

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

JOINT PUBLIC PROTECTION COMMITTEE

Minutes of the meeting held on Monday, 12 JUNE 2017

Wokingham BOROUGH COUNCIL, SHUTE END, WOKINGHAM, RG40 1BN

Present: Nick Allen, Michael Firmager, Marcus Franks and Norman Jorgensen

Also Present: Paul Anstey (Environmental Health & Licensing Manager), Moira Fraser (West Berkshire Council), Clare Lawrence (Wokingham Borough Council) and Steve Loudoun (Chief Officer Environment & Public Protection)

Apologies for absence: Steve Broughton, Iain McCracken, Sean Murphy and Councillor Emma Webster

Absent:

PART I

12 Election of Chairman

RESOLVED that: Councillor Norman Jorgensen be elected Chairman of the Joint Public Protection Committee for the 2017/18 Municipal Year.

13 Minutes of the Meeting on the 14 March 2017

The Minutes of the meeting held on 14 March 2017 were approved as a true and correct record by the Committee and signed by the Chairman.

14 Declarations of Interest

There were no declarations of interest received.

15 Notice of Public Speaking and Questions

No notice had been received that members of the public wished to address the Committee on any of the agenda items.

No public questions were submitted in relation to general issues concerned with the work of the Partnership or any items which were on the agenda for the meeting.

16 Public Protection Food and Feed Control Plan (PP3315)

Prior to introducing the report Steve Loudoun explained that as the current Chairman of the Joint Management Board it had been agreed that he would be responsible for presenting reports to the Board. Officers would be on hand to provide detailed explanation where appropriate.

The Committee considered a report (Agenda Item 6) which set out the draft plans for the enforcement of both the food and animal feed controls for Members to approve. Steve Loudoun explained that due to time constraints two separate reports had been presented this year but that it was anticipated that for 2018/19 they would be condensed into a single document. It was noted that the two reports differed in style and that the two sets of information would be presented in a single format the following year. A common

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approach had been adopted across the three authorities. Councillor Marcus Franks commented that these reports illustrated the positive benefits of a joint working as each authority would have had to produce their own reports in the past.

Steve Loudon noted that the Inter Authority Agreement (IAA) set out the functions that were delegated to the Joint Committee. These included an array of functions that related to the enforcement of food hygiene, safety, quality, labelling and health nutrition claims. There were also a range of functions pertaining to safety, standards, labelling and hygiene of animal feed.

This area of work was controlled through a combination of EU and domestic implementing legislation. Statutory codes were issued under the Food safety Act 1990 that dealt with a range of issues. The controls referred to in the Act were subject to a range of reporting requirements as well as a Framework Agreement. One of the requirements of the Framework Agreement was that local authorities produced a plan in a prescribed format which needed to set out how they intended to discharge their statutory functions in relation to food and animal feed. The plans needed to set out priorities, inspection targets, areas for improvement and resource levels.

While it was proposed that in future years one plan would be produced for the 2017/18 year the functions were set out in two separate documents. The first plan had been produced by Environment Health and set out the activity in relation to food hygiene and safety. The second plan had been produced by Trading Standards and encompassed work on farms and in relation to food standards, quality, labelling and animal feed controls.

Public Protection Partnership Food safety Service Plan 2017-18

In relation to a query from Councillor Nick Allen, Paul Anstey explained that all new premises had to be inspected within 28 days . Councillor Allen queried if the regeneration of Bracknell Town Centre would create a spike in activity for the Team Paul Anstey confirmed that it would but that Officers did not anticipate that it would cause any operational difficulties. Paul Anstey explained that the production and submission of this document was a requirement of the Food Service Agency (FSA). The document essentially had to set out how the authority aimed to address the priorities, how it would mitigate risk as much as possible and how it would deal with problematic premises. The FSA tended also to focus on the competency of staff especially where unusual risks were identified by authorities. This approach was supported by the creation of the Public Protection Partnership (PPP) which provided resilience, flexibility and allowed the team to retain a greater range of competencies.

Clare Lawrence reassured Members that the content of the report did not vary a great deal from previous iterations produced by their authorities but merely provided better consistency.

Councillor Nick Allen noted that in the table associated with the Food Hygiene Rating Scheme (FHRS) on pages 31 and 32 the totals did not add up to 100% and he queried the reason for this. Officers agreed to provide an explanation outside of the meeting or if appropriate to correct the information. **(SM to ACTION)**.

Referring to the same table Councillor Allen noted that the vast majority of premises were in receipt of a very good or good rating and he asked if there was a reason behind this. Paul Anstey noted that a significant proportion of the premises were operated by contract

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caterers (e.g. schools) who were very good at adhering to the relevant rules and regulations. The businesses rated as 0, 1 and 2 were understandably at more risk. They sometimes tended to 'cut corners' due to economic pressures. As a result they often went out of business and then re-opened as a different or rebranded business. Where a business failed an inspection there was usually a three month window before it was re-inspected.

Councillor Norman Jorgensen queried how the FSA audited the local authorities. Paul Anstey explained that local authorities were required to submit a lot of data on an annual basis and that the FSA tended to adopt a light touch approach to inspections. The FSA adopted a five year cycle. It was not anticipated that BREXIT would result in any significant changes to this approach. Their current focus was on food fraud largely as a result of the horse meat scandal. This meant that there was greater emphasis on ensuring the integrity of the food chain and less emphasis on food hygiene. The revised approach meant that different staff competencies were needed and there was greater emphasis on trading standards skill sets.

Councillor Jorgensen queried if the Team was adequately resourced to deal with the operational requirements arising from this plan. Officers confirmed that they had aligned the plan to the existing resources. A risk register had been developed which set out controls to deal with the effect of the loss of key staff members.

In relation to a query from Members about the number of food inspections Paul Anstey explained that high risk establishments were inspected every six months and that routine inspections took place every 18 months. The number of inspections that took place every year therefore varied. Clare Lawrence commented that varying workloads had been taken into account when the charging rates for each of the three authorities had been set to ensure that they were equitable.

RESOLVED that: the draft plan be approved, subject to the amendment of the table on pages 32 and 33 if appropriate and that the document would then be published and sent to the FSA.

Food Standards and Animal Feed Safety and Standards Delivery Plan

The focus of this plan was on the agricultural side and the focus tended to be on animal feed. Steve Loudon explained that the style of this report was different to that of the first report but that they would be harmonised in the future. Paul Anstey commented that there were 428 primary feed producers and 75 inland premises in the area.

It was noted that BREXIT might generate additional work in this area as there was likely to be more emphasis on border controls, movement of animals and live stock farms were more likely to be under the spot light.

In response to a query from Councillor Allen Paul Anstey explained that 383 food businesses were inspected, 74 complaints were dealt with and 2 food operators were prosecuted and 102 warnings or written notifications were issued. Food labelling and best before and use by dates were the main areas of concern. Recently the levels of fines for these transgressions had increased and the judiciary were making them relevant to the size of the company.

Councillor Allen queried if it was easy for members of the public to complain. Officers confirmed that it was. However, it was less easy to collate a case that would lead to a prosecution. A Response Team was being set up to expedite this process as educating

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delays in following up on a complaint could help to increase the possibility of a prosecution.

RESOLVED that the plan be adopted.

17 Public Protection Community Fund (PP3316)

The Committee considered a report (Agenda Item 7) which explained how the Public Protection Partnership (PPP) would be implementing the Community Fund as agreed through the Asset Recovery Incentivisation Scheme (ARIS).

Steve Loudon explained that the fund was established by virtue of the Committee decision to implement the ARIS at the 14 March 2017 meeting. The Committee agreed at that time that they wished to determine all grant applications as part of their routine agenda. It was noted that the size of the fund has been capped at 20% of the total Proceeds of Crime Act POCA reserve held. The reserve currently stood at about £300k but it was acknowledged that this would vary year on year depending on cases that were successfully prosecuted. Once agreed the process would be published on all three authority's websites. It was noted that as part of the Communications Strategy adopted at the last meeting a person would be employed to undertake public relations activity. They would promote this activity.

A discussion ensued as to the maximum limit that could be applied for and it was agreed that it should be set at 'up to' £7.5k initially and that this could then be amended if necessary. Councillor Norman Jorgensen also requested that the form be amended so that applicants would need to state how many residents would be helped by their scheme. **(PA to ACTION)**. It was also agreed that all applications would be brought to the Committee on an ad hoc basis. In the event that this became overly onerous a sub-committee (comprising one councillor from each of the three authorities) would be set up and they would be tasked with making recommendations to the Full Committee. These sub-committee meetings could take place virtually.

Councillor Marcus Franks requested that the references to affiliations to a recognised sporting or children's group be removed from the key elements of an application (see page 77). **(PA to ACTION)**, Members also requested that the last line of the first paragraph of section 2 (Public Protection Community Fund) on page 85 be amended. **(PA to ACTION)** which made reference to an annual allocation of the POCA reserve.

Once the amendments had been made Paul Anstey would ask Moira Fraser to circulate the revised documentation to the Committee. **(PA/MF to ACTION)**

RESOLVED that:

1. the principles outlined in the Community Fund report be approved and it be adopted as policy;
2. individual grants be limited to £4,000 per application

18 Public Protection Performance Update (PP3317)

The Committee considered a report (Agenda Item 8) which asked Members to consider the proposed structure and content of the performance report they were due to receive

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each year, as agreed by the business plan. The report also provided year end financial information from 2016/17.

Steve Loudoun explained that the Business Plan which was agreed at the 14 March 2017 meeting identified the headline priorities and the form of future performance reports.

During the 2016/17 financial year the Public Protection Partnership (PPP) had operated between 09 January 2017 31 March 2017. Performance monitoring during this time was based on legacy arrangements from each of the three Partner authorities. Financial monitoring was conducted by West Berkshire, with assistance from Bracknell Forest for the purposes of year end reconciliation. Bracknell Forest paid £284k for that period and the PPP spent £280.7k over the same period, resulting in an outturn of -£3.3k.

Wokingham and West Berkshire Councils, by virtue of legacy financial arrangements over the full year 2016/17 were £31.6k overspent. No specific Quarter Four budget analysis had been conducted to align with Bracknell Forest but this would be conducted in 2017/18.

Councillor Marcus Franks, given the earlier discussion on inspection of food premises, asked if it would be possible to include additional information pertaining to categories 0 and 1 and Cs and Ds in this report. Officers noted that this information was already presented in the Annual Plan. The purpose of this report was largely to inform budget discussions. It was agreed that officers would populate the documentation and then circulate it to Members which might it easier for them to see what information was being presented and therefore easier to identify any gaps.

Paul Anstey also drew Members' attention to the additional information pertaining to Primary Authority Partnerships set out in section 10 of the report. The team were providing advice and had set up trading relationships with some major organisations. It was hoped that the PPP could illustrate that it was developing economic activity and not just placing a burden on businesses.

Resolved that:

1. the format of the template and the subject headers identifying the nature of the performance information to be presented during 2017/18 be agreed.
2. any minor amendments required to the performance report be delegated to the Joint Management Board.

19 Future Plan

It was noted that the following issues would be included on the agenda for the September 2017 meeting:

- Accommodation
- Budget strategic assessment
- Any additional common policies that were identified in the interim

Business development would be included on the agenda for the December 2017 meeting.

Paul Anstey noted that the PPP were putting together a calendar of activities which could also be shared with Members.

Members also requested that they be informed about any media activity.

20 Any other items the Chairman considers to be urgent

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The Chairman did not raise any further items.

21 Future Meeting Dates

- 25 July 2017 (Special)
- 19 September 2017
- 12 December 2017
- 19 March 2018

All meetings will start at 7.00pm and will be held at the Wokingham Borough Council Offices.

(The meeting commenced at 7.00 pm and closed at 9.03 pm)

CHAIRMAN

Date of Signature