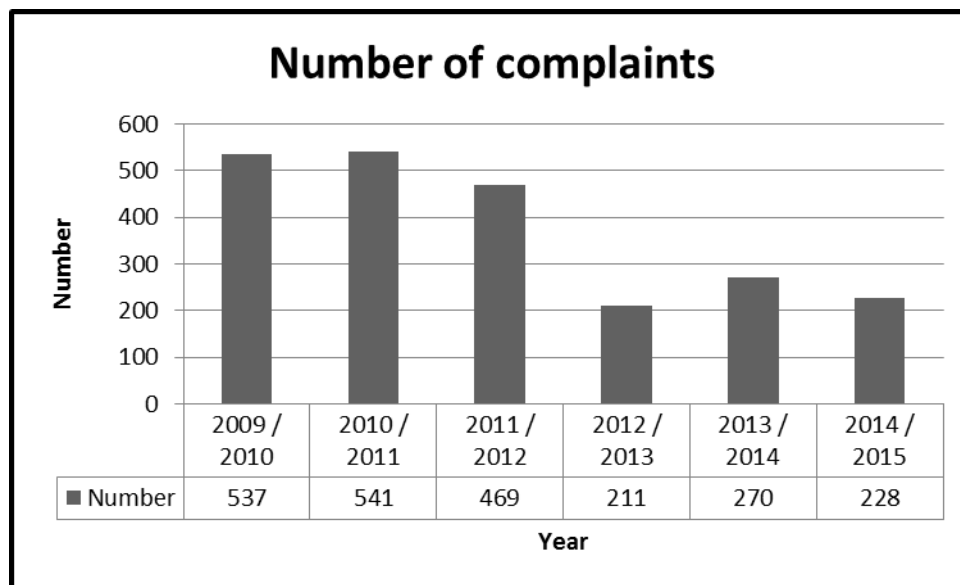
Enforcement Type	09 / 10	10 / 11	11 / 12	12 / 13	13 / 14	14 / 15
Improvement Notice	4	3	12	47	60	26
Closure	1	1	2	8	5	8
Prosecutions	0	0	0	2	5	4

5.13 Immediately after the introduction of the revised risk based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt, timetabled, improvement in standards dramatically increased. The number of improvements notices in 2014 / 2015 however fell by 56%. The number of premises closed pending improvement and the number of premises prosecuted for serious legislative breaches of remains relatively constant over the last 3 years.

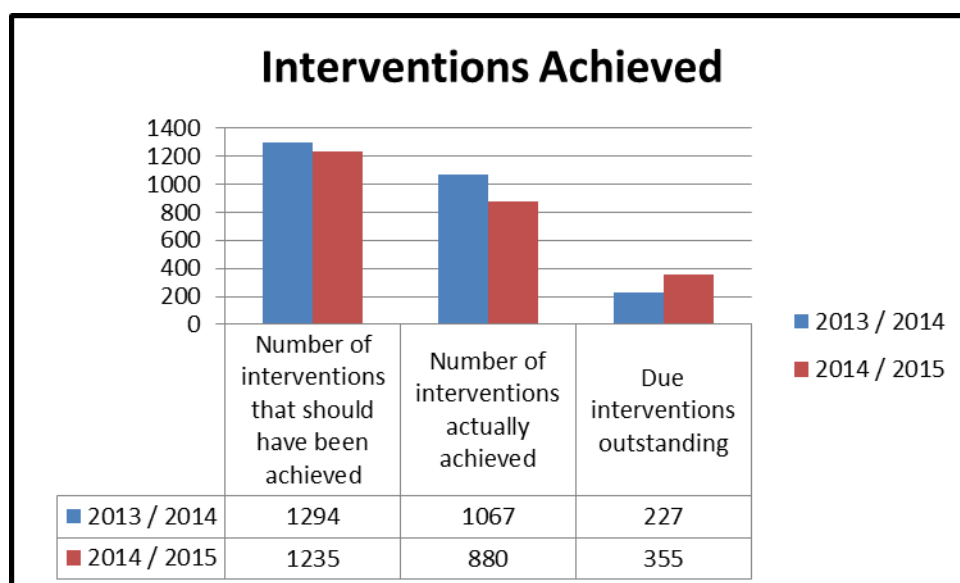
5.14 We encourage customers to take an active role in reporting food businesses within Portsmouth that have poor food safety practices and investigate issues raised by them in the appropriate manner. Complaints are typically received in relation to:

- Sighting of vermin or pests on food premises;
- Poor levels of cleanliness in kitchens, store rooms or preparation rooms;
- Poor food handling practices;
- Contaminated food e.g. food containing foreign bodies, or that is out of date.

5.15 The number of complaints received in 2014 / 2015 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved. The number of complaints relating to food business operators are shown in **graph 3** overleaf.

Graph 3


5.16 In 2014 / 2015 a slightly lower number of 'interventions' were carried out than in 2013 / 2014. The number of interventions instigated and the number outstanding for 2013 / 2014 and 2014 / 2015 are set in **graph 4** below. Despite exploiting all the resources available, the long term sickness of a single member of staff has impacted upon service delivery. Consequently the service has been unable to deliver all interventions in accordance with the prescriptive timetable as required by the FLCofP. 880 interventions, which equates to 71%, were delivered on time. This is a reduction of 11% on 2013 / 2014 number. For clarity interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.

Graph 4


5.17 Following the 2013 FSA audit of the BST operating procedures, some changes have been made to the intervention programme and its delivery. The BST is required to inspect all registered food premises within Portsmouth as part of a

planned programme. How frequently officers routinely inspect will depend on the type of business and its previous record. The better the record the greater the period between inspections. The rating given to premises after each inspection determines the length of time until the premises is inspected again. Premises are then rated and inspected according to the following **table 4** below.

Table 4

Rating Category	Inspection Rating	Minimum Inspection frequency
A	92 - 196	At least every 6 months
B	72 - 91	At least every 12 months
C	52 - 71	At least every 18 months
D	31 - 51	At least every 2 years
E	0 - 30/td>	Alternative enforcement strategy

- 5.18 The risk rating system considers the type and size of business, the level of food safety management and conditions noted during the inspection. In addition, premises providing food to vulnerable groups, for example children or the elderly, are subject to an additional weighting which will result in more frequent visits.
- 5.19 Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment or with prior notification, particularly if the visit is primarily to look at documentation or practices, or if discussions are required with a specific employee or the business proprietor. Officers have the right to enter and inspect food premises at all reasonable hours.
- 5.20 The appropriate control for each premise will be considered on an individual basis by an appropriately qualified officer. The officer may decide to reclassify any premises that were the subject of an alternative enforcement strategy for a full inspection. For example, premises where the operation has changed significantly or catering is undertaken.
- 5.21 Low risk category E business will be subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises has been subject to a formal inspection immediately previously, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On receipt of completed questionnaires the information will be reviewed to determine whether there have been any changes to the business since the last inspection which may present an increased risk to food safety.
- 5.22 If the questionnaire has not been returned within the 28-day period, the outstanding premises will be contacted with a reminder to establish if a further copy of the questionnaire needs to be dispatched. If the questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.
- 5.23 The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of the 1st April 2014 and the 13th June 2015 are shown in **table 5** below. With 'A' being the highest risk and 'E' being the lowest.

- 5.24 It is clear from **table 5** that there has been a significant improvement in the number of premises obtaining a lower (and therefore "safer") risk rating. The improvement is particularly noticeable within the premises rated C and D. The % change is highlighted in bold. The numbers of premises waiting inspection and a rating having submitted a registration form is higher than would be preferred. This is potentially a reflection of the staff absence due to sickness.

Table 5

Risk Category	Number of Premises
A	3 (+3)
B	90 (-11)
C	358 (-374) [-51%]
D	649 (+350) [+117%]
E	727 (+44)
Awaiting rating	121 (+45)

6. Equality impact assessment

- 6.1. The inspection criteria from 2015 / 2016 have been subject to a previous provisional equality impact assessment. Implementation will not affect the concept of fairness established under the adoption of the FHRS in 2011, which ensures that all food establishments are being inspected and enforced equally in all premises regardless of race or cuisine type.

7. Legal implications

- 7.1. Legal Services has previously confirmed that the requirement to carry out periodic food inspections of food premises using a risk-based approach is derived from and in accordance with 'EC Regulation 882/2004' and the 'Framework Agreement on Food Law Enforcement' in respect of legislation relating to England and Wales.
- 7.2. Legal Services has also previously confirmed that the 'Food Law Code of Practice (England)' enables the replacement of the inspection focussed approach to food law enforcement with a more flexible one whereby local authorities can use a wider range of interventions to monitor support and increase business compliance. The Food Standards Agency has acknowledged that the aim of this revision was to partly ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

8. Director of Finance's comments

- 8.1. The activities proposed within the Food Operating Plan 2015 / 2016 and summarised in this report, will be funded from the existing service portfolio budgets, as approved by Full Council.

.....
Signed by: Rachael Dalby - Director of Regulatory Services, Community Safety and Troubled Families

Appendix 1: Food Operating Plan 2015 / 2016

Background list of documents: The following list of documents discloses facts or matters, which have relied upon to a material extent by the author in preparing this report:

Title of Document	Location
NIL	NIL

The recommendations set out above in 2.1. above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for the Environment and Community Safety on 2nd October 2015

.....
Signed by: Councillor Robert New, Cabinet Member for Environment and Community Safety

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Regulatory Services, Community Safety and Troubled Families

Environmental Health

Business Support Team

Food Operating Plan 2015 / 2016

Portsmouth City Council



Regulatory Services, Community Safety and Troubled Families

Environmental Health

Business Support Team

Food Operating Plan 2015 / 2016

Prepared by

Richard Lee, Environmental Health Manager

Approved by

Rachael Dalby, Director of Regulatory Services, Community Safety and Troubled Families

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**Regulatory Services, Community Safety and Troubled Families (RSCSTF)
Business Support Team (BST)
Food Operating Plan 2015 / 2016**

1. Introduction

1.1. This Operating Plan has been produced as required by and in accordance with the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law enforcement.

1.2. It has been developed in broad accordance as prescribed by the FSA, its purpose being to demonstrate that Portsmouth City Council (PCC), in its role as the designated authority, has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety.

1.3. The Business Support Team (BST) within PCC is designated as the competent food authority under the European Communities Act 1972, the Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990.

1.4. This places a statutory duty on the BST to enforce the Acts. The delegated Authority to do this lies with the Director of Regulatory Services, Community Safety and Troubled Families (RSCSTF), who has further delegated authority to staff within the BST.

1.5. This plan covers the following:

- An outline of Portsmouth and the organisational structure and business plans relating to PCC and BST;
- A profile of the BST and its resources;
- The responsibilities and objectives of the BST Food Service;
- The inspection of food businesses and enforcement of food law;
- The sampling of food to ensure compliance with food standards law;
- Safeguarding protocols to ensure compliance with legislative requirements and consistency of approach.

2. Description of Portsmouth

2.1. Portsmouth is the 'great waterfront city' situated within the South Hampshire / Solent region of the South East of England and is undergoing a major transformation.

2.2. Its south coast location has made it a UK and European gateway city. The Portsmouth International Port is Britain's best connected port, providing eight freight and passenger routes to France, Spain and the Channel Islands and receiving food imports from the European Union (EU) and countries such as the Dominican Republic, Costa Rica, Morocco, Trinidad and Tobago, Granada and Jamaica.

2.3. Gunwharf Quays, situated at the mouth of Portsmouth Harbour, is a £200 million, 500,000 sq ft mixed use development, which has re-launched Portsmouth as one of the most significant waterfront retail and leisure destinations in Europe. The Spinnaker Tower at 170 metres tall is taller than the London Eye and Blackpool

Tower and, as a national icon for Britain, has successfully raised the city's profile, both nationally and internationally as a place to visit, live and work, acting as a catalyst for further investment and development. In 2015 PCC announced a £3.5m deal with airline Emirates to rebrand the Spinnaker Tower, painting it blue and gold prior to the Americas Club events to be held in July this year.

2.4. Alongside 90 retail stores Gunwharf has 30 bars and restaurants serving tens of thousands of meals per week. Other high concentrations of food operators can be found in Palmerston Road, Osborne Road, Albert Road, Commercial Road, Kingston Road, Fratton Road, London Road and the High Street Cosham.

2.5. World renowned as the home of the Royal Navy and the new Queen Elizabeth-class aircraft carriers, and a tourist visitor destination, Portsmouth is also home to a number of high profile UK and multinational companies such as BAE Systems, EADS Astrium, IBM and the Pall Corporation.

2.6. Tourism is a significant sector of the local economy. The city has a long established national and international profile, with its Historic Dockyard and other attractions, complemented by hosting world class events such as the International Festival of the Sea, Volvo Ocean Race and Great South Run. The city has been recognised as an Attract Brand by Visit England which recognises the visitor numbers to the city (considering both holiday and business visitors) and other criteria such as consumer choice when asked to name destinations associated with English holiday and perception as a short break destination.

2.7. With almost 50kms of waterfront Portsmouth has always provided a unique quality of life and a diverse range of attractions and amenities for its businesses and residents. The offering as a place to live has been significantly enhanced by penthouse, town house and apartment developments at Port Solent Marina, Gunwharf Quays and a number of ex-Navy sites.

2.8 Portsmouth is an ambitious waterfront city, with a vision to be a successful European city break destination, unique in the region for its cultural heritage, innovation and dynamism.

3. A Snapshot of Portsmouth

Population: Estimated 208,900 residents. GPs serve 217,562 registered patients living within 88,000 properties

Area: 15.5 square miles

Population density: Highly urbanised city. 52 people per hectare (most densely populated local authority outside London)

Food Business Operators (FBO): 1950

Business premises: >8000

4. Portsmouth City Council - Organisational Structure and Corporate Priorities

4.1. PCC is run by an Executive, supported by a Scrutiny Board and review panels.

4.2. The Council is composed of 42 Councillors with one-third elected three years in four. All Councillors meet together as the Council to decide the Council's overall policies and set the budget each year.

4.3. The Council appoints the Leader of the Council and the Executive Members (together known as the Cabinet), upon recommendation from the Leader.

4.4. Decisions in the Executive may be collective or they may be taken by individual Executive members with a specific remit. The Executive is the part of the Council, which is responsible for most day-to-day decisions.

4.5 The Executive is made up of a Cabinet of not more than 9 Councillors including the Leader of the Council. The Executive has to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

4.6. There are two standing and other ad hoc overview and scrutiny committees (known as Policy and Review Panels) who support the work of the Executive and the Council as a whole. These allow citizens to have a greater say in Council matters by examining in detail matters of local concern. They lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

4.7. The Policy and Review Panels also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

4.8. The political make-up of the council at June 2015 is:

- 15 Liberal Democrat;
- 1 Non-Aligned Independent;
- 18 Conservative;
- 4 UKIP;
- 4 Labour.

4.9. The Environmental Health team of the RSCSTF service falls under the responsibilities of the Cabinet Member for Environment and Community Safety. The Food Safety function is undertaken by the BST. The RSCSTF Director is the officer responsible for the Food Safety Service delivery, with the Environmental Health Manager (EHM) responsible for the day to day management of the team and the service, supported by a Team Leader and various Lead Officers. The RSCSTF Director reports directly to the Chief Executive Officer.

4.10. PCC has eight priorities that are driven by the needs of the city and the desire to improve. These are shared goals for the organisation that help to focus services' work and resources.

4.11. The eight priorities are:

- i. Increase availability, affordability and quality of housing;
- ii. Protect and support our most vulnerable residents;
- iii. Improve efficiency and encourage involvement;
- iv. Raise standards in English and maths;
- v. Regenerate the city;
- vi. A cleaner and greener city;
- vii. Improve public transport.

4.12. The RSCSTF service contributes to these priorities in various ways particularly with regard to priority v. and vi.

5. RSCSTF - An explanation of Service and its contribution to the Corporate Priorities

5.1. RSCSTF brings together a diverse team to deliver a community where residents can enjoy safer and healthier lives.

5.2. Service responsibilities include:

- environmental health;
- hate crime;
- domestic violence;
- civil contingencies;
- anti-social behaviour;
- trading standards;
- troubled families;
- dog kennels.

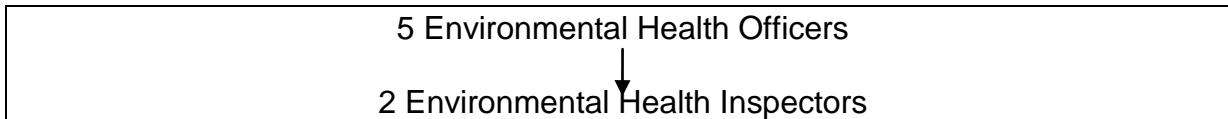
6. RSCSTF Business Plan 2014 / 2015

6.1. In March 2015, PCC completed a senior management review. As a result a deputy chief executive and 12 new directors were put into post on 1st April. Following this and the local and general elections in May, PCC is refreshing its plan for 2015/16, reinforcing its shared priorities for the city and the council and setting out its plan for the next 12 months and the expectations for the new directorates. At the time of publishing the plans for 2015 / 2016 had not been completed.

7. Structure and Financial Position of the BST 2014 / 2015

7.1. The BST team structure is as follows:





7.2 Sufficient budgetary provisions have been made available in 2015 / 2016 to maintain this level of staffing provision.

8. An Introduction to the BST

8.1. The BST is structured so that each core service function is led by an officer with specialist knowledge, the appropriate level of qualification and a technical understanding of the designated function.

8.2. It is expected, along with our team partners in the pollution and pest control teams, that we will provide a single 'Environmental Health Service' to our diverse customer base, which is effective, efficient and professional. The structure of the team aids the delivery of such a service, taking advantage of the team's experience and competency across the wide range of responsibilities and functions.

8.3. The 2015 / 2016 Operating Plan will continue to advance the excellent work which has taken place in previous years. The BST management team will continue to take a strong enforcement stance to breaches of food law and develop a more consistent approach to inspection protocols and enforcement actions, supporting a tougher more robust attitude to serious or persistent failings.

8.4. Reviews with respect to process were implemented in 2014 / 2015 to address the weaknesses identified within existing policies particularly with regard to inspection regimes, monitoring and reporting and succession planning.

8.5. BST officers in leading roles, constructed to ensure that resources and expertise are shared or combined to strengthen officer and team development, distribute knowledge and promote best practice, will continue to ensure service delivery is effective and delivered in accordance with the Food Law Code of Practice (FLCofP).

8.6. Despite the officer lead designations, all officers continue to develop their skills and expertise and take an active role in all service functions. This is supported by a continuing development programme.

9. BST Service Functions

9.1. The BST, in addition to undertaking the Food Safety function, also has a wide range of other responsibilities particularly for Health and Safety, Infectious Disease Control, Health Act, Licensing enforcement and Port Health.

9.2. Therefore, as well as the various diverse responsibilities detailed in **Table 1A**, officers have a designated Responsible Authority role for the purposes of the Licensing Act 2003. The team are required to make relevant representations regarding licence applications and this additional work, together with licensing inspections to check compliance with conditions impacts upon the team's normal food duties.

9.3. The team is also responsible for licensing all of the following: riding establishments, pet shops, dangerous wild animals and the licensing of people and premises where skin piercing, tattooing, acupuncture and electrolysis is carried out.

9.4. The introduction of smoke free legislation under the Health Act 2006 is enforced by BST, as are the responsibilities to sample the shellfish beds located in the Portsmouth and Langstone Harbours. The BST also assists the Environment Agency in the monitoring and compliance with the Bathing Water Directive.

9.5. Following the inspection of FBOs, the second most resource-intensive area for which the BST is responsible is the Continental Ferry Port where we have a significant range of responsibilities with respect to disease control, ship sanitation certificates, foodborne diseases, ship disinfection, potable water supplies, norovirus controls on vessels, food import control and the importation of animals.

9.6. The BST also currently regulates three premises which are required to be formally approved under specific EU legislation due to the increased risk posed by their particular food activities.

9.7. A list of the enactments for which the BST is responsible can be found in **Appendix 1**.

10. BST Lead Officers and Food Law Enforcement Officers

10.1. The BST operates a computer based management system. This system, called APP, has been utilised by RSCSTF since 2008.

10.2. Although a time recording system is available within APP, BST has yet to gain benefit of the system's abilities to monitor officer time. Our anecdotal analysis suggests however that approximately 51% of total officer time in 2014 / 2015 was spent on food safety. This equates to 3.55 Full-Time Equivalent (FTE) members of the team.

10.3. Lead officer roles and FTE time is detailed within **Table 1A**.

Table 1A.

Roles Requiring Lead	Equivalent FTE in area
Food Safety*#	3.55
Food Standards	0.25
H&S	0.7
Port Health	0.5
Infectious Disease / Animal Welfare	0.4
Primary Authority / Approved Premises	0.2
Policy, Business Planning, Management	0.6
Shellfish / Sea Water	0.3
Sampling	0.1
APP super-user	0.4
Total Resource	7.0**

*Food safety includes dealing with food hygiene complaints as well as food complaints and food premises inspections.

**Total does not include 0.3 FTE for the Environmental Health Manager
Level impacted by staff illness 2014/2015

10.4. Three officers (1.4 FTE) are not currently in a lead position included in the equivalent FTE in each area).

10.5. Officers with specific responsibilities for respect to Food Law Enforcement are detailed within **Table 1B**.

Table 1B.

Name and Job Title	Date Appointed	No. of years Food Law Enforcement Experience	FTE on Food Enforcement 2013 / 2014	Qualifications	Details of Authorisation
			Total FTE 3.8		
Richard Lee EH Manager	1 st July 2010	-	Management only	Various - in multiple functions across service	-
Steven Bell BSTL	1 st July 2010	21+	0.5	Diploma in Consumer Affairs (DCA) inc Food paper Diploma in Trading Standards (DTS) Higher Certificate in Food Premises Inspection (Pending)	All areas relating to Food Standards
Christopher Larkin EHO	1 st September 2012	7+	0.7	Diploma in Environmental Health. Masters Degree in Environmental Health Law	All Areas
Donna Harvey EHO	1 st May 2013	10+	0.7	Degree in Environmental Health	All Areas
David Jones EHO (Port Health)	4 th January 1977	31+	0.5	Diploma In Environmental Health	All Areas
Aimee Cartwright EHO	2 nd August 2004	11+	0.4	Degree In Environmental Health	All areas
Tina Dowell-Lucas EHO	4 th October 2004	11+	0.2	Degree In Environmental Health	All areas
Debra Jones EH Inspector	30 th November 1981	21+	0.3	Ordinary Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice
Stephen Lucking EH Inspector	24 th February 1992	21+	0.5	Higher Certificate In Food Premises Inspection	Food Safety as per Food Code of Practice

11. BST Lead Officer Responsibilities (Food Related)

11.1. Business Support Team Leader is responsible for coordinating:

- the feasibility, implementation, delivery, monitoring, review and assessment of operational and business plans, service delivery policies and strategies with respect to the core service functions; food, health and safety, port operations, sampling, infectious disease and animal welfare;
- the development and execution of robust, consistent approaches to service delivery;
- the appraisal of, and compliance with the requirements of the Food Standards Agency, Public Health England and the Health and Safety Executive and other governmental regulators/consultants/partners;
- the team's judicial arrangements, inspection/intervention and enforcement protocols;
- our statutory obligations including evaluation and adoption of legislative changes, and the authorisation of enforcement actions;
- service liaison, engagement and involvement with local, regional and national stakeholders where possible in parallel with lead officer responsibilities;
- the delivery of 'primary authority' relationships (overseeing / monitoring);
- the administration and delivery of statutory returns, audits and operational frameworks (Memorandums of Understanding/Service Levels Agreements);
- the management of income streams;
- data collection and data storage;
- equipment needs, staff training/safety and support, succession development and contingency planning.

11.2. Food Standards Lead is responsible for coordinating the:

- legal requirements covering service enforcement responsibilities in terms of assessing compliance with the relevant legislation in regard to the quality, composition, labelling and presentation of food and the advertising of food materials and articles in contact with food;
- activities involving animal feed including sampling and post sampling procedures.

11.3. Food Safety/Hygiene Lead is responsible for coordinating:

- service delivery with respect to food businesses and their compliance with food hygiene regulations;
- organising the delivery and overseeing/monitoring inspection and interventions of food businesses in accordance with service plans and in accordance with FLCofP requirements;
- the provision of best practice advice and information to fellow officers and food business operators;
- the investigation of food poisoning and food complaints;
- the promotion of good hygiene practices in commercial and domestic premises;
- food business operators compliance with their legal obligation to provide the general public with food products that are safe to eat;
- the consistency and quality of inspection protocols.

11.4. Port Operations Lead is responsible for coordinating:

- ship inspections on board cruise liners, ferries, merchant vessels, small passenger vessels and pleasure craft to ensure compliance with UK and international standards for food safety, hygiene and sanitation;
- infectious disease control on incoming vessels and partnership ship inspections with the Consultant in Communicable Diseases Control and the Health Protection Agency;
- the investigation and control of food poisoning incidents on incoming vessels and from food premises located within the port;
- the monitoring of the quality of water supplies supplied to vessels;
- the inspection of vessels for rodent activity and the issue of certificates;
- the monitoring and compliant disposal of waste foodstuffs from vessels;
- the monitoring and maintenance of a system of imported food surveillance through the pre-notification of imported foods not of animal origin from third countries by forwarding agents and partnership working with Her Majesty's Revenues & Customs;
- physical examinations of products not of animal origin imported from third countries and checking authenticity of mandatory papers of those classified under specific Emergency Controls to ensure compliance;
- the monitoring of imports of food not of animal origin from third countries and inspect and take samples of new, unusual, suspect, incorrectly labelled and/or controlled foodstuffs;
- the verification of certificates of organic produce;
- the response to and notification of Rapid Alerts to interested parties to ensure suspect foodstuffs to be adequately controlled;
- the sampling programme of imported foods to ensure that is safe and wholesome and of the quality and composition demanded;
- the sampling of food products to ensure consumers are protected in accordance with the requirements of the FFA (surveys, identification of poor hygiene practices, verifying food safety management systems).

11.5. Sampling Lead is responsible for coordinating the:

- preparation of a sampling programme and devising our intended food sampling priorities;
- sampling concerned with the investigation of complaints about food and in response to local or national food hazard warnings or incidents;
- delivery of effective monitoring and enforcement of standards relating to the safety, composition and quality of foods;
- actions necessary to ensure that foods meet the relevant legal requirements and comply with relevant legislation.

11.6. Infectious Diseases Lead is responsible for coordinating the:

- investigating outbreaks of infectious diseases and food poisoning;
- collection of samples and their analysis;
- delivery of general advice on infectious disease control, in particular the precautions to be taken to prevent further spread of infectious disease;
- investigation complaints about the fitness of food linked to infectious disease cases;

- communication, liaison and investigation with G.P.s and the Consultant in Communicable Disease Control with regard to food-borne infections and resultant actions.

11.7. Shellfish Control and Seawater Sampling Lead is responsible for coordinating the:

- collection and analysis of shellfish to ensure bivalves meet the appropriate food safety standards for processing;
- classification, opening and closure of beds (and notification of such) as necessary;
- monitoring of shellfish movement documents issued to fisher persons harvesting bivalves as necessary;
- delivery of an on-going sampling programme to monitor the condition of bathing water and assessment of potential contamination streams.

11.8. Primary Authority Relationship Lead is responsible for coordinating the:

- advice and guidance to the business in respect of the regulated functions within the scope of any partnership;
- advice and guidance to other local authorities in relation to how the other authorities should exercise their enforcement functions in respect of that business.

12. Scope of the BST Food Service

12.1 The food service consists of the following elements:

- Ensuring that all food premises are identified and inspected on a risk-assessed basis and any necessary action is taken to secure the required food safety standards;
- Maintaining the National Food Hygiene Rating Scheme (FHRS);
- Reviewing planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development;
- Providing advice to food businesses and members of the public on issues relating to food safety;
- Investigating all complaints relating to food and food safety and taking appropriate enforcement action to prevent potential outbreaks of food poisoning;
- Undertaking sampling in order to determine the quality and fitness of food and to inform proactive initiatives to secure food safety;
- Minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

13. Demands on the Food Service

13.1 The demand over the last two years remains has increased by at least 8% as registered FBOs have risen to approximately 1960 registered premises as of June 2015 (up in 2013/2014 by 5% and in 2014/2015 by a further 3%). This 8% increase in FBOs over the last two years has caused additional pressures upon service delivery particularly as FTE staffing levels as remained static.

13.2. As the minimum number of officers involved in the inspection of food premises is considered to be 1 per 500 the resource levels currently available to the BST are considered to be acceptable. This figure has been devised from informal advice obtained from the FSA.

13.3. The current ratio is approximately 1 per 551 premises so it is anticipated that the Service will not meet precisely the prescriptive requirements of the FLCofP in terms of inspection frequency during the 2015 / 2016 period.

13.4 The 1957 registered premises are mainly composed of restaurants, takeaways and retailers.

13.5. Inevitably, as a result of the high number of FBOs registered in the City, there is a significant level of 'churn' as these change hands, open and close.

14. BST Food Service - Priorities

14.1. Our foremost priorities in 2015 and 2016 are:

- compliance with the Food Law Code of Practice (FLCofP);
- delivery of our statutory duty to enforce legislation relating to food;
- maintaining political and customer awareness of food standards and food safety issues.

14.2. The FLCofP sets out the framework under which the BST must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It is the FLCofP which requires this Food Operating Plan to be created and the manner in which it is formatted.

14.3. The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code we are likely to find our decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against us by the FSA.

14.4. The FLCofP provides guidance to local authorities on their approach to official controls at food business establishments. The Code was last updated on the 6 April 2014. The changes included:

- clarification of the descriptors used to rate and assign intervention frequencies at food establishments;

- greater focus on businesses with persistent or serious non compliances by reducing the frequency of interventions in those businesses with good management controls in place;
- a reduction in dual enforcement in a small number of establishments currently subject to both FSA and local authority control.

14.5. In November 2013 the FSA undertook an audit of the environmental health service. This was a positive experience. During this process the BST embraced the opportunity to further assess its procedures and policies to ensure compliance with the FLCofP. The auditors recommended 3 primary areas where the authority should refocus its attention.

14.6. These were centred on the regulation of businesses which require specific approval to operate, the authorisation and training of officers and the management of our database / record keeping. In total 12 recommendations were made. All of these have now been implemented.

14.7. The FSA and the FLCofP does provide some flexibility to introduce a mixture of interventions and encourages the BST to provide a greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone.

14.8. In improving and developing our strong enforcement priorities it is incumbent upon us to have regard to the Framework Agreement on Local Authority Food Law Enforcement. This Framework Agreement sets out what the FSA expects from us in our delivery of official controls on feed and food law.

14.9. Certain governmental reviews such as Hampton and legislation such as the Regulatory Enforcement and Sanctions Act 2008 have placed responsibilities upon us to ensure that our inspections tackle key issues, but reduce administrative burdens. The BST has considered such recommendations to devise effective inspection protocols for high risk groups.

14.10. The inspection of all food businesses has regard to current FSA guidance (reference inspection protocol). With respect to enforcement the BST is mindful of the Regulators' Compliance Code 4 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007. This Code is a central part of the Government's Better Regulation agenda as it aims to embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement and is reflected in the decision making process when formal action is considered against FBOs.

14.11. Full compliance with the FLCofP requirements will remain the objective and failure to achieve these will be reported periodically, as necessary, to the Director and Cabinet.

15. BST - Food Service Interventions Programme 2015 / 2016

15.1. Since 2011 the BST has implemented the national 'Food Hygiene Rating Scheme' (FHRS) which is run in partnership with the Food Standards Agency (FSA). In the subsequent four years various Cabinet Members have endorsed revised risk based inspection and enforcement plans devised to target resources upon businesses where the lowest acceptable level of hygiene is being maintained.

15.2. The FHRS is intended to offer guidance to consumers in choosing where to eat out or shop for food by giving them an enhanced level of information about the hygiene standards in restaurants, cafés, takeaways, hotels and food shops. The FHRS is also intended to actively encourage businesses to improve their hygiene standards.

15.3. Under the FHRS, officers from the BST inspect food businesses to ensure that they meet the requirements of food hygiene law. Subsequently these officers rate the hygiene standards found at the time of inspection. At the bottom of the scale is '0' which requires urgent improvement. At the top of the scale is '5' which means the hygiene standards are very good.

15.4. The Food Law Code of Practice (FLCofP) sets out the framework under which the BST must carry out its statutory functions to protect the public in respect to food hygiene and food safety. It requires every local authority to have a Food Operating Plan and prescribes the manner in which it is formatted.

15.5. The BST is required under legislation to have regard to the FLCofP when discharging its duties. Should the BST fail to have regard to relevant provisions of this Code, decisions and actions of the team are likely to be successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court and formal action being instigated against the city council by the FSA.

15.6. The 2015 / 2016 plan outlines how food safety will be monitored and controlled. The service plan covers a wide range of topics including:

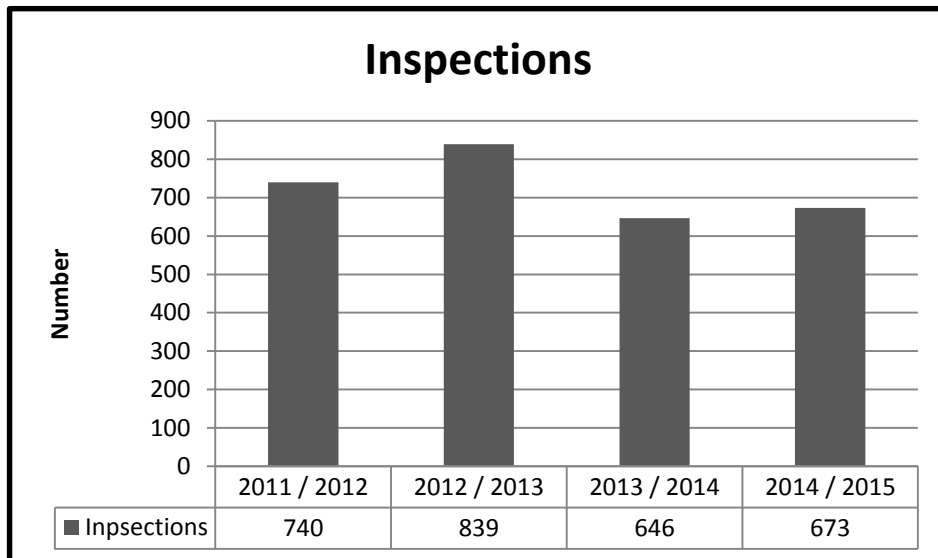
- food team aims and objectives;
- authority background;
- service delivery;
- resources;
- quality assessment;
- service plan and operational plan review;
- approved premises controls at approved premises; and
- food sampling.

15.7. The number and type of Food Business Operators (FBO) on the 13th June 2015 is shown in **table 2**. The number in brackets is the change in premises number within each category as from 1st April 2015). **Table 2**

Primary Producer	0 (-)	Restaurant / Caterers	
Manufacturer and Packer	13 (+4)	Hotel/Guest House	51 (-1)
Importer / Exporter	3 (+2)	Mobile Food Unit	58 (+10)
Distributor / Transporter	22 (+3)	Caring Premises	222 (-14)
Retailers:		Restaurant and Caterer	320 (+14)
Supermarket / Hypermarket	35 (+6)	Pub/Club	210 (+3)
Small Retailer	332 (+16)	Restaurant / Café / Caterer	381 (+11)
Retailer Other	24 (+4)	School / College	66 (+1)
		Takeaway	220 (+4)
Total Premises - 1957 (+63)			

15.8. The total number of inspections carried in last three years is shown in **graph 1** below.

Graph 1

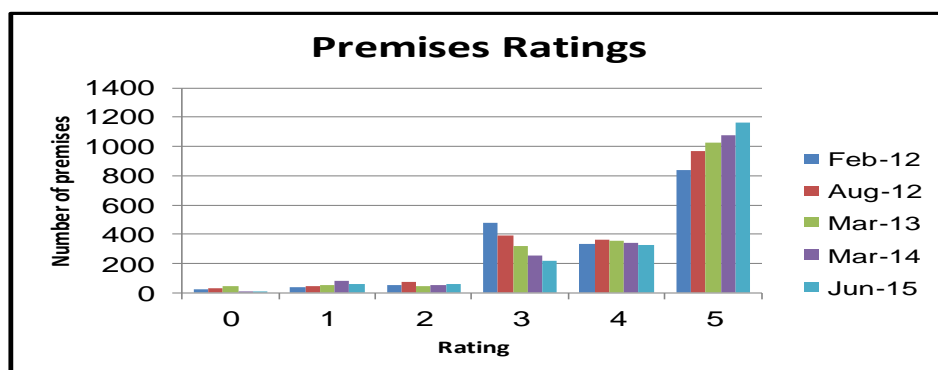


5.9. In 2014 / 2015 the inspection rate was lower than that achieved in previous years but in line with that projected. A 4% increase in visits over 2013 / 2014 total was obtained. Estimates made following an audit of our processes by the FSA in 2013 suggest that an inspection rate of 600 per annum could be achieved. The 2014 / 2015 is therefore an improvement on that projection.

5.10. The level of inspection performance in 2013 was based around the number of full time equivalent (FTE) officers available at that time (3.35) and the number of food business operators in the city (approximately 1900). These figures have slightly changed in 2014 / 2015 as staff available engaged in this specific activity over the past 12 months has been impacted by staff illness. The current level of resource remains at 2.85 FTE.

5.11. The numbers of premises rated '0', '1', '2', '3', '4', or '5' as of February / August 2012, March 2013, March 2014 and June 2015 are highlighted in **graph 2** below.

Graph 2



5.12. **Graph 2** demonstrates that the number of premises achieving the highest '5' rating is continuing to improve. Additionally, the number of premises within the lowest ratings '0', '1' and '2' remains low and static.

5.13. Each time a business is inspected a new rating is provided with the level of improvement or decline in hygiene standard dictating the new rating score. The frequency of inspection is determined by the risk to people's health. The greater the risks to health, the more frequent the inspection.

5.14. As the rating of each of the inspected premises may have changed (positively or negatively) following inspection it is difficult to provide direct comparisons with the level of improvement or decline in the quality of food being offered by the businesses in the city (i.e. it's not possible to say that the reduction in '3' rated premises directly reflects the increase in '5' rated premises) but it is clear that the general standard of premises is continuing to improve.

5.15. All current food business ratings are reported on the FSA's website which is freely available to the public and business alike - no indication of the previous performance is necessary within the scheme. Businesses rated '0', '1' or '2' are given priority for action to secure improvement in hygiene standards. Irrespective of the original rating, if during inspection hygiene standards are very poor, or there is an imminent risk to health, appropriate enforcement action is taken to make sure that consumers are protected. This can include agreeing with the proprietor to voluntarily close the premises.

5.16 All FBOs are provided feedback following an inspection. Officers will provide improvement advice and how any problems identified can be avoided and rectified. Where improvements are required inspectors will issue a comprehensive written report clearly explaining precisely what is required to comply with the law. Where problems are acute or persistent, appropriate enforcement action is taken.

5.17. In 2013 / 2014 and 2014 / 2015 interventions compliance rating remained steady at approximately 85% as demonstrated by **table 3** below.

Table 3

Year	Number of food businesses	Number of broadly compliant premises - premises rated '3' or above	% of 'broadly compliant' premises
2013/ 2014	1894	1691	87
2014 / 2015	1959	1707	86

5.18. The number of enforcement actions taken during the last six years is recorded in **table 4** below.

Table 4

Enforcement Type	09 / 10	10 /11	11 / 12	12 / 13	13 / 14	14 /15
Improvement Notice	4	3	12	47	60	26
Closure	1	1	2	8	5	8
Prosecutions	0	0	0	2	5	4

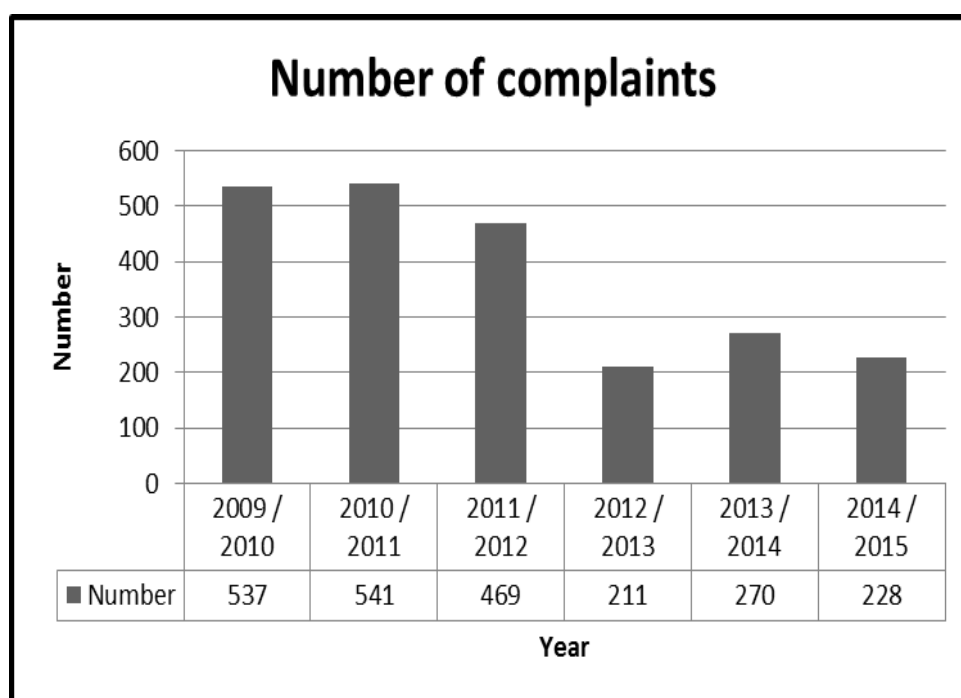
5.19. Immediately after the introduction of the revised risk based inspection programme in 2012, the number of Improvement Notices served upon premises requiring a prompt, timetabled, improvement in standards dramatically increased. The number of improvements notices in 2014 / 2015 however fell by 56%. The number of premises closed pending improvement and the number of premises prosecuted for serious legislative breaches of remains relatively constant over the last 3 years.

5.20. We encourage customers to take an active role in reporting food businesses within Portsmouth that have poor food safety practices and investigate issues raised by them in the appropriate manner. Complaints are typically received in relation to:

- Sighting of vermin or pests on food premises;
- Poor levels of cleanliness in kitchens, store rooms or preparation rooms;
- Poor food handling practices;
- Contaminated food e.g. food containing foreign bodies, or that is out of date.

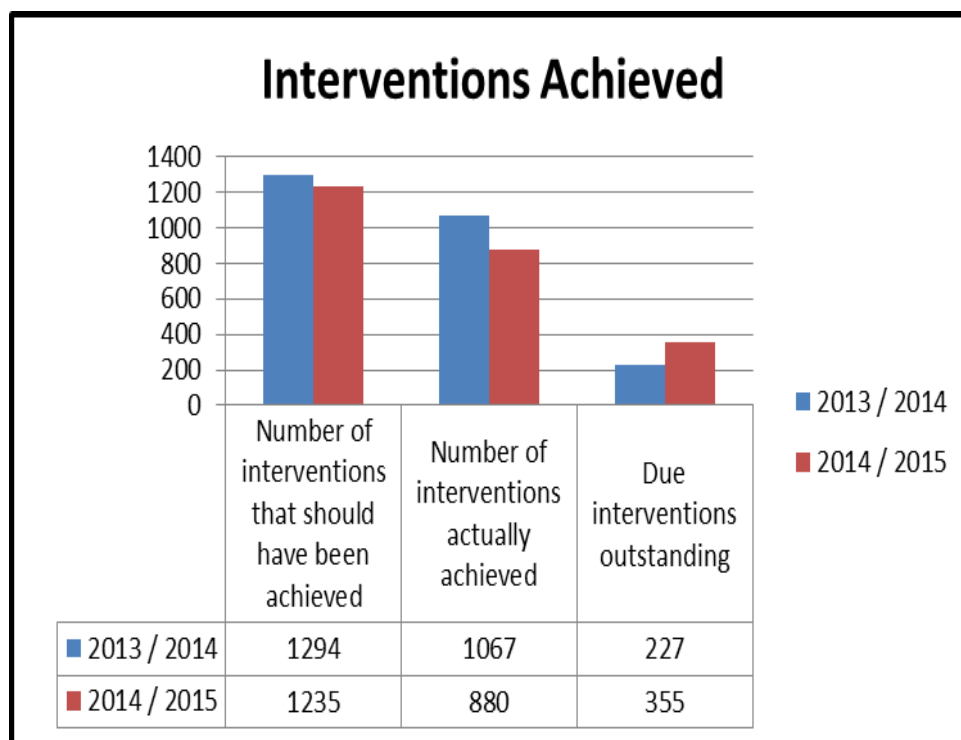
5.21. The number of complaints received in 2014 / 2015 is consistent with the significant reduction (50%) achieved in 2012 / 2013 and is a further reflection of how standards of food businesses have improved. The number of complaints relating to food business operators are shown in **graph 3 below**.

Graph 3



5.22. In 2014 / 2015 a slightly lower number of 'interventions' were carried out than in 2013 / 2014. The number of interventions instigated and the number outstanding for 2013 / 2014 and 2014 / 2015 are set in **graph 4** below. As expected, maximising the resources available but as a result of the long term sickness of a member of the team, the service was unable to deliver all intervention in accordance with the prescriptive timetable as required by the FLCofP. 880 interventions which equates to 71% of interventions were delivered on time. This is a reduction of 11% on 2013 / 2014 number. For clarity interventions include: inspections; monitoring; surveillance; verification; audit; and sampling where the analysis / examination is to be carried out by an Official Laboratory.

Graph 4



5.23. Following the 2013 FSA audit of the BST operating procedures, some changes have been made to the intervention programme and its delivery. The BST is required to inspect all registered food premises within Portsmouth as part of a planned programme. How frequently officers routinely inspect will depend on the type of business and its previous record. The better the record the greater the period between inspections. The rating given to premises after each inspection determines the length of time until the premises is inspected again. Premises are then rated and inspected according to the following **table 5** below.

Table 5

Rating Category	Inspection Rating	Minimum Inspection frequency
A	92 or higher	At least every 6 months
B	72 - 91	At least every 12 months
C	52 - 71	At least every 18 months
D	31 - 51	At least every 2 years
E	0 - 30	Alternative enforcement strategy

5.24. The risk rating system considers the type and size of business, the level of food safety management and conditions noted during the inspection. In addition, premises providing food to vulnerable groups, for example children or the elderly, are subject to an additional weighting which will result in more frequent visits.

5.25. Whilst it is not normal practice to give prior notification of inspection, some visits will be carried out by appointment or with prior notification, particularly if the visit is primarily to look at documentation or practices, or if discussions are required with a specific employee or the business proprietor. Officers have the right to enter and inspect food premises at all reasonable hours.

5.26. The appropriate control for each premise will be considered on an individual basis by an appropriately qualified officer. The officer may decide to reclassify any premises that were the subject of an alternative enforcement strategy for a full inspection. For example, premises where the operation has changed significantly or catering is undertaken.

5.27. Low risk category E business will be subject to an alternative enforcement strategy. When these premises are due for inspection, if the premises has been subject to a formal inspection immediately previously, the FBO will be sent an appropriate initial letter together with a low risk self-assessment questionnaire to complete. On receipt of completed questionnaires the information will be reviewed to determine whether there have been any changes to the business since the last inspection which may present an increased risk to food safety.

5.28. If the questionnaire has not been returned within the 28-day period, the outstanding premises will be contacted with a reminder to establish if a further copy of the questionnaire needs to be dispatched. If the questionnaire has not been received after a further 14 days, the food business may be subject to a food hygiene inspection.

5.29. The number of 'A' 'B' 'C' 'D' and 'E' rated premises as of the 1st April 2014 and the 13th June 2015 are shown in **table 6** below. With 'A' being the highest risk and 'E' being the lowest.

5.30. It is clear from **table 6** that there has been a significant improvement in the number of premises obtaining a lower (and therefore "safer") risk rating. The improvement is particularly noticeable within the premises rated C and D. The % change is highlighted in bold. The numbers of premises waiting inspection and a rating having submitted a registration form is higher than would be preferred. This is potentially a reflection of the staff absence due to sickness.

Table 6

Risk Category	Number of Premises
A	3 (+3)
B	90 (-11)
C	358 (-374) [-51%]
D	649 (+350) [+117%]
E	727 (+44)
Awaiting rating	121 (+45)

16. BST Officer Qualification / Delegated Authority

16.1. Officer qualifications / authorities within the BST are shown in **table 7** below. It should be noted that the table demonstrates the numbers of each type of qualification held and is not representative of the number of officers. Table 1B, page 7 provides details of officer numbers.

Table 7

Number of qualifications held in the BST	Qualification / Delegated Authority
5	Diploma / Degree in Environmental Health
1	Diploma in Trading Standards (Inc Food Standards Paper)
1	Higher Certificate in Food Premises Inspection
1	Ordinary Certificate in Food Premises Inspection
1	Diploma In Consumer Affairs (Inc Food Standards paper)
7	Service of Hygiene Improvement Notices
7	Service of Improvement Notices
5	Service of Hygiene Emergency Prohibition Notices / Emergency Prohibition Notices
5	Service of Remedial Action Notices / Detention Notices

17. Qualifications and Experience

17.1. Qualification and training provisions are set out within Regulation (EC) No. 882/2004 on official controls (Regulation 882/2004). It should be noted that these requirements do not directly apply to the EHM as this officer has only indirect managerial responsibility for food law enforcement.

18. Sampling - Qualifications and Experience

18.1 Samples for microbiological examination or chemical analysis are only taken by authorised officers who are properly trained in the appropriate techniques and competent to carry out the duties assigned to them. Sampling in accordance with the provisions of the Food Hygiene (England) Regulations 2006 or the Food Safety (Sampling and Qualifications) Regulations 1990 and this Code of Practice are only undertaken by officers meeting the relevant requirements. These requirements do not however not apply where no formal action would be taken following sampling.

19. Food hygiene and Safety - Qualifications and Experience

19.1. Food hygiene and safety after primary production / at primary production, and those associated operations listed in Annex 1 of Regulation 852/2004 are undertaken by suitably qualified and experienced EHO. Any EHO can take any necessary enforcement action in respect of the establishments in which these processes are carried out.

20. Specific Qualification and Experience Requirements

20.1 Officers authorised to undertake food hygiene and safety official controls, with the exception of sampling will hold one of following:

- Certificate of Registration of the Environmental Health Registration Board (EHRB) or Diploma in Environmental Health (or its antecedents) awarded by EHRB or the Royal Environmental Health Institute of Scotland (REHIS) or The Higher or Ordinary Certificate in Food Premises Inspection.

20.2. Officers inspecting food business operators' procedures based upon HACCP principles will be able to demonstrate the following competencies.

- To identify, through the conduct of an audit, the need for improved food safety control in establishments having regard to the nature and size of the business;
- Assess the quality of food safety hazard identification in a food business;
- Assess the quality of CCP identification in a food business;
- Assess the suitability of controls in place and their monitoring at CCPs;
- Assess the verification and review by business operators of procedures based on HACCP principles;
- To promote and support the implementation of procedures based on HACCP principles appropriate to the nature and size of the business;
- Explain the principles of hazard analysis to food business operators or managers in terms appropriate to the nature and size of the business;
- Specify targets for improved control of food safety hazards;
- Provide advice on carrying out hazard analysis and implementing controls in terms appropriate to the nature and size of the business;
- Explain where appropriate, the relationship between HACCP systems (based on Codex) and other procedures based on HACCP principles;
- To secure compliance with procedures based upon HACCP principles as required in legislation, appropriate to the nature and size of the business;
- Explain the legal requirements in relation to procedures based on HACCP principles;
- Secure progress towards compliance by discussion and persuasion;
- Secure compliance by the issue of notices. Secure compliance through the courts (and gather and preserve evidence in a form usable in court).

20.3. The following establishments should be inspected only by an EHO holding the Higher Certificate in Food Premises Inspection:

- All establishments which attract a minimum intervention frequency in accordance with the FLCofP.

20.4. In accordance with the FLCofP "Chapter 4 - Qualification and experiences" officers will process the relevant baseline qualifications and the FL, BSTL and EHM will consider the relevant competence needed for all food roles building these into officers personal development reviews to enable full compliance of Chapter 4 by 6th April 2016.

21. Authorisation / Delegated Authority – EHM responsibilities

21.1. Under PCC Standard Orders the Director for RSCSTF has the authority to authorise staff in accordance with this procedure on the recommendation of the EHM.

21.2. In view of the various staff changes and the consistently higher level of enforcement action taken since 2012 / 2013, a review of the necessary authorisations has recently been completed and this will continue to be periodically reviewed in the future.

21.3. The EHM has the responsibility to ensure staff are authorised in accordance with this procedure after establishing that the required qualifications and competencies have been met.

21.4. The EHM ensures that no member of staff is authorised to carry out food hygiene inspections, serve notices or inspect, detain or seize food unless they are competent, suitably qualified and have relevant experience as specified in the FLCofP.

21.5. The EHM also ensures that the authorisation documents held by the individual officers comply with current legislation. Where the EHM is satisfied that the member of staff meets the requirements of the FLCofP and other relevant guidance, he arranges for the necessary authorisation documents to be drafted and then signed by the Head of RSCSTF.

21.6. The EHM ensures that officers will not be authorised to serve Hygiene Improvement Notices unless they can demonstrate a working knowledge of:

- the principles of HACCP;
- general inspection procedures;
- appropriate legislation;
- food safety act FLCofP;
- former LACORS advice on the drafting of notices;
- Departmental enforcement policy;
- Departmental procedure for the service, withdrawal and extensions of notices;
- PACE.

21.7. In addition, the EHM certifies that officers will not be authorised to serve Hygiene Emergency Prohibition Notices unless they can demonstrate they are able to:

- define 'imminent risk of injury to health';
- explain the circumstances in which the prohibition notice may be appropriate;
- draft a Hygiene Emergency Prohibition Notice, Notice of application for Emergency Prohibition Order, Notice of Continuing Risk to Health and Certificate that there is no longer a risk to health;
- explain the correct procedure and sequence of events relating to the service and follow up action required for Notices, Applications and Orders as required by the legislation, FLCofP and departmental procedures.

21.8. The EHM has no direct managerial responsibility for the inspection of FBO in accordance with FLCofP. EHM is however responsible for all other aspects of service delivery.

21.9. EHM ensures that authorised officers receive relevant structured on-going training in accordance with FLCofP.

22. Approved Premises

22.1. Regulation (EC) No 853/2004 requires that food business establishments handling food of animal origin that fall under the categories for which Annex III lays down requirements must, with some limited exceptions, be approved by the competent authority.

22.2. Compliance with relevant requirements of Regulation 853/2004 is required in addition to full compliance with Regulation (EC) No. 852/2004. Registration under Article 6(2) of Regulation (EC) No. 852/2004 is not required for establishments that are subject to approval.

22.3. The BST currently regulates three Approved Premises. These are:

- Quattro Foods - 8 The Nelson Centre, Portfield Road, Portsmouth PO3 5SF;
- Viviers (UK) LTD - Shed 9 The Camber - White Hart Road, Portsmouth PO1 2JX;
- Johnsons Enterprises Limited - 4 Norway Road, Portsmouth, P03 5HT.

23. Food Complaints

23.1 It is the responsibility of the BST to enforce the provisions of the Food Safety Act 1990 as far as food complaints concerning non-compliance with the food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.

23.2. In 2012 / 2014 we investigated a number of complainants relating to food which has 'not been of the nature or substance demanded by the purchaser' which led to two criminal prosecutions against businesses failing in their responsibilities to ensure their customers have received precisely what they have ordered. In 2015 / 2016 we will continue to have high regard to such issues.

23.3. The BST also enforces the provision of the Food Labelling Regulations 1996, which relates to 'Use-by' date labelling and quality issues. The BST carries out this function rather than our colleagues within the trading standards authority. Despite the introduction of the Food Information Regulations in 2014 (repealing the Food Labelling Regulations 1996) and all food businesses being required to declare if any of 14 identified allergenic ingredients are used in non-prepacked or loose foods that are sold or provided, the number of complaints relating to such remain exceedingly low.

23.4. All food complaints are investigated in accordance with guidance issued from Local Government Regulation 'Guidance on Food Complaints' and Codes of Practice.

23.5. Initial investigations into food complaints are given high priority, since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place to contact the FSA where food complaints may have wider implications.

23.6. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute is taken at the recommendation of the officer concerned, in consultation with the FL, through the BSTL, EHM and Director.

23.7. Whether to prosecute is a formalised procedure which is followed in all cases where prosecution or formal cautions are recommended. Only when 'in service' approval has been obtained will the Council's legal representative being involved.

23.8. A 'ramped approach' to enforcement is taken unless the incident is so serious that an immediate prosecution is the only appropriate course of action. In all cases the company / business and complainant are kept informed as to the progress of the complaint.

24. Primary Authority

24.1. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold.

24.2. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the Authority where the unit which manufactured a product is situated. In principle any Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities and any Authority, having initiated liaison with any home and/or Originating Authority, shall notify that Authority of the outcome.

24.3. In 2012 / 2013 the BST entered into a Primary Authority agreements with the Southern Co-operative Limited and the Royal Navy. These relationships are managed and all requirement protocols by the FL in close supportive liaison with the BSTL.

25. Advice to Business

25.1. Although the BST is taking a stronger stance in relations to serious or persistent failings we, of course, realise that, where food businesses break the law, it is often due to ignorance rather than intentional acts or omissions.

25.2. As a consequence, our strategy is to provide advice to business as the first step to improvement. This is at the core of our function, so much so that in 2012 / 2013 we formally, with Cabinet approval, changed the team's name from the Commercial Team to the Business Support Team.

25.3. In addition the inspection regime, in 2015 / 2016 officers of the BST will visit areas of the City where large numbers of FBOs are concentrated to offer additional advice and assistance as to how FBOs can achieve the highest possible FHRS score or compliance with procedural advice offered by the FSA. An example of such FSA guidance is that provided in early 2015 surrounding their concerns of safely serving rare burgers and the need to ensure foodservice outlets do not cause avoidable food poisoning incidents because they have insufficient control measures in place.

25.4. It is the intention of the BST to provide greater information to FBOs particularly in relation to new and forthcoming changes in legislation. In 2015 / 2016 the BST therefore intends to continue its work to deliver a FBO forum within which its members will be informed of, and be able to discuss, new initiatives and their implications. In May 2015 approximately 750 FBOs were asked to complete a survey relating to how they would like to receive information from us in respect to information food safety information. A full copy of the survey results can be found in **Appendix 2**.

25.5. The EU Food Information for Consumers Regulation has been published in the Official Journal of the European Union. This means that the transition process has begun to replace the current food labelling regulations. The transitional arrangements mean that most of the requirements do not apply until the end of 2014, with nutrition labelling becoming mandatory in 2016. Therefore, food businesses have time to get used to the arrangements and make sure they comply with new labelling requirements as they come in. The BST being aware of the confusion that these regulations may cause smaller food businesses intend to continue to assist in the diffusion of suitable information to FBOs during their inspections and via other initiatives.

25.6. BST officers will also provide advice on an ad hoc basis for businesses depending on need.

25.7. Resources do not permit formal food hygiene training to be delivered by our officers. There are however many local providers. Advice is provided on training courses offered throughout Hampshire and the Isle of Wight, by other authorities and training centres and particularly for courses offered in ethnic languages.

25.8. All new food businesses are assessed and if appropriate will be inspected within 56 days of being identified. On registration an information pack containing advice on food standards, food safety and other relevant legislation will be supplied to the business offering a communication channel between the BST and the business. The initial visit will be undertaken to establish the scope of the businesses activity, identify its compliance with food standards legislation and to determine the level of support required. An intervention programme will then be designed to reflect the needs of the business and be reviewed after one year. Interventions will then be programmed based on the risk assessment in accordance with the adopted plan.

26. Food Sampling

26.1. The BST understands that a proactive, point of sale, food sampling programme provides useful information about the microbiological fitness of food for sale.

26.2. The Sampling Lead participates in the Portsmouth and South East Hampshire sampling group which has a co-ordinated food-sampling programme based on Food Standards Agency, Local Government Regulation and agreed local priorities.

26.3. In 2013 / 2014 a £20,000 budget pressure approval has ensured that our food sampling programme can continue.

26.4. Our sampling programme in 2015 / 2016 will consists of the following:

- Participation in Local Government Regulation/Public Health Laboratory Service sampling initiatives;
- Participation in the European Union initiatives, when they occur;
- Participation in local initiatives devised by the local sampling group (Wessex Environmental Monitoring Service (WEMS) User Group (East) or by problems highlighted within Portsmouth).

26.5. In 2014 / 2015 217 samples were taken (up 16% on 2013 / 2014).

26.6. The provisions made for specialist services to assist with the analysis of our sampling regimes are:

- **Food Examiner:**
Hampshire Scientific Service, Hyde Park Road, Southsea, Hampshire, PO5 4LL;
- **Food Analyst:**
Public Health England Microbiological Services, FW&E Microbiology Laboratory - Porton, Salisbury, Wiltshire, SP4 0JG.

27. Control and Investigation of Outbreaks and Food Related Infectious Disease

27.1. 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.

27.2. Although the number of cases reported in Portsmouth is low, we acknowledge that the vast majority of cases are likely to go unreported. As a result of previous first-hand experiences we are extremely aware that 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. We therefore give food poisoning cases the highest possible priority.

27.3. All investigations will follow those procedures laid out in the Hampshire and Isle of Wight Health Protection Unit Joint Outbreak Control Plan and associated

procedures and guidance issued by the Health Protection Unit and the Communicable Disease Surveillance Centre.

27.4. All such investigations will be overseen by FL, BSTL and EHM and liaison will take place with the Public Health England (PHE) based at our location in the Civic Offices.

27.5. The BST supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water Company Liaison Groups, which exist to promote best practice and consistency of approach between the neighbouring local authorities.

28. The Public Health Agenda

28.1. To ensure excellent liaison is maintained with PHE members of the BST continue to participate in the joint working group.

28.2. Factors such as education, employment, environment, transport, planning, housing, and leisure services are crucial determinants of people's physical and mental wellbeing and impact on their life expectancy and this is why the EHM and BSTL are members of the group.

28.3. These wider social factors generally lie outside of the NHS and fit more closely with the work of the Environmental Health Service, so it is logical that we continue to have closer associations with PHE.

28.4. The 2010 Marmot Review 'Fair Society Healthy Lives' gives more information about the impact of social factors on physical and mental wellbeing. Under the 2012 reforms, the Executive will work on the three key domains of public health: health improvement, health protection and health services.

28.5. In addition to having a general duty to improve local public health, PCC have taken on specific responsibilities for commissioning a list of services, some of which (such as initiatives to tackle smoking, alcohol and drug misuse, obesity, increase physical activity and improve nutrition) are already part of our collective work.

28.6. In 2015 / 2016 the BST will engage further with Public Health in the delivery of the new public health agenda. Much of the work of the BST is unseen, although it underpins the very fabric of public health it frequently only becomes visible when there is a problem. It is therefore necessary to maintain our capacity to effectively respond to real life threatening problems and our ability to respond to the growth agenda for business and the growing problem of health inequalities.

28.7. Working alongside PHE the BST will raise its profile and our importance to maintaining health. PHE has recently demonstrated a strong commitment to addressing many of the public health issues that we face in Portsmouth and to improving health and wellbeing.

28.8. In 2014 / 2015 we have been working closely with our Public Health Partners in relation to the Sustainable Food Cities network. This network hopes to create cities where every school, hospital, restaurant and workplace canteen serves only healthy and sustainable meals. Additionally, we have begun to jointly participate in

the *Eat Out Eat Well* initiative aimed rewarding restaurants, cafes and other caterers in Portsmouth that enable consumers to make healthy choices when eating out.

29. Food Alerts

29.1. Food alerts are received from the Food Standards Agency and directly to the BST by email.

29.2. The EHM, BSTL and FL decide upon appropriate action in each case. Such actions may include mail shots, visits, local press releases etc. or an assessment that no further action is required.

29.3. The resource implications for alerts is unknown, as it depends upon the nature and type of alerts, but existing resources usually perform this work as and when required.

29.4. In 2014 / 2015 in excess of 100 alerts were received from the FSA by the BST.

30. Training Records

30.1. Officers keep copies of certificates of registration, qualifications and documents and record on-going and revision training undertaken. These are managed by BST Liaison Officer.

31. Staff Development Plan

31.1. Training has recently been centralised and a training plan for all employees has been developed by the centralised Learning & Development Team in consultation with each section. This plan recognises the need for Professional Officers to meet Continuing Professional Development (CPD) requirements.

31.2. The basic principles and ideals are:

- a duty to ensure that it is able to meet all the demands that are placed upon the team;
- an obligation to develop the potential of all its employees;
- regular and continual training and updating of skills in order to undertake officer responsibilities as necessary;
- a commitment to continuous development of employees and services to ensure it is properly equipped to deal with future challenges;
- to ensure workforce and succession planning;
- to ensure all staff receive appropriate and mandatory customer service, governance and data protection training, to enable services to be designed and delivered to meet customer needs
- to ensured officers attending training course cascade information to the wider team.

31.3. This training may be provided through attendance of externally organised courses and seminars or through in-house training activities.

31.4. The BST will carry out its own training of officers six times a year during two hour meetings to cover the latest development in legislative and regulatory advice. All training received will be documented as part of the Council's central training plan.

31.5. The BST is committed to providing ongoing CPD 20hrs per year as required by the FLCofP.

32. Quality Assessments

32.1. Food Safety Act Code of Practice on Food Hygiene Inspections requires the BST to have an internal monitoring system. The BST therefore has developed a series of Food Safety Procedures aimed at meeting the requirements of the FLCofP and Official Guidance. This is reviewed periodically and is used to ensure consistency and improvements in service delivery.

32.2. The Hampshire and Isle of Wight Food Advisory Committee recently reinstated a system of Inter Authority Auditing (IAA). In October 2013 senior officers from East Hants District Council and Rushmore Borough Council reviewed the procedures and policies of the BST.

33. Service Delivery Monitoring

33.1. Together with the BSTL the FL monitors and assesses the BST to ensure a consistent approach to all service delivery tasks.

33.2. A revised protocol was devised in 2013 / 2014. In summary this comprised of the FL accompanying officers on inspections (3 per officer per year), devising a new food inspection programme 6 times per year. The APP super-user designed an FBO intervention spread sheet in accordance with 'Making Every Inspection Count' FSA auditing advice, to scrutinise irregularities in scoring, registration, inspection rates etc. This protocol will continue in 2015 / 2016.

34. Quality Assurance Systems

34. These consist of:

- Daily support provided by Lead Officers / BSTL / EHM as required;
- Monitoring of Notices prior to service / counter signatures required except in agency situations;
- Further on-going review of 'standard' documentation. There is however no requirement for authorised officers to seek approval for such documents prior to delivery;
- Random post inspection checks of records and enforcement decisions by the FL and as necessary by the BSTL;
- Occasional '1 per month' accompanied inspections will be carried out by the FL with each member of staff. Details of such visits shall be recorded upon APP. Generally, unless there are specific H&S issues or enforcement action is imminent officers are expected not to carry out joint visits. All specific H&S issues / pending enforcement cases must be notified to FL / BSTL at the earliest opportunity;

- Weekly team meetings - alternating between 'case issues' and training for CPD processes; EHM to attend one per month;
- Yearly one-to-one work review/supervision meetings to discuss casework with BSTL;
- Yearly PDR Performance Management and Development review meetings EHM / BSTL;
- Attendance of training / seminars and other exercises, which are organised to aid consistency / cascade training and briefings to aid consistency (occasional). 20 hours per year.

35. Food Business Establishment Records

35.1. The BSTL, FL and the APP 'Super User' (SU) will maintain the database of food business establishments which have been registered and food business establishments which have been approved or conditionally approved.

35.2. In 2013 / 2014 it was necessary to review the manner in which records were kept and the transition from the paper to electronic filing system had never been undertaken. The transition is complete.

35.3. It is recognised that a complete, up-to-date and accurate database is essential in order to identify data inconsistencies and errors, and to enable inspection programmes to be delivered.

35.4. The BSTL, FL and APPSU will ensure the all premises are recorded, duplicates are removed, and the move from paper to electronic records is managed and recorded to ensure all necessary information is recorded and retrievable.

35.5. Routine monitoring and data management checks will be devised in order to maintain an effective system.

36. Proportionality and Consistency to Enforcement

36.1. The BSTL ensures that enforcement action taken by authorised officers is reasonable, proportionate, risk-based, and consistent with good practice and that account is given to the full range of enforcement options.

36.2. These includes educating food business operators, giving advice, informal action, sampling, detaining and seizing food, serving Hygiene Improvement Notices/Improvement Notices, Hygiene Prohibition Procedures/Prohibition Procedures and prosecution procedures.

36.3. Except where circumstances indicate a significant risk, officers are required to operate a graduated and educative approach (*the hierarchy of enforcement*) starting at the bottom of the pyramid i.e. advice/education and informal action and only move to more formal action where the informal action does not achieve the desired effect.

37. Food Law Enforcement Policy

37.1. The BST has reviewed our documented Food Law Enforcement Policy and have acknowledged that a more centralised consistent approach is required.

37.2. The BST Food Enforcement Policy was last reviewed in 2013 / 2014. Departures from this Policy will be exceptional and the reasons for any departure will be recorded.

37.3. In deciding the type of enforcement action to take, an authorised officer will have regard to:

- the nature of the breach and the history of compliance of the food business operator; or
- in the case of new businesses, an assessment of the food business operator's willingness to undertake the work identified by the officer.

37.4. It is important that the full range of enforcement options remains open to authorised officers. We have not adopted policies where the number of (hygiene) improvement notices served or the number of other legal processes, such as prosecution or formal caution, is an indicator of performance. All correspondence will continue to identify each contravention and the measures which, in the opinion of the officer, could be taken in order to secure compliance and will contain an indication of the time scale suggested for achieving compliance.

38. Operating Plan Review

38.1. The EHM will further review the 2015 / 2016 Operating Plan in 12 months.

Appendix 1 - List of Enactments - BST responsibilities

Public Health Act 1936 and 1961
Public Health (Ships) Regulations 1979 (as amended)
The Food and Environment Protection Act 1985
Public Health (Control of Disease) Act 1984
The Health Act 2006
Prevention of Damage by Pests Act 1949
Pet Animals Act 1951
Animal Boarding Establishments Act 1970
Riding Establishments Act 1970
Breeding of Dogs Acts 1973 and 1999
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Dangerous Wild Animals Act 1976
Sunday Trading Act 1994
Zoo Licensing Act 1981
Food Safety Act 1990, Section 5
Section 9 - Authority to Inspect, Detain, Seize
Section 10 - Authority to Serve Improvement Notice
Section 12 - Authority to Serve Emergency Prohibition Notices
Section 29 - Authority to take Samples
Section 30 - Authority to Submit Samples for Analysis
Section 32 - Authority to Enter Premises at all Reasonable Hours, Detain and Seize Documents.
Any Regulations or Orders Made There under or Having Effect by Virtue of the European Communities Act 1972 Relating to Food Safety or Animal Feedstuff and any Amendment or Re-enactment of the Foregoing and including the Following:-
Food Safety and Hygiene (England) Regulations 2013
The Official Feed and Food Control (England) Regulations 2009
The Products of Animal Origin (Third Country Imports)(England) Regulations 2006 (as amended)
Animal By-Products Regulations 2005
The Products of Animal origin (Import and Export Regulations 1996 (as amended)
The Organic Products (Imports from Third Countries) Regulations 2003
All Applicable EU Emergency Control Regulations Currently in Force

Food Safety Questionnaire Results

Key points

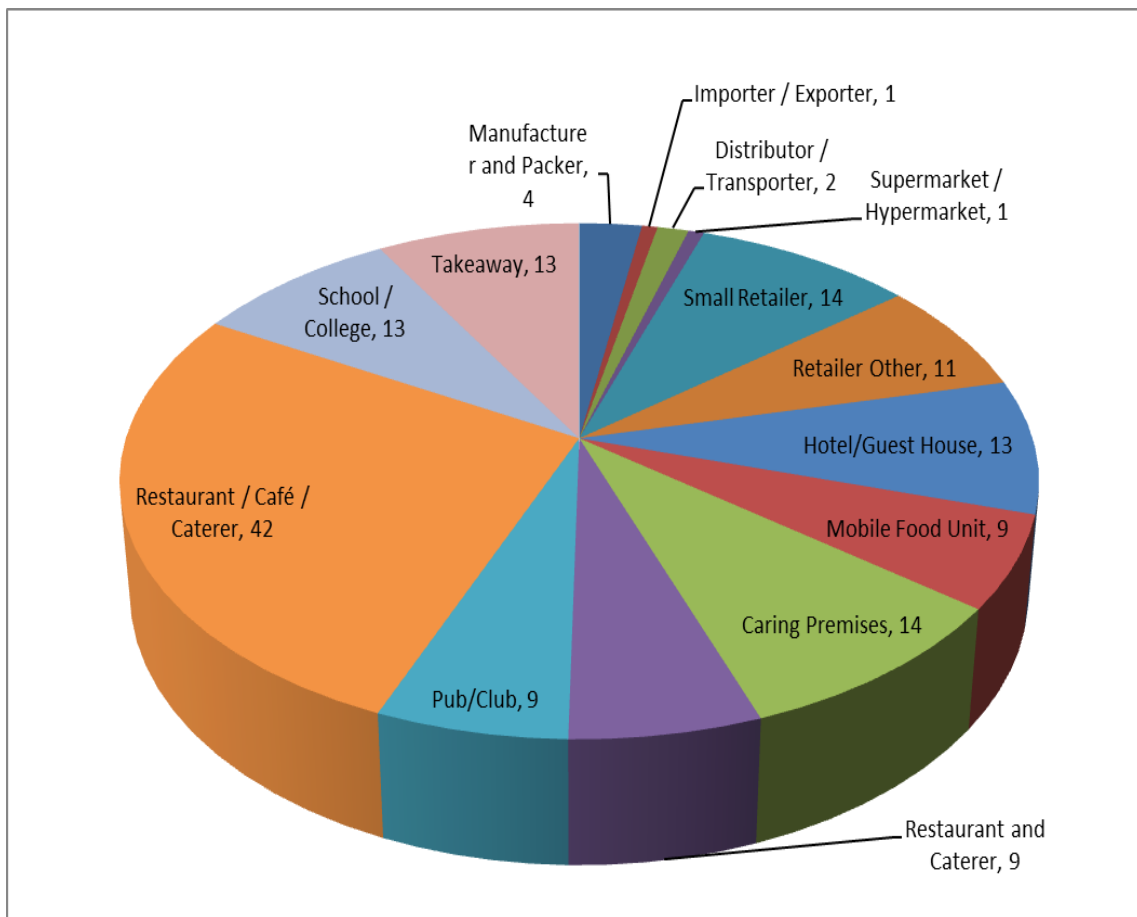
- A total of 176 respondents completed the food safety questionnaire - 28%¹ of those who were invited to participate via email (there were 710 recipients on the original Mailchimp bulletin). This is an excellent response rate and shows local businesses are engaged and willing to participate in actively maintaining standards on the whole.²
- Open rate: 52.0% (average for government sector 24%)
- Click rate: 18.2% (average 3.5%)
- Mailchimp eliminates unsuccessful email addresses (bounce-backs, unsubscribe requests) from the mailing list, and after this weeding process we now have 622 of the original 710 left.
- An important lesson from this exercise is that more email addresses need to be harvested by the EH team, and the list kept fresh (i.e. ask businesses to update their details).
- 97% of respondents felt they would definitely like to receive up-to-date information from the Environmental Health team
- Respondents clearly demonstrate that an email newsletter would be the most popular way to receive information from the council.

¹ Based on the number who received the email once Mail Chimp and stripped out emails NOT the original list

² Please note the survey was only available to those who had previously supplied email addresses to the Environmental Health team at PCC, therefore not all businesses throughout the city had the opportunity to comment.

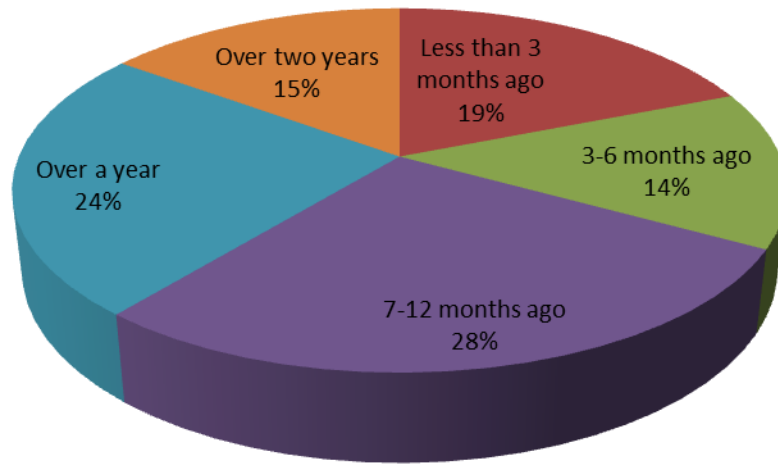
Overview of Results

The respondents were made up of the following types of food business.



Responses came from a broad range of food related businesses, however the biggest number of responses came from those involved in Restaurant/Café/Caterer business - 49 responses came from individuals engaged in this business area.

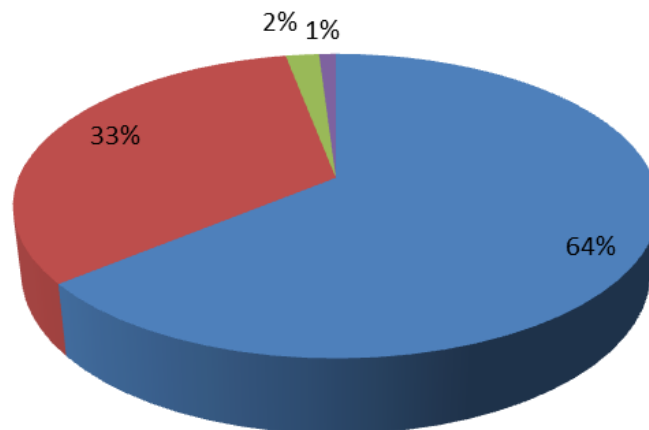
When was your last food hygiene inspection carried out?



Of those who answered the question, more than half had been inspected within the last 12 months. Nine responders did not answer this question - in most cases this appears to be because they are still awaiting an inspection.

How useful did you find the feedback from your last inspection?

■ Very useful ■ Useful ■ Not useful ■ Not very useful



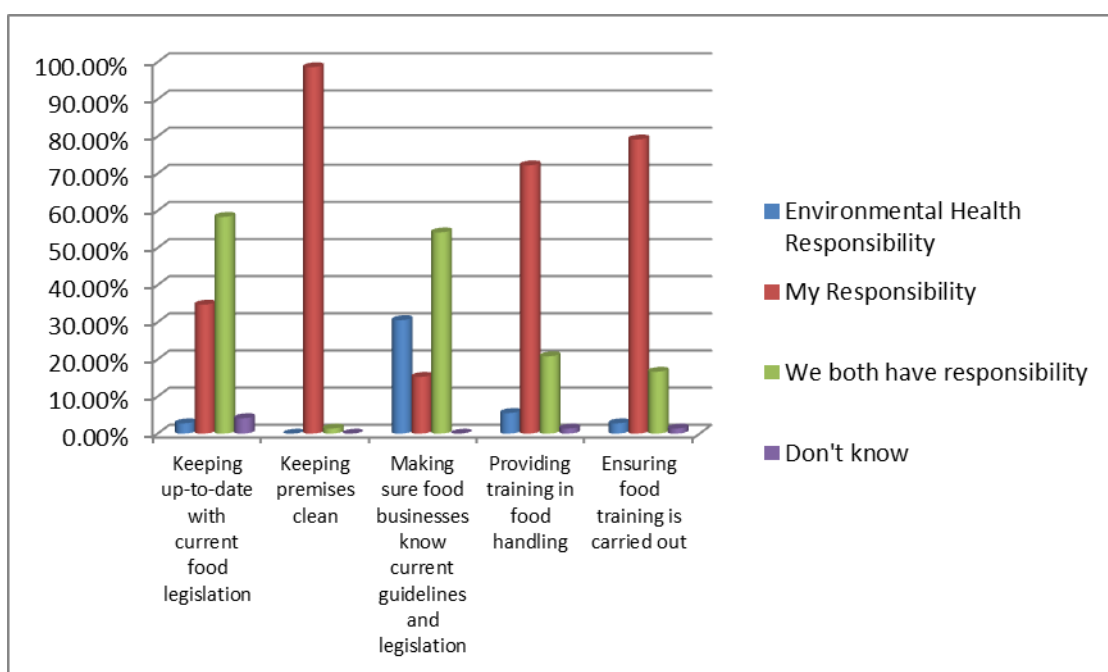
For the most part, respondents indicated that they found the inspection process useful. Only 3% indicated that it was not.

Only 24% of respondents had any interaction with the Environmental Health team for something other than a food related inspection. Only 2 respondents said that any

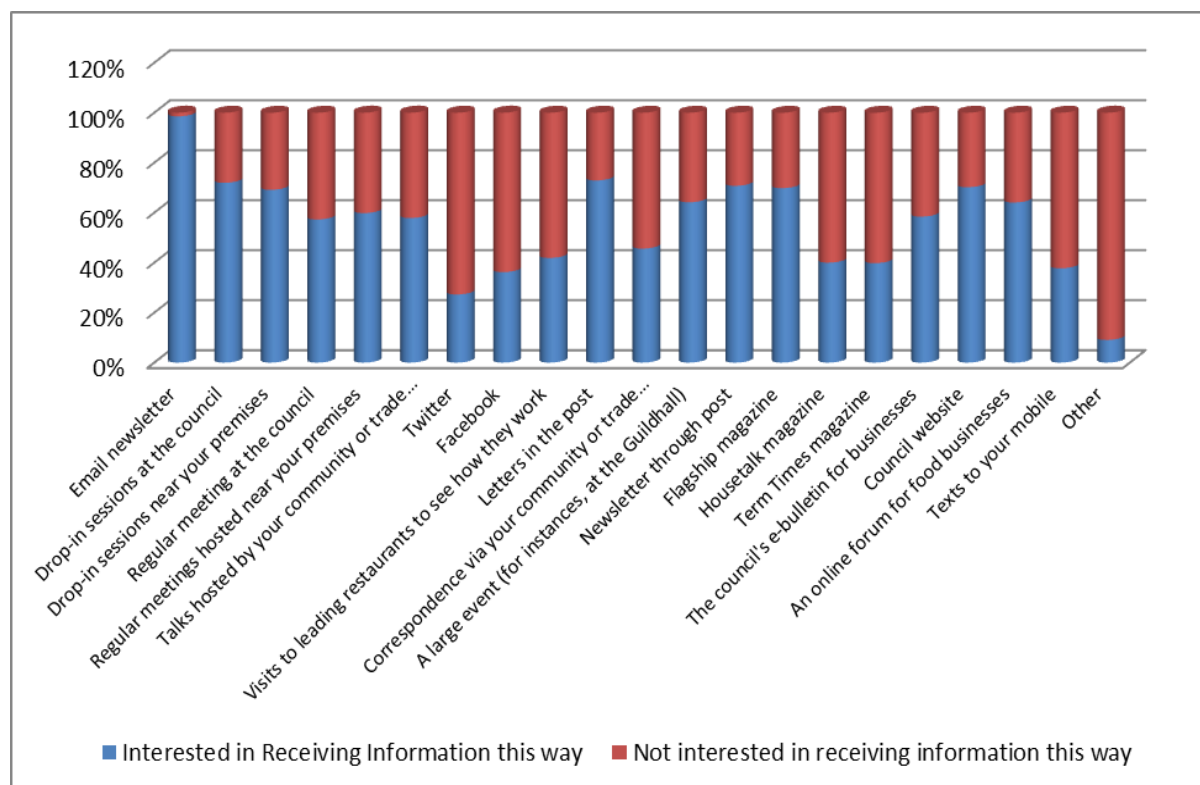
Environmental Health initiated visit was to provide update on policy change or share best practice.

Only 30% of respondents were offered advice and 29 out of those responding said that Environmental Health were available to answer specific questions. Whereas 97% of respondents felt they would definitely like to receive up-to-date information from the Environmental Health team.

On the whole the chart below demonstrates that food businesses in the Portsmouth area have a general understanding of where responsibility lies in maintaining an environmentally safe business. It does show that business operators do believe that the Environmental Health team do share some responsibility for helping them keep up to date with the relevant information and changes to legislation and ensuring they have the guidance they need.



Preferred Communications Options



The chart above clearly demonstrates that an email newsletter would be the most popular way to receive information from the council. While drop-in sessions are also popular there was some indication from respondents that they would need to be as and when because generally speaking they would be too busy to attend frequently.

Less popular communication methods include social media, specialist council publications such as Husetalk and Term Times and Texts to mobiles.

Although certain communications methods were popular, agreement of frequency of contact was varied. The table below shows the preferred frequency of the majority of respondents to this question by communication type.

Method of Contact	Preferred frequency of Contact
Email newsletter	Monthly
Drop-in sessions at the council	When law changes
Drop-in sessions near your premises	When law changes
Regular meeting at the council	Annually
Regular meetings hosted near your premises	Quarterly
Talks hosted by your community or trade association	Annually
Twitter	Monthly
Facebook	Monthly
Visits to leading restaurants to see how they work	Annually
Letters in the post	When law changes
Correspondence via your community or trade association	When law changes
A large event (for instances, at the Guildhall)	Annually
Newsletter through post	Quarterly
Flagship magazine	Quarterly
Housetalk magazine	Quarterly
Term Times magazine	Quarterly
The council's e-bulletin for businesses	Quarterly
Council website	When law changes
An online forum for food businesses	Quarterly
Texts to your mobile	Quarterly

Finally

The results demonstrate that a move towards an electronic newsletter containing updated information and contact information would be welcomed by individuals running food businesses in the city. More traditional methods of communication such as notifications through the post are seen to be required when law changes and this may reflect a more traditional view that 'official' items should come through the post, this is gradually changing in society as a whole but any communication strategy should take into account that some business owners may resist this for longer!

The majority of respondents seem to have very little contact with the Environmental Health team outside the requirements of their hygiene assessments and did indicate they valued the input from the team.

Appendix One - Free comments

Below are comments from the respondents when asked if they would like to provide any further views.

- I would like to be able to arrange an advisory visit to discuss my business as it is very unique, and what the most up to date info is regarding 'best Practice'. How would I arrange such a visit? (CAN PROVIDE CONTACT DETAILS UNDER SEPARATE COVER)
- The EH member didn't visit our premises until we were in the third year of running of our first business i.e. visit was not until 2013 and we haven't had a visit to date.
- I find the EHO officers helpful and resourceful I have a great relationship which each I know at Portsmouth and similarly in Southampton. I prefer to be honest about problems I've experienced and get good advice back. The standard generally in kitchens is surprisingly low and I find students from college have little or no idea. I find the eh department something with which I can threaten my staff with - for me the department works well. You do not need to hold meetings or magazines to pass information on occasional text or email Bullet points when necessary would suffice. We all have little time
- yes thy can be helpful with best practice advice because we all get out of touch with these things cos real life gets in the way trying to earn a living I think I would like to brush up on best practice and stuff I would attend if you provided inexpensive training it would be helpful to old people like me to keep us up to date
- When food.gov hygiene ratings are updated, to send out certificates and window stickers for the business to display
- I have contacted the staff on a few occasions and found them very helpful.
- Hi, I have had several van inspections over the past 11years since I have been in the Ice-cream business and, I have always found them to be very important. I have also found that the inspection teams are very helpful and knowledgeable with their advice.
- When we had a visit prior to opening to ask for advice, the lady was very knowledgeable and helpful and made starting out in a food business a lot easier, and provided us with valuable info and a lot more confidence of what was expected of us.
- We don't currently get updates from the EHT so some updates would be beneficial to all the local businesses, both large and small
- I have always has a very positive relationship with the Environmental health team, where ever I have been. I am passionate about doing the best we can do, so any support that betters that is great for me. It is interesting to hear stories from experienced officers... not just the horror stories, but those that have led to better processes and safer practises. It would be great to have important information such as outbreak of disease, or such issues in our area.

Updates on protocol and procedures would also be good Information on Sources of contamination and discoveries - such the curry leaves that caused the Newcastle festival issues and new recommendation that may follow. New changes in law I app

- I was impressed by the attention to detail shown during my last visit.
- Very happy
- How do I go about booking another inspection or how long does my current certificate last for?
- Any information coming from PCC would be a bonus as at present we get NIL. Reading scare stories in the press and personal experience demonstrates that the EHO are only there to tell you when you are in the wrong but don't offer to inform you how to do it the right way in the first place. Council officers have the benefit of ongoing training and information/ legislation update and do nothing to pass this information on.
- No I have always found the, helpful in guiding me. I am, a very small trader in home grown and homemade jams in fact I am winding down to retirement. I think at 73 enough is enough. I have enjoyed meeting the customers at Craft Fairs and never had any intention of widening my sales. Basically I just grew too much fruit.
- The Local Team has been a great support to our business but it would always be good to get updates on initiatives and key areas of focus. Keep up the good work.
- I think it would very useful for the council to provide this service to catering businesses I would prefer to receive newsletters by either emails or post but would welcome an annual event also
- The team has been very knowledgeable and helpful in my dealings with them. I do feel good practice would be to meet up and assist prior to businesses setting up.
- If you had more staff you can work close with all food outlets to make sure no one falls into below a 3 star
- We present sandwich and savoury buffet platters, on each platter an ever changing ingredient list. How would you suggest we present and indicate allergy content on a practical basis? (CAN PROVIDE DETAILS UNDER SEPARATE COVER)