

Public Document Pack

Date of meeting Monday, 4th August, 2014
Time 7.00 pm
Venue Civic Offices, Merrial Street, Newcastle Under
Lyme, Staffordshire ST5 2AG
Contact Geoff Durham

Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

- 1** Guidance Notes (for information) (Pages 3 - 12)
- 2** Apologies for absence
- 3** DECLARATIONS OF INTEREST
To receive declarations of interest from Members on items included in this agenda.
- 4** MINUTES OF PREVIOUS MEETING (Pages 13 - 16)
To consider the minutes of the previous meeting held on 23 June, 2014
- 5** DISCLOSURE OF EXEMPT INFORMATION
To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.
- 6** LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - (Pages 17 - 38)
1976
Private Hire Driver – Mr MI
- 7** LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - (Pages 39 - 44)
1976
Private Hire Driver – Mr IM
- 8** Open Reports from officers
- 9** Food Safety Service Plan July 2014 (Pages 45 - 64)
- 10** Local Air Quality Management - Progress Report 2014 (Pages 65 - 72)
- 11** URGENT BUSINESS
To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act.

Members: Councillors Bailey, Braithwaite, Eastwood, Hailstones, Mrs Hailstones, Matthews, Naylor, Miss Olszewski, Proctor (Vice-Chair), Robinson (Chair), Miss Walklate, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.



NEWCASTLE
UNDER-LYME
BOROUGH COUNCIL

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been

imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences

- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated

- Assault with intent to cause grievous bodily harm
- Assaulting a police officer in the execution of his duties
- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances

of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several

driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

PUBLIC PROTECTION COMMITTEE

Monday, 23rd June, 2014

Present:- Councillor Kyle Robinson – in the Chair

Councillors Bailey, Braithwaite, Eastwood, Hailstones, Mrs Hailstones, Matthews, Naylor, Miss Olszewski, Proctor, Miss Walklate, Williams and Mrs Williams

1. **APOLOGIES FOR ABSENCE**

There were no apologies.

2. **DECLARATIONS OF INTEREST**

Cllr Eastwood declared that he had an interest in relation to item 9 on the agenda as he was currently sitting on a licensing sub-committee that was dealing with an application for a review of the premise licence. Cllr Eastwood declared that he would leave the room during discussion of the item.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the previous meeting held on 28 April, 2014 be agreed as a correct record.

4. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved: That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - MR CT**

The Committee considered an application from Mr CT for the grant of a Private Hire Drivers Licence.

The chair invited the applicant to address the Committee.

References were provided by the applicant to support his application and were read out to the Committee.

Resolved: a) That the application be refused as the Committee could not be satisfied that the applicant was a fit and proper person to hold a Private Hire Drivers' Licence in view of the number and nature of the convictions disclosed.

b) That the applicant be invited to reapply in 24 months but it was made clear that this would not mean an automatic grant of the licence.

6. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - MR AR**

The Committee considered an application received from Mr AR for the grant of a Private Hire Drivers' Licence.

The Chair invited the applicant to address the Committee.

Resolved: That the application be refused as the Committee could not be satisfied that the applicant was a fit and proper person to hold a Private Hire Drivers' Licence in view of the nature, number and severity of the convictions that had been disclosed.

7. CREWE ARMS, MADELEY HEATH

A report was submitted in connection with the Crewe Arms, Madeley Heath. The report sought approval for the instigation of legal proceedings following the revelation of serious contraventions of food safety legislation.

Members considered the report and agreed that action needed to be taken to protect the health and wellbeing of residents in the Borough.

Resolved: That legal proceedings be instituted against the Food Business Operator.

8. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES

A report was submitted to advise the Committee of action taken in respect of littering offences within the borough and to seek authorisation to institute legal proceedings against the Fixed Penalty Notice holders listed in the appendix.

Resolved: That legal proceedings be instituted in the relation to the cases detailed in Appendix A.

9. ENVIRONMENTAL HEALTH ANNUAL PERFORMANCE AND ENFORCEMENT REPORT

A report was submitted to inform Members of the key issues and activities undertaken by the Environmental Health Service in 2013/2014.

The report enabled the Committee to be informed of the nature and extent of routine and enforcement work undertaken by environmental health services and endorse the priorities for 2014-2015.

The Head of Environmental Health highlighted the objectives and priorities for each enforcement team and the additional projects and priorities listed below:

- Business perception survey of environmental health service delivery,
- Progress mobile and agile working,
- Participate in the regulatory services review with the Staffordshire & Stoke on Trent Local Enterprise Partnership, including signing up to a regulatory charter,
- Review the Councils enforcement policy in accordance with the regulatory charter,
- Publish service standards in relation to environmental health,

- Participate in public health agenda and undertake specific projects.

Members thanked Officers for the well written and comprehensive report and commended the work undertaken to keep the Borough safe.

Resolved: That the Committee receive the report and support the priorities for the 2014/2015 work plan.

10. **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES**

A report was submitted to advise the Committee of the action taken in respect of Littering offences within the borough.

Members thanked Officers for their efforts in this conviction and highlighted the importance of publicity in respect of littering offences and the actions being taken by the Council.

Resolved: That the report be received

COUNCILLOR KYLE ROBINSON
Chair

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Driver & Vehicle
Licensing
Agency

KEEP THIS SAFE
Counterpart Driving Licence

L 0937036

D740

Important document - The photocard and paper counterpart should be kept together. Both must be produced when required.

113000



Document number

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IMAN MOHAMMAD
9 DRYDEN ROAD
STOKE-ON-TRENT
ST6 3JH

Driver number

MOHAM 804296 I99GJ

Issue number

07A

Iman Mohammad

You can update, replace and renew your driving licence online at www.gov.uk/browse/driving

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Provisional entitlement

Category	From	Until	Codes
A	29 04 04	28 04 56	
BE	26 05 05	28 04 56	
GH	26 05 05	28 04 56	

Entitlement history (see section 2 overleaf)

Category	From	Until	Codes

Category	From	Codes

Endorsements (as supplied by convicting court)

Convicting court code	Date of conviction			Offence code	Date of offence			Fine £	Disqual. period	Other	Penalty points
	Day	Month	Year		Day	Month	Year				

NOTE: < means "earlier than"

You may only drive the above if you hold current entitlement for a higher category.

Official Use

Changes to your permanent address

New house No. _____
New address _____



DRIVING LICENCE

1. MOHAMMAD
2. IMAN
3. 29.04.1986 ENGLAND
- 4a. 16.04.2014 4c. DVLA
- 4b. 15.04.2024
5. MOHAM804296I99GJ 07
7. Iman Mohammad
8. 9 DRYDEN ROAD, STOKE-ON-TRENT, ST6 3JH
9. AM/A/B1/B/f/k/p/q



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Date _____

Date of Issue:

26 JUNE 2014

Applicant Personal Details

Surname: MOHAMMAD
Forename(s): IMAN
Other Names: NONE DECLARED
Date of Birth: 29 APRIL 1986
Place of Birth: STOKE-ON-TRENT
Gender: MALE

Employment Details

Position applied for:
OTHER WORKFORCE HACKNEY CARRIAGE DRIVER
Name of Employer:
NEWCASTLE COUNCIL

Countersignatory Details

Registered Person/Body:
NEWCASTLE UNDER LYME BOROUGH COUNCIL
Countersignatory:
STEPHEN PATRICK

Police Records of Convictions, Cautions, Reprimands and Warnings

Surname: MOHAMMAD	Last known occupation: TAXI DRIVER
Forename(s): IMAN	Alias Name(s): NONE RECORDED
Gender: MALE	Alias Date of Birth: NONE RECORDED
Birth Details: 29 APRIL 1986 STOKE-ON-TRENT	

Conviction Details

Conviction: 1	Date of Conviction: 21 DECEMBER 2009 MOHAMMAD, IMAN	Court: NACF
1	Offence: PERSISTENTLY SOLICITING A WOMAN FOR PROSTITUTION FROM A MOTOR VEHICLE OR CAUSE ANNOYANCE/NUISANCE TO OTHERS ON 18 NOVEMBER 2009 SEXUAL OFFENCES ACT 1985 S.1(1)(A)	Disposal: CONDITIONAL CAUTION COMPLETED

Information from the list held under Section 142 of the Education Act 2002

NOT REQUESTED

DBS Children's Barred List information

NOT REQUESTED

THIS CERTIFICATE IS NOT EVIDENCE OF IDENTITY

Continued on page 2

Disclosure and Barring Service, PO Box 165, Liverpool, L69 3JD Helpline: 0870 90 90 811

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 4 August 2014

REPORT TITLE **Food Safety Service Plan 2014/15**

Submitted by: **Miss Nesta Henshaw**
Head of Environmental Health Services

Principal Author: **Mr Gareth Harvey - Environmental Health Team Manager – Food and Safety**

Purpose of the Report

An information report to make the committee aware of the work planned by the Food and Safety team in 2014/15 along with a review of last year's performance.

Recommendations

That the committee receive and endorse the Food Safety Service Plan for 2014/15.

Reasons

To make the Public Protection Committee aware of the work carried by the Food and Safety team, in accordance with the Food Standards Agency framework agreement on official food controls by local authorities.

1. Background

1.1 The Borough Council has a statutory duty to provide a Food Safety service that:

- Maintains a register of all food businesses operating within the borough;
- Implements a risk based programme of inspections and interventions;
- Provides advice to local businesses about how they can comply with legal requirements;
- Investigates complaints about contaminated food, unhygienic premises and food poisoning outbreaks; and
- In the most serious cases takes enforcement action to protect public health;

2. Issues

2.1 The Food Standards Agency requires local authorities to produce a specific service plan for their Food Safety service using a specified format that can be reported to its' elected members.

2.2 Attached to this report in Appendix 1 is a Food Safety Service Plan for 2014/15 which outlines the work planned for the coming year as well as a review of last year's performance.

3. Options Considered (if any)

- 3.1 None, the provision of this plan is a requirement of the Food Standards Agency under their framework agreement with local authorities.

4. Proposal

- 4.1 It is proposed that committee note and endorse the content of the Service Plan.

5. Reasons for Preferred Solution

- 5.1 The Service Plan is for the information of the Public Protection Committee.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 6.1 Creating a cleaner, safer and sustainable Borough.

The community is not put at risk from poor hygiene standards in food premises

7. Legal and Statutory Implications

- 7.1 The Council have a statutory duty to provide a Food Safety service and comply with the requirements of the Food Standards Agency.

8. Financial and Resource Implications

- 8.1 None, the Service Plan will be implemented within existing budgets.



FOOD SAFETY

SERVICE PLAN 2014/2015

Classification: NULBC **UNCLASSIFIED**

This document has been developed in accordance with guidance issued by the Food Standards Agency.

Introduction

The Council has a statutory duty to carry out Official Food Controls and enforce food hygiene regulations within the Borough. This ensures that all food sold within the Borough is safe and fit for human consumption.

This plan details the way in which Newcastle's Food and Health and Safety Team performed in 2013/14, and how the service was delivered.

Whilst highlighting achievements the plan also sets the standard for how the service will be delivered over the next financial year. The service will strive to continue providing a quality, customer focussed service in line with the Corporate priorities.

Nesta Henshaw
Head of Environmental Health Services

June 2014

Section 1 - Service Aims and Objectives

1.1 Service Aim

The council recognises that its food safety regulatory function plays an important role in maintaining and improving public health within the district. It is committed to ensuring that all food sold within the borough is safe and without risk to health. The service also plays an important role in supporting compliant food businesses and taking action against those businesses that are gaining an economic advantage by not complying with the food hygiene regulations.

Service Objectives

The objectives of the service are to:

- Ensure food produced and sold in Borough is fit for human consumption
- Reduce the incidence of food borne infectious disease
- Help consumers make informed choices about where they eat & shop

Food Safety Enforcement

The Food & Safety Team has enforcement responsibilities in a wide number of areas affecting the public and businesses within the Borough. These include:

- Ensuring that food and drink intended for sale for human consumption is produced, manufactured, stored, distributed, and handled safely and in hygienic conditions.
- Ensuring that residents are provided with a supply of wholesome and potable water
- Investigating complaints about food and food premises.
- Responding to notifications of food alerts.
- Control and prevention of spread of infectious disease and food poisoning.

1.2 Links to corporate objectives and plans

The Council's Corporate Plan sets out the overall vision and priorities for the Council. These are then incorporated into specific service and financial plans.

Within the Council's Corporate Plan 2013–14 to 2015-16 the Councils' priorities are:-

- ◆ **A clean, safe and sustainable borough**
- ◆ **A borough of opportunity**
- ◆ **A healthy and active community**
- ◆ **Becoming a co-operative council which delivers high quality, community-driven services**

The work of the Food and Safety team can be linked to all of these priorities; however, it is perhaps more closely associated with

- ◆ **A clean, safe and sustainable borough**
- ◆ **A healthy and active community**

The team report on 2 key performance indicators each quarter to the Council's Cabinet. These are:

Outcome 1.1 Ensure high standards of safety and public health

1.1.1. Percentage of food premises that have a zero or one national food hygiene rating.

1.1.2 The percentage of food establishments which are broadly compliant with good hygiene law

Other priorities for inspection of food premises and workplaces are prescribed in guidance issued by the Food Standard Agency and the Health and Safety Executive.

2 - Background

2.1 Profile of Newcastle – under – Lyme Borough Council

The Borough of Newcastle-under-Lyme is a local government district with borough status in Staffordshire, England. It is named after its main settlement, Newcastle-under-Lyme, where the council is based and also includes the town of Kidsgrove, and numerous villages. The Borough of Newcastle-under-Lyme forms part of the conurbation of North Staffordshire and covers some 81 square miles with a population of around 123,900.

The traditional industrial base of mining and pottery manufacture has changed significantly over the last century. The closure of local mines, and factories has seen the growth of hi tech and research industries within the area.

Newcastle is an ancient market town and still maintains a vibrant market culture. Stallholders set up on a part of the town locally known as The ‘Stones’ and this area is used on an almost daily basis for events ranging from the regular market to specialist events such as Farmers and European markets and antique fairs. Due to the Boroughs central geographical location and the proximity to the M6 motorway, recent years have seen a significant increase in the numbers of distribution depots in the area. A large bakery supplying retailers nationally is based here. The Borough also has the prestigious Keele University, medical school and conference facilities located within its’ boundaries.

2.2 Organisational Structure

The Council is made up of 60 locally elected representatives, otherwise known as councillors or elected members.

The Council has a Leader who is elected by the members of the Council and is nominated by the largest group on the Council. The Council also has a Mayor, who presides over the Council meeting. The Mayor is a councillor who is appointed by all councillors to serve for one year as Chairman of the Council. The Council meeting is a civic and ceremonial demonstration of democracy in the Borough, epitomised by the authority of the Mayor.

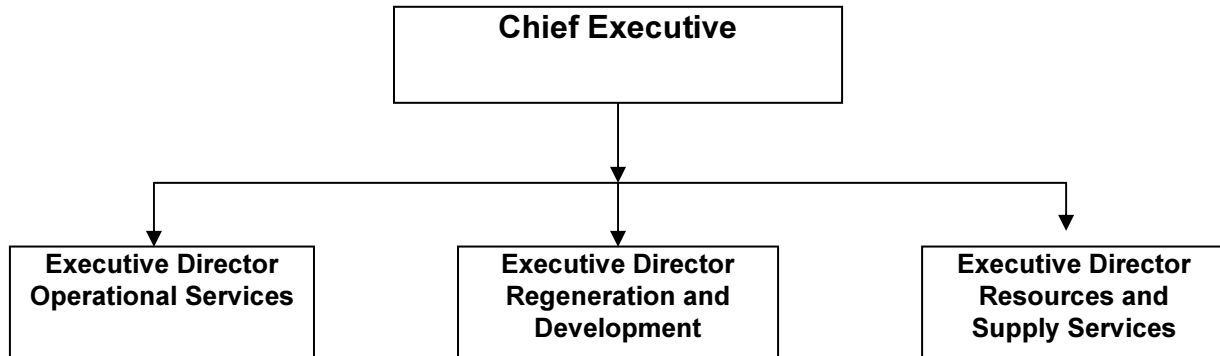
Today the Council comprises 60 Members, with 32 Labour councillors, 16 Conservative, 6 Liberal Democrats 5 UKIP and 1 Green councillor. The Council operates a Cabinet System consisting of a Leader and a small Cabinet. Members of the Cabinet oversee the following ‘portfolios’ or groups of services: -

- Communications, Policy and Partnerships – Cllr Mike Stubs (Leader)
- Environment and Recycling - Cllr Ann Beech
- Safer Communities – Cllr Tony Kearon
- Leisure, Culture and Localism - Cllr Trevor Hambleton
- Planning and Assets - Cllr John Williams
- Economic Regeneration, Business and Town Centres - Cllr Terry Turner
- Finance and Resources – Cllr Elizabeth Shenton (Deputy Leader)

There are a number of other Council committees who have important roles to play in a variety of areas including public protection, licensing, scrutiny, standards and planning.

Executive Management

The Council's senior officer management structure comprises of the Executive Management Team:



The Food and Safety Team are in the Environmental Health Service area, within the Regeneration and Development Directorate. See Appendix A

Food and Safety Team

The Food and Safety team operate within the Environmental Health Service together with the Environmental Protection, Licensing & Enforcement and Dog & Pest Control teams.

The Food and Safety Service structure consists of:

The Head of Environmental Health Services (Reporting to the Executive Director Regeneration and Development)

Environmental Health Team Manager – Food and Safety

2 Environmental Health Officers

1 Food Safety Officer

2 Technical Assistants

1 Food and Safety Assistant

The use of outside contractors will only be considered in the future if the following criteria are met:

- A backlog of inspections which cannot be completed by Officers;
- Agency contractors meeting the requirements of the Food Safety Act Code of Practice Qualifications and Experience of Authorised Officers; and
- The cost of the work being met within existing budgets.

Expert assistance is provided by the following outside organisations: -

- Public Analyst, Staffordshire Scientific Services
- Food Examiner and Microbiology Department, Public Health England, Good Hope Hospital, Birmingham
- Consultant in Communicable Disease Control, Public Health England, Stafford

2.3 Scope of the Food and Safety Service

The food and safety team are responsible for enforcing food hygiene law within the borough. Issues relating to food standards and feed are dealt with by our colleagues in Staffordshire county council's trading standards department.

The Food and Safety team is responsible for the delivery of a number of regulatory functions including:

- Food Safety and Hygiene
- Occupational health and safety (in premises where enforcement responsibility is allocated to the Local Authority)
- Prevention and control of infectious diseases
- Public health licensing – tattooing, piercing etc.
- Health promotion

The service is provided to ensure the Council meets its' legal obligations specified in primary legislation. The service used a range of interventions to deliver the service which can be divided into three main areas:

- **Inspection/Audit:** Inspection of food businesses at a minimum frequency laid out in the Food Law Code of Practice.
- **Demand:** Investigation of complaints regarding food and food premises, accidents and notifications of food poisoning.
- **Business support:** Provision of advice and guidance to local businesses and consumers.

The following functions are provided by the service:

- Maintenance of a food premises registration database for all food businesses located within the borough;
- Provision of advice to local businesses to assist them in complying with their legal responsibilities and to promote good practice.
- Inspections and audits of food businesses to ensure they comply with food safety legislation.
- Approval of food manufacturers handling products of animal origin.
- Sampling and analysis of food and water to check their compliance with safety requirements.
- Investigation of complaints about illegal/unfit food and unlawful food businesses;
- Investigation of food poisoning outbreaks;
- Investigation of national Food Alerts (issued by the Food Standards Agency).
- Health and safety inspections where the council is the enforcing authority.
- Investigation of complaints about occupational health and safety.
- Investigation of accidents, dangerous occurrences, and occupational diseases.
- Inspection of establishments carrying out tattooing, ear piercing and electrolysis and other beauty services.
- In the most serious cases, formal enforcement action is taken to protect public health including the seizure of food, service of notices, closure of premises and prosecution of offenders.
- Keep a register of food businesses operating within the district;
- Consultation with external agencies and internal services i.e. licensing, trading standards, planning;
- Enforcement of Smoke-Free legislation

Service Delivery Points

Officers are based in The Civic Centre, Merrial Street, Newcastle-under-Lyme and the service operates between **9.00 a.m. - 5.00 p.m. Monday – Friday.**

Newcastle Borough has two dedicated Customer Service Centres, these are located in The Guildhall, Newcastle and The Town Hall, Kidsgrove both are open Monday - Friday 9am to 5pm. There is also Madeley Centre, Whitmore Information Centre and a Community run one-stop shop in Chesterton.

The out of hours Emergency Call Centre service has been outsourced and is operated by Cannock District Council. The Environmental Health Service operates an emergency stand-by rota so there is always a manager available to respond to the contact centre in the event of an emergency or incident.

2.4 Demands on the Food Service

In April 2014 there were 1075 registered food businesses in the Borough. These businesses were given a risk rating band between category A and E as shown in the table below (alongside figures for the previous 4 years).

Food Premises Risk Band	2014/15	2013/14	2012/13	2011/12	2010/11
A	2	3	3	6	3
B	47	57	47	64	76
C	403	375	408	411	440
D	168	206	215	210	208
E	425	406	350	425	370
UNRATED	29	33	38	29	42
OUTSIDE	1	1	1	0	0
TOTAL REGISTERED	1075	1081	1062	1145	1139

The risk rating awarded is generated by the inspecting officer who scores the business based on the types and quantities of food produced and their compliance with food hygiene requirements. Businesses awaiting inspection are classified as Unrated and those registered with other council's and trading in our area are deemed Outside the risk programme.

The risk band awarded also determines the how often the food business will be inspected as detailed in the table below:

Risk band	Minimum intervention frequency
A	At least every 6 months
B	At least every 12 months
C	At least every 18 months
D	At least every 24 months
E	A programme of alternative enforcement strategies or interventions every three years

Businesses can be rated as a category A or B if they carry out a high risk activity such as food manufacturing, or if they are found to have poor compliance such as a premises awarded a zero or 1 Food Hygiene Rating.

A number of specialist and complex food manufacturers are located within the district including

- A specialist cheese-maker
- 3 Meat Product manufacturers

Officers responsible for inspecting/auditing these premises have received specialist training in the relevant fields.

2.5 Enforcement Policy

The Council has approved an Enforcement Policy and carries out its' regulatory functions in accordance with the Regulators Compliance Code. The importance of achieving a fair and consistent approach to enforcement is recognised by the council. The Enforcement Policy is followed for all enforcement action undertaken by the food service and is available on the council's website: www.newcastle-staffs.gov.uk/

3. Service Delivery

3.1 Interventions at Food Establishments

An annual risk-prioritised programme of inspections will be undertaken in accordance with the Food Safety Act 1990 Code of Practice. The Service will use the full range of interventions and enforcement options available to ensure that the highest standards of food hygiene and safety are achieved and maintained.

In 2014/15 there are 690 food premises due for a Food Hygiene Inspection, and these are broken down by Risk Band in the table below:

Food premises risk band	Total
A	2
B	48
C	286
D	104
E	218
OUTSIDE	1
UNRATED	31
Grand Total	690

In 2014/15 the Service aims to achieve:

100% of High Risk food premises (categories A – B) using full inspections/audits.

100% of category C premises using full inspections/audits for non-compliant premises. Those deemed 'Broadly compliant' will be subject to either a full inspection/audit or an alternative intervention in accordance with the Food Law code of practice and internal procedures.

100% of category D premises using full inspections/audits.

100% of category E premises will be subject to an alternative enforcement strategy such as a self-inspection form, to help assess compliance and identify if there has been any change in operations that warrants an inspection.

100% of Unrated premises using full inspections/audits.

NB we received 160 new food premise registration forms in 2013/14 notifying us of new food businesses or changes in ownership. This area of work places a significant demand on our Service as these inspections should be carried out within 28 days. We have no control over this reactive type of work and will aim to achieve 100% of these inspections. However if demand becomes excessive, then resources will be diverted away from lower risk category E and D inspections.

National Food Hygiene Rating Scheme

Newcastle-under-Lyme Borough Council was the first Council in Staffordshire to launch the national Rating Scheme in June 2011. This has allowed residents and visitors the opportunity to make an informed choice about where they eat based on the premises last Food Hygiene inspection.

After each inspection all food premises are given a score based on their compliance with food hygiene law and confidence in management. These scores are then converted into a Food Hygiene Rating based on the FSA's 'Brand Standard'. Businesses can receive a Rating between zero and five.

On 9 April 2014 the following profile of Food Hygiene Ratings were published:

FHRS	Total Premises
5 – Very Good	404
4 – Good	175
3 – Generally Satisfactory	79
2 – Improvement Necessary	33
1 – Major improvement necessary	8
0 – Urgent Improvement Necessary	1
Grand Total	700

The Food and Safety team plan to target any premises rated 2 or below to try and improve Hygiene standards and protect public health. These premises will be subject to an enhanced number of revisits and support visits with the aim of improving standards. However where very serious hygiene offences are identified these premises may also be subject to enforcement action.

Please note, certain categories of food businesses are exempt from the scheme if they do not sell direct to the public or are handling low risk food only e.g. newsagents.

Revisits

Revisits are only made where serious or ongoing contraventions are found during the initial inspection. In 2013/14 105 Food Hygiene revisits were carried out and it anticipated that a similar number will be required in future years.

Alternative Inspection/ Intervention Strategies

The Service uses an alternative enforcement strategy to deal with lower risk category E food premises. This approach is advocated by the Food Standards Agency as a means to target limited resources towards areas of greatest risk.

The strategy involves sending a food safety questionnaire to those low-risk businesses rated as an E. Proprietors must then self-assess the food safety risk posed by the business and return the questionnaire. Responses are assessed to determine whether any further action is required and non- respondents are targeted with follow up actions and visits if necessary.

Inland control of Imported food

Officers routinely check the traceability of all food during their interventions and this includes food that has been imported from outside the EU ('Third' countries). Officers within the team have received specialist training in Imported Food Control from the Food Standards Agency (FSA) and support materials are available on the FSA website. Officers also monitor the microbiological quality of imported food as part of national and cross-regional sampling programmes.

3.2 Food Complaints

Food complaints received and investigated by the service fall into one of the following categories of Service Request:

- Food contamination
- Complaints about Hygiene of food businesses (hygiene, pests etc.)

Year	Food Complaints	Hygiene of Food Premises
2013/14	71	273
2012/13	62	432
2011/12	22	313
2010/11	23	422
2009/10	19	168

We have no control over this reactive area of workload and will aim to respond to all service requests within the necessary timescales. Where the service receives excessive numbers of service requests then the Team Manager and Head of Service will make a decision on how these should be prioritised and whether resources need to be re-allocated.

Service requests are investigated in accordance with established procedures and policies. The initial response to complaints will be within five working days depending on the severity of the complaint, with more serious complaints receiving a more urgent response.

3.3 Home Authority Principle and Primary Authority Scheme

The Home Authority Principle is an arrangement where multi-national food businesses can enter into a formal arrangement with a single local authority (known as their Home Authority), to agree on common standards and interpretation of the Regulations in their many premises with the aim of ensuring consistency of enforcement. Local Authorities dealing with the businesses other premises are then expected to have regard to any arrangement agreed by the Home Authority before taking enforcement action.

Primary Authority Scheme

The Better Regulation Delivery Office's (BRDO) Primary Authority Scheme is the gateway to simpler, more successful local regulation. It gives businesses the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. Since late 2011, the FSA has been working with the BRDO and Local Authorities in Primary Authority partnerships on a pilot around inspection plans within the Primary Authority Scheme. The pilot is mainly with multi-site retailers.

Newcastle BC is not currently acting as a Primary or Home Authority for any businesses within the borough. All of our officers are aware of the schemes and prior to any inspection of a food business that has a Primary Authority, our officers will check the Primary Authority website to review documentation and inspection plans.

3.4 Advice to Business

Wherever possible, our officers will try and work with new and existing food businesses to help them comply with the legislation. Officers will offer advice when requested, and will encourage food business operators through an educative approach to adopt good practice. This is achieved through a number of measures:

- On request, advisory visits to new and existing businesses who require guidance;
- Advice is routinely given during inspections and other visits to premises;
- Provision of information leaflets and signposting;
- Responding to service requests and enquiries;
- The Council's website;

3.5 Food Inspection and Sampling Programme

Our food sampling activities play an important role in monitoring the microbiological quality of food sold locally and helps us verify that the food business operators have effective food hygiene controls in place. Food is sampled according to a programme co-ordinated through the Staffordshire and Shropshire Food Liaison Group, together with colleagues at the regional Public Health England laboratory at Good Hope Hospital, Birmingham. Members of the group implement national, cross-regional and local sampling initiatives based on national intelligence and incidents.

Additional food sampling is carried out as necessary to support food hygiene inspections, the investigation of food complaints and outbreaks of food borne disease.

Samples are sent for microbiological examination to the Public Health England UKAS accredited laboratory at Good Hope Hospital, Birmingham. Samples are routinely collected from the civic offices by a courier on Tuesdays and Thursdays.

Samples requiring analysis for chemical or physical parameters are sent to the Public Analyst at Staffordshire Scientific services, Martin Street, Stafford.

The following table outlines the number of food samples taken from food premises for microbiological examination in the last 5 years:

Year	Microbiological Food Samples
2013/14	142
2012/13	63
2011/12	55
2010/11	79
2009/10	36

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food and Safety team investigates all reported cases and outbreaks of food poisoning occurring within the borough in liaison with our colleagues at Public health England.

The objectives of this service are to:

- Fulfil the Council's statutory responsibilities relating to the control of infectious disease;
- Identify the source and cause of reported infection;
- Implement measures to prevent further spread;
- Protect public health by providing cases and members of the public with advice on personal hygiene, safe food handling and control of infection;
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant in Communicable Disease Control (CDDC);

Large outbreaks are resource intensive and place significant demands on the Service. In the event of a significant outbreak, the Team Manager and Head of Service will monitor the situation and re-allocate resources and staff from other areas as necessary.

During 2013/14 the Council received 185 reported cases of infectious disease. Control of food related infectious disease is a priority area due to the possible health consequences for the individual and the risk of infection spreading within the community. This area of the service will therefore receive whatever resources are required to fulfil these duties.

3.7 Food Safety Incidents

Food Alerts, product withdrawals and recalls

The FSA issues information about product withdrawals and recalls to let consumers and local authorities know about problems associated with food. A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example. A Food Alert for Action is issued where intervention by enforcement authorities is required. These notices and alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

When a Food Alert for Action is issued, the Council must carry out the specified actions within the alert which may include visiting food premises and removing contaminated food from sale.

Classification: NULBC **UNCLASSIFIED**

The FSA also sometimes issues Allergy Alerts which are normally dealt with by our colleagues in Staffordshire County Council's Trading Standards department.

Food Alerts are sent to the Council via a designated e-mail address which are auto-forwarded to members of the Food and Safety team for their prompt attention. Outside normal working hours the Environmental Health Team Manager subscribes to the FSA's Food Alert text messaging service to alert them to any significant Food Alerts: For Action. The Environmental Health Service also operates an emergency out of hours standby rota so there is always a Manager available to respond in an emergency.

Given the reactive nature of Food Alerts it is not possible to predict the likely resources required. A Food Alert: For Action can have large resource implications as they sometimes involve the need for us visit a large number of food businesses. However due to the risk to Public Health, it is essential that adequate resources are provided to action these Alerts and this area of the service will receive whatever resources are required to fulfil these duties. In serious cases the Team Manager and Head of Service will reallocate, or obtain additional resources to deal with the incident and maintain other high risk workload.

In 2013/14 we received 44 Food Alerts from the Food Standards Agency.

3.8 Liaison with Other Organisations

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities.

This is achieved through regular meetings of the Staffordshire and Shropshire Food Liaison Group, which is attended by the Environmental Health Team Manager - Food and Safety. This group comprises of representatives from each of the 9 district and borough councils in the county, alongside Shropshire and Telford and Wrekin Council's, the County Council Trading Standards Department and the Public Health England laboratory and health protection teams.

This forum provides an opportunity for the authorities to discuss consistency issues both in their approach to enforcement and in the operation of the Food Hygiene Rating Scheme. The group holds regular training and consistency events and also implements an inter-authority auditing programme. The group also considers centrally issued guidance and consultations from the Food Standards Agency.

The Council also sends a representative to regular meetings with the Health protection team at Public Health England in Stafford, where communicable disease issues are discussed. These meetings are also attended by the Consultant in Communicable Disease Control (CCDC), local Water companies, Department for Environment Food and Rural affairs (DEFRA), Animal Health and Veterinary Laboratories Agency (AHVLA), Public Health nurses and the Microbiology department.

3.9 Food Safety Promotion

Officers routinely promote food safety issues during their day to day contact with Food Business Operators. We will also be participating in campaigns to promote awareness of the Food Hygiene Rating scheme as part of Food Safety week in June.

4. Resources

Financial Allocation

The Food Safety and Environmental Health budget is published separately on the Council's website at www.newcastle-staffs.gov.uk/

4.2 Staffing Allocation

The Food Safety service within the Council employs the following officers:

Environmental Health Team Manager – Food and Safety
2 FTE Environmental Health Officers
1 Food and Safety Officer
2 Technical Assistants
1 Food and Safety Assistant
1 Support Assistant (Support staff)

NB These officers do not spend all of their time on Food Law enforcement as they are also responsible for a number of other professional functions such as Health and Safety enforcement, Infectious disease control, Corporate Health and Safety, Licensing etc.

4.3 Staff Development Plan

The council is committed to providing each officer responsible for Food Law enforcement with a minimum of 10 hours Continuing Professional Development (CPD) training each year. All officers undertaking food safety work meet the qualifications and experience requirements detailed in the Food Safety Act Code of Practice.

Officers responsible for inspecting complex manufacturing and formally approved processes have previously received specialist training.

Professional and technical competence is also supported by:

- The council's annual performance appraisal system which helps identify training and development needs;
- Membership of the Staffordshire and Shropshire Food Safety Liaison Group;
- In-house training sessions/team briefings;

5. Quality Assessment

The Environmental Health service has systems in place to help ensure that food hygiene interventions are carried out consistently and in accordance with the Food Law Code of Practice. To assist this process a number of procedure notes and templates have been created that are available electronically to all Officers.

A procedure relating specifically to quality monitoring of inspections has been developed and this is further reinforced by:-

- The Food and Safety Manager carrying out a regular review of the paperwork, notices, and reports produced by officers following inspections;
- Consistency exercises
- Internal and inter-authority audits;
- Monthly team meetings;
- Monthly management meetings;
- Annual Performance Appraisal;

Inter-authority audits are planned in 2014 to specifically look at the operation of the national Food Hygiene Rating Scheme and compliance with the Food Standards Agency's Brand Standard.

Conflicts of Interest

Article 4(2b) of [Regulation 882/2004](#) requires that staff carrying out official controls are free from any conflict of interest.

All officers are aware of potential conflicts of interest that may arise between individuals interest and the Councils interest in delivering the food service. Officers are therefore required to declare any interests and obtain prior approval for any work outside of the Council. We also ensure that potential or actual conflicts of interest do not arise as a result of Home or Originating Authority responsibilities and contracting in services for enforcement purposes.

Our officers do not promote the borough council's services exclusively if other providers of those services exist in the area. Pest control and food hygiene training are examples of Council services that may be provided in competition with those supplied by other organisations. In such circumstances customers will be made aware of both the Councils service and the availability of alternative service providers.

Enforcement within local authority-run establishments

The Service has arrangements in place for ensuring compliance with food law in establishments where the Authority is itself the food business operator, and that steps are taken to ensure enforcement decisions are free from any conflict of interest.

If serious breaches of food law are detected in borough Council establishments, this will be brought to the attention of the Executive Director or Chief Executive, without delay.

Contract caterers that operate within local authority establishments will be registered and inspected in the normal way. In some Council buildings, café's, bars and vending machines are provided by outside contractors who register their businesses independently.

In some Council buildings small amounts of confectionary and ice cream are occasionally sold. In such circumstances the relevant Service Manager is responsible for registering the operation with the Food and Safety team and the operation will receive an inspection in the usual way.

6 Review

6.1 Review against the Service Plan

Each quarter performance data on 2 key performance indicators is reported to Cabinet, as detailed below:

Indicator	2013/14 Result
Percentage of food premises that have a zero or one national food hygiene rating.	1.28% (9 '0/1' premises out of 700 published).

This indicator measures the percentage of food premises that have a zero or one national food hygiene rating, where following each Food Hygiene Inspection, a food business is awarded a rating of between zero (Urgent improvement necessary) and Five (Very good). These ratings are published on the website at http://www.newcastle-staffs.gov.uk/environment_content.asp?id=SXC69E-A7811729&cat=1390 or <http://ratings.food.gov.uk/> Those premises that are rated zero (urgent improvement necessary) or one (major improvement necessary) have been found to be not complying with Food Hygiene Regulations and will be subjected to enhanced business support visits/revisits (and in the most serious cases enforcement action) to help them raise their compliance and protect public health.

Indicator	2013/14 Result
The percentage of food establishments which are broadly compliant with food hygiene law	93.1% (1040 out of 1117 premises deemed broadly compliant).

Following each food hygiene inspection a premise will be risk rated and given a score of between 0 (Very Good) and 30 (Very bad) for its' compliance with 1. Food Hygiene Procedures, 2. Structure and 3. Confidence in Management. Where a premises scores 10 or better in each of these 3 categories they are defined as being 'broadly compliant' with food hygiene law. This indicator describes the percentage of businesses in the borough that are deemed 'Broadly Compliant' and the service has a target of 85%.

Local Authority Enforcement Monitoring System (LAEMS)

Each year we submit performance data to the Food Standards Agency via an online LAEMS return which is reviewed and then published on their website. Below is an extract of the performance data submitted for 2013/14:

Food Hygiene Interventions carried out in 2013/14

	Total interventions
Total Premises at 31 Mar 2014	1075
Inspections and audits	507
Verification and surveillance	28
Sampling visits	71
Advice and education	27
Information/intelligence gathering	109
Total premises subject to official control	493

Interventions due and achieved in 2013/14 by risk rating

	Interventions Achieved	Due Interventions Outstanding
Premise Rating - A	4	0
Premise Rating - B	85	0
Premise Rating - C	284	4
Premise Rating - D	107	37
Premise Rating - E	69	97
Premise Rating - Unrated	193	21
Premise Rating - Outside	0	0
Totals	742	159

Premises risk rating profile on 1 April 2014

Tot

Premise Rating - A	2
Premise Rating - B	47
Premise Rating - C	403
Premise Rating - D	168
Premise Rating - E	425
Premise Rating - Unrated	29
Outside programme	1
Totals	1075

6.2 Identification of any variation from the Service Plan

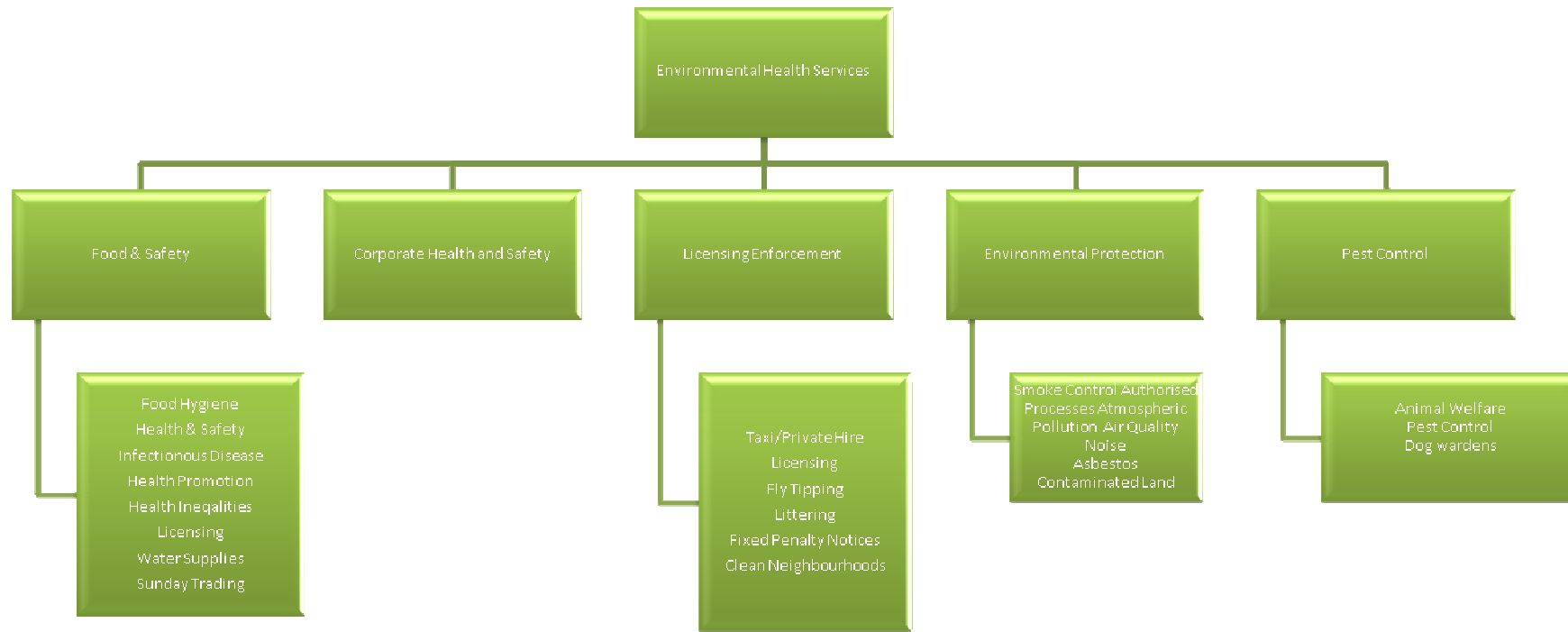
Key performance indicators listed in the above tables are reviewed on a regular basis. Results are reported to the Head of Service along with reasons for any significant variation, and where necessary an action plan is agreed to prioritise workload.

In 2013/14 the team received a large amount of reactive workload including involvement in a number of food fraud/illegal meat investigations. As a result a number of lower risk food businesses did not receive an inspection as resources were directed to higher risk areas.

6.3 Areas of Improvement

In 2014/15 the food and safety team will be participating in an inter-authority audit with neighboring local authorities in the Staffordshire and Shropshire Food Liaison Group. This audit will be focusing on the operation of the national food Hygiene Rating Scheme (FHRS).

Appendix A – Environmental Health Service Structure



Classification: NULBC UNCLASSIFIED

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE**

Date 4TH August 2014

REPORT TITLE

**Environment Act 1995 – Part IV
Local Air Quality Management – Progress Report 2014**

Submitted by:

(Environmental Protection Team Manager – Darren Walters)

Portfolio:

Environmental Health

Ward(s) affected:

ALL

Purpose of the Report

To advise Committee of the findings of the statutory Progress Report for 2013 in respect of air quality in the Borough and the work required as a result of the findings of poor air quality in areas of the Borough.

Recommendations

1. That the report be received

Reasons

To inform Committee of the findings of the statutory Progress Report for 2014 in respect of air quality in the Borough and the work required as a result of the findings of poor air quality in areas of the Borough.

1. Background

Local authorities in the UK have statutory duties for managing local air quality under [Part IV of the Environment Act 1995](#). District Council's have been required to review and assess air quality within their areas since 1997 for compliance against a range of pollutant objectives summarised in Appendix 1.

The findings of the previous reviews and assessments undertaken by your Officers since 1999 are summarised in Appendix 2 with the associated reports available on www.newcastle-staffs.gov.uk/LAQM/reports. It will be seen that the main pollutant of concern within the Borough is Nitrogen Dioxide (NO₂) which is largely derived from road traffic sources.

Nationally, the UK Government considers that health related air quality has an equivalent impact on the UK economy to that caused by obesity and a greater cost to the economy and mortality than road traffic injuries and deaths. Air pollution is estimated to reduce the life expectancy of every person in the UK by an average of 7-8 months with estimated equivalent health costs of up to £20 billion each year.

Local authorities therefore have an important role in bringing about improvements in air quality and ensuring compliance with statutory requirements to reduce the impact on health and associated costs to the National Health Service and the wider economy.

2. Issues

Classification: NULBC UNCLASSIFIED

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In accordance with its statutory duties, the Borough Council has recently completed its 2014 Progress Report for air quality in the 2013 calendar year. The report has recently been submitted to DEFRA for its formal approval. Given the format of the report and its findings and recommendations it is envisaged that DEFRA will accept its contents. The full report can be found on the internet at www.newcastle-staffs.gov.uk/laqm

The findings of this report have indicated that there are seven locations in two geographic locations within the Borough which, based on data gathered by the Council for the 2013 calendar year are showing exceedances of the statutory annual mean objective of 40µgm³ for nitrogen dioxide. These locations are:

- **Kidsgrove** (A50 – Liverpool Road)
- **Newcastle Town Centre** (around the town centre ring road, King Street and the A34 London Road southwards of the Barracks Road Roundabout)

There are a further thirteen locations which are at risk of exceeding the statutory annual mean objective of 40µgm³ for nitrogen dioxide, which are in and around the above areas.

There are no locations within the Borough showing any exceedances of the short term nitrogen dioxide objective.

It is considered that the exceedance of the nitrogen dioxide annual mean objective in these areas is due to road traffic emissions and the complex interaction between local geography, traffic levels and congestion as well as atmospheric and weather conditions. Nitrogen dioxide has several health impacts and includes general irritation to the eyes, irritation of the respiratory system and shortness of breath.

Given the findings of this latest Progress Report, the Council is required to proceed to a Detailed and Further Assessment of Air Quality in the exceedance locations in order to model the air quality at relevant receptors. The areas the subject of this report were assessed in detail in 2013 and the findings were the subject of a report to the December 2013 Public Protection Committee. It is not considered that the findings and recommendations of this report are still appropriate for the Kidsgrove and Newcastle Town Centre exceedance area identified in 2013

Work is now underway to consultant on the boundaries of the air quality management areas (AQMA) for exceedance locations identified in this reporting year and the previous year. Once the consultation exercise is complete a report will be presented to a future meeting of this committee with recommendations on the boundaries of the AQMA The adopted boundaries will then be formally declared and work will then commence on developing an Air Quality Action Plan which will identify appropriate measures to improve the air quality in these areas. Work is also about to commence on the preparation of an air quality strategy for the borough.

3. **Reasons for Preferred Solution**

None proposed.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

The action taken achieves the following priorities detailed within the Council Plan

- Priority 1 – A clean, safe and sustainable borough
- Priority 3 –A healthy and active community
- Council Plan Outcome 1.3 The negative impact that the Council, residents and local businesses have on the environment will have reduced

5. **Legal and Statutory Implications**

The Council is required by Part IV of the Environment Act 1995 to take the action outlined in this report in order to fulfil its statutory duties.

6. **Financial and Resource Implications**

Existing budgets have been utilised to fund the work identified in this report. Financial and resource implications arising out of the Detailed and Further Assessment will be detailed in the future report to this committee.

7. **Background Papers**

- Environment Act 1995 – Part IV
- Local Air Quality Management Technical Guidance (LAQM.TG.09) (available at <http://www.defra.gov.uk/publications/files/pb13081-tech-guidance-laqm-tg-09-090218.pdf>)
- 2014 Progress Report on Local Air Quality Management in Newcastle under Lyme (copy in members room (also available at www.newcastle-staffs.gov.uk/laqm))
- Newcastle Under Lyme Air Quality Detailed and Further Assessment – Client Project Report CPR2631 prepared by TRL (available at www.newcastle-staffs.gov.uk/LAQM/DAFA2013)

Statutory air quality objectives

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2003
	5.00 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2010
1,3-Butadiene	2.25 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2003
Carbon monoxide	10.0 mg/m^3	Running 8-hour mean	31.12.2003
Lead	0.5 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2004
	0.25 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2008
Nitrogen dioxide	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2005
Particles (PM ₁₀) (gravimetric)	50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2004
Sulphur dioxide	350 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

Findings of previous air quality reports

Air Quality Reports	Description
2013 Detailed and Further Assessment of Air Quality	Detailed modelling has found exceedances of the annual mean nitrogen dioxide objective in the following areas: <ul style="list-style-type: none"> • Newcastle under Lyme Town Centre including the ring road, London Road and King Street, Etruria Road • A single residential property adjacent to the M6 at Collingwood Madeley • The A527 - High Street Maybank, High Street Wolstanton through to the junction with the A500 at Porthill Bank • Kidsgrove Town Centre – A50 Liverpool Road Liverpool Road and Hardingswood Road
2013 Air Quality Progress Report	This report identified exceedances of the nitrogen dioxide annual mean objective in Madeley (M6 motorway) Kidsgrove (A50 – Liverpool Road) Newcastle Town Centre (A34 Northbound - London Road); Newcastle Town Centre (A53 – King Street) A combined detailed and further assessment was already underway in respect of the exceedance areas required in these locations to inform the minimum extent of the required Air Quality Management Areas. There are a further fifteen sites which are at risk of exceedance in future years, these are located in close proximity to the exceedance locations
2012 Update and Screening Assessment(PDF4.31MB) DEFRA's Appraisal Report for 2012 Update and Screening Assessment (PDF 84.5KB)	This report has identified exceedances of the annual mean nitrogen dioxide objective at Madeley (M6 motorway) Kidsgrove (A50 – Liverpool Road) Newcastle Town Centre (A34 Northbound - London Road); Newcastle Town Centre (A53 – King Street) Therefore, detailed assessments are required in these locations to inform the minimum extent of the required Air Quality Management Areas.
2011 Progress Report (PDF 5.4MB) DEFRA's Appraisal of the 2011 Report Progress (PDF68KB)	The report has identified exceedances of the annual mean nitrogen dioxide objective in four areas of the Borough in Newcastle town centre, Kidsgrove, Madeley, Porthill. Therefore, detailed assessments are required in these locations to inform the minimum extent of the required Air Quality Management Areas.
2010 Detailed Assessment (PDF 11.53 MB) DEFRA's appraisal of the 2010 Detailed Assessment (PDF 24 Kb)	The assessment concluded that Air Quality Management Areas should be declared in Kidsgrove and Newcastle.
2010 Progress Report (PDF 3012 Kb) DEFRA's appraisal of the 2010 Progress Report (PDF 27Kb)	The report concluded that monitoring had identified a risk of exceeding the Nitrogen Dioxide annual mean objective at Kidsgrove and Newcastle. Therefore Detailed Assessments were required at these locations.

<p>2009 Updating and Screening Assessment (PDF 6.4mb)</p> <p>DEFRA's appraisal of the 2009 Updating and Screening Assessment (PDF 28Kb)</p>	<p>The assessment concluded that monitoring had indentified a risk of exceeding the Nitrogen Dioxide annual mean objective at Madeley, Kidsgrove, Newcastle and Shralebrook. Modelling predicted a risk of exceeding the Nitrogen Dioxide annual mean objective at the Church Street/ Wolstanton Link Road Junction. Therefore detailed assessments were required at these locations.</p>
<p>2007 Progress Report (PDF 2.47Mb)</p> <p>DEFRA's appraisal of the 2007 Progress Report (PDF 20Kb)</p>	<p>The report concluded that there were no exceedances of the air quality objectives.</p>
<p>2007 Detailed Assessment (PDF 2.97mb)</p> <p>DEFRA's appraisal of the 2007 Detailed Assessment (PDF 18Kb)</p>	<p>The assessment concluded that no Air Quality Management Area should be declared.</p>
<p>2006 Updating and Screening Assessment (PDF 685Kb)</p>	<p>The assessment indentified a risk of exceeding the Nitrogen Dioxide annual mean objective at Madeley, Kidsgrove, Porthill Bank, Shralebrook, London Road and Barracks Road. Therefore Detailed Assessments were required at these locations.</p>
<p>2005 Progress Report (PDF 1.38Mb)</p>	<p>The report concluded that there were no exceedances of the air quality objectives.</p>
<p>2004 Progress Report (PDF 1.38Mb)</p>	<p>The report concluded that there were no exceedances of the air quality objectives.</p>
<p>2003 Updating and Screening Assessment (PDF 1.83Mb)</p>	<p>The assessment concluded that no air quality objectives were exceeded at sensitive receptors and there was no need to proceed to a Detailed Assessment.</p>
<p>3rd Round Review and Assessment – April 2001 (PDF 2.51Mb)</p>	<p>The report concluded that no Air Quality Management Area should be declared.</p>
<p>2nd Round Review and Assessment – February 2001 (PDF 1.89Mb)</p>	<p>The report concluded that it was necessary to proceed to Stage Three in order to assess the likelihood of exceedances of the Nitrogen Dioxide and Particulate Matter objectives.</p>
<p>1st Round Review and assessment – January 1999 (PDF 3.46Mb)</p>	<p>The report concluded that it was necessary to proceed to Stage Two to assess Nitrogen Dioxide, Particulate Matter, Sulphur Dioxide, Carbon Monoxide and Lead. Benzene and 1,3 Butadiene were expected to meet the air quality objectives.</p>

Updating and Screening Assessments are required on a three yearly basis and review air quality as a whole to determine whether there is a risk of any air quality objectives being exceeded.

Progress Reports are required annually unless an Updating and Screening Assessment is carried out. They are intended to maintain continuity in the local air quality management process and highlight new monitoring results and update on specific changes.

Detailed Assessments are required when a problem pollutant has been indentified and there is a risk of exceeding an air quality objective. The reports provide an accurate assessment of the likelihood of the air quality objective being exceeded.