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6 June 2008

## **S U M M O N S**

**MEETING:** Community and Environment Board  
**DATE:** 16 June 2008  
**TIME:** 6.00pm  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Catherine McDonald

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

Councillor Chegwyn (Chairman)  
Councillor Smith (Vice Chairman)

Councillor Beavis	Councillor Langdon
Councillor Burgess	Councillor Murphy
Councillor Edgar	Councillor Salter
Councillor Mrs Forder	Councillor Wright

The Mayor (Councillor Kimber) (ex officio)

### **FIRE PRECAUTIONS**

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

**In the event of the fire alarm (continuous sound) sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

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

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

**NOTE:**

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

## AGENDA

RECOMMENDED  
MINUTE FORMAT

### PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

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

3. MINUTES OF THE MEETINGS OF THE COMMUNITY AND ENVIRONMENT BOARD HELD ON 3 MARCH 2008 AND 15 MAY 2008

*To approve as a correct record the Minutes of the meetings of the Community and Environment Board held on 3 March 2008 and 15 May 2008 (copies herewith).*

4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Thursday 12 June 2008. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Thursday 12 June 2008).*

6. GREEN WASTE SERVICE

*To inform the Board of an HSE inspection of the green waste service provided by Verdant on the Council's behalf and the implications of that inspection.*

Part II  
Contact Officer:  
David Jago  
Ext. 5517

7. RECYCLING POLICY

*To advise the Board of the procedure in use to address contamination in recycling bins.*

Part II  
Contact Officer:  
David Jago  
Ext. 5517

- |     |  |  |
|-----|--|--|
| 8.  | <b>WASTE RECYCLING CENTRE – GRANGE ROAD</b><br><br><i>To seek approval for extending the area of land currently leased to Hampshire County Council for the purpose of improving safety and traffic management.</i>   | Part II<br>Contact Officer:<br>Mark Pam<br>Ext. 5563             |
| 9.  | <b>ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2008/2009</b><br><br><i>For the Board to consider the Environmental health (Commercial) Service Plan for 2008/2009.</i>   | Part II<br>Contact Officer:<br>David Palmer<br>Ext. 5509         |
| 10. | <b>TRANSFER OF PLAY AREA AT THE DAEDALUS ESTATE, LEE-ON-THE-SOLENT FROM TAYLOR WIMPEY TO GOSPORT BOROUGH COUNCIL</b><br><br><i>To seek the Board's views to the transfer of the play area on part of the former HMS Daedalus site to Gosport Borough Council and to recommend to Policy and Organisation Board for approval.</i> | Part II<br>Contact Officer:<br>David Martin<br>Ext. 5512         |
| 11. | <b>SOUTHERN WATER SCRUTINY</b><br><br><i>To consider the report and recommendations of the Overview and Scrutiny Committee regarding their investigation into the operational and strategic objectives of Southern Water for the Borough.</i>  | Part II<br>Contact Officer:<br>Borough<br>Solicitor<br>Ext. 5401 |
| 12. | <b>ANY OTHER ITEMS</b><br><i>which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.</i>   |  |

## AGENDA ITEM NO. 6

<b>Board/Committee:</b>	Community and Environment Board
<b>Date of Meeting:</b>	16 June 2008
<b>Title:</b>	Green Waste Service
<b>Author:</b>	Environmental Services Manager
<b>Status:</b>	FOR DECISION

### **Purpose**

This report is to inform the Board of an HSE inspection of the green waste service provided by Verdant on the Council's behalf and the implications of that inspection.

### **Recommendation**

For the Board to determine which of the available options they wish to adopt

## **1 Background**

- 1.1 On 15<sup>th</sup> April 2008 the HSE inspected the Down End composting facility near Fareham and in so doing checked the procedures used by Verdant in collecting green waste from Gosport.
- 1.2 They confirmed the result of the inspection and further discussions with the Company and Council Officers in a letter dated 12<sup>th</sup> May 2008. A copy is attached as Appendix A. This letter has significant implications for the way this service is delivered now and in the future.
- 1.3 The system employed involved a single employee collecting green waste bags and loading them onto a Transit vehicle. When the vehicle reached the Down End facility the cage is then manually unloaded by the same operative.
- 1.4 The HSE letter identifies the double handling of the material as representing a significant manual handling risk to the employee. As the total quantity of material collected in one trip can be upwards of 3000kg this means the employee is required to lift 6000kg in any one day.
- 1.5 The Manual Handling Operations Regulations 1992 require employers to; so far as is practicable, avoid the need for employees to undertake manual handling operations which involve a risk of injury. Whilst Gosport Borough Council are not the employer in this instance the Council nonetheless has a responsibility for ensuring the

work done on their behalf is managed to reduce the risks to health and safety so far as is reasonably practicable.

- 1.6 The HSE have agreed that as an interim measure the green waste round should be double staffed so as to reduce the strain on individual employees. They also indicate that a permanent long term solution is required and have therefore required that the Council inform them in writing by 31<sup>st</sup> January 2009 outlining the way forward for this service with an implementation date of 1<sup>st</sup> April 2009.
- 1.7 Last year the Council collected 379.8 tonnes of green waste and sold 32653 green sacks with a total income of £35100 resulting in a net surplus of £7900

## **2 Report**

- 2.1 The additional operative for this year has been costed by Verdant at £12.66 per hour. This is a day rate and may be reduced slightly to a monthly additional charge should the Council agree formally to a variation in the contract. The change to the manning of this operation will amount to £24000 for the remainder of the financial year.
- 2.2 Given that £24000 is not part of the current budget the Council has a number of options available to it.
  1. Cease providing the service. Green waste is a household waste for which a charge for collection can be made. If sufficient disposal arrangements are available in the area then collection arrangements do not need to be made. Green waste can be disposed of at Grange Road Household Waste Recycling Centre free of charge. This would result in a small net loss on the current budget depending on when the service was suspended. Any suspension would have to be agreed with Verdant as this is currently part of the contract. If the service was suspended a decision would need to be taken as to whether green waste were to be accepted in the household waste stream. It is to be accepted Verdant would wish to implement a no side waste policy as the increased material is likely to lead to an increase in sacks left by bins which would in itself increase the time taken to collect, not to mention in the increase in manual handling. Putting green waste into the main household stream would also increase the weight of waste collected, adversely affecting our recycling rates (by approx 1.5% per year). The Council currently has a rate of 26% which fails to meet the Government's target of 27%.
  2. Continue the service until the end of October. This would cost up to £14180 (28 weeks) but would allow those who have already purchased green sacks to use them. Every attempt will be made to contain this cost within the existing budget. It

would enable us to provide the service for the summer period which is the period of peak demand. This will also provide time to further investigate the options for the service together with the costs involved. A further report would then be made to the Board at their September meeting. It is also possible that we may be able to increase the use made of the service and thereby increase the income received. Issues regarding side waste would still need to be resolved if the service is subsequently suspended.

3. Charge an additional fee for the green sacks in order to recover the increased costs. This would put the cost of sacks up to £2.80 and £2.00 for OAPs in order to recover the full costs. There could be a reduction in the use of the service this might not fully recover the costs involved.
4. Bear the increased cost of the service. This is not currently provided for in the 2008/9 budget.

### **3 Risk Assessment**

- 3.1 Failure to comply with health and safety legislation could lead to the Council and Verdant being prosecuted.

### **4 Conclusion**

- 4.1 The Board is asked to determine which option they wish officers to proceed with.

<b>Financial Services comments:</b>	Any additional costs will be assessed for inclusion in the revised budget in due course.
<b>Legal Services comments:</b>	The Council will need to decide how to deal with the matters raised by the HSE so as to remove the threat of further action by them.
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The green waste service has a direct impact on the Council's priority to improve recycling with less waste created.
<b>Risk Assessment:</b>	Contained in the body of the report
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	
Appendix 'A'	Letter from the HSE
<b>Report author/ Lead Officer:</b>	David Jago

## AGENDA ITEM NO. 7

<b>Board/Committee:</b>	Community and Environment Board
<b>Date of Meeting:</b>	16 June 2008
<b>Title:</b>	Recycling Policy
<b>Author:</b>	Environmental Services Manager
<b>Status:</b>	FOR DECISION

### **Purpose**

This report is to advise the Board of the procedure in use to address contamination in recycling bins.

### **Recommendation**

The working procedure be continued.

#### **1 Background**

- 1.1 All local authorities within Hampshire are members of Project Integra. As such they have a common policy regarding the nature of material we collect. That policy involves not collecting materials which we cannot process within the UK. Any material not capable of being recycled within the UK is sent for incineration where energy is recovered from it and supplied to the National Grid. This policy means that only 15% of waste collected in Hampshire is sent for land fill. This performance is amongst the best in the Country.
- 1.2 It is unfortunate that some manufacturers mark their packaging as recyclable even though there is no facility in the Country. This no doubt helps them brand their products as “green” when they are patently not green. An example is the tetrapak where the only available recycling facility is in Sweden. Collecting such lightweight material and shipping it abroad simply does not make sense in either carbon or monetary terms.
- 1.3 Any non-recyclable material in the recyclable waste stream has to be sorted at the recycling plant and then sent to the incinerator. This costs all Councils considerable amounts money and at the same time reduces income from the recyclable material collected. Under some circumstances whole lorry loads of otherwise recyclable material could be so contaminated it would be rejected by the recycling plant as incapable of being sorted. This means the efforts of our residents in separating out this material would literally be wasted (we have had half loads rejected but not a whole load to date).



1.4 We believe our residents want to recycle and that contamination often occurs through ignorance and inappropriate marking of packaging by manufacturers. The Council, therefore, makes every effort to continuously remind residents of those materials which can be recycled and equally importantly those that cannot. Measures include

- information on the website
- information on an annually issued calendar
- school talks
- talks to neighbourhood groups and forums
- attendance at local events
- competitions
- items in Coastline
- door-knocking
- one-to-one visits
- telephone helpline via free phone number
- internal notice boards in Town Hall reception
- regular displays in library
- information leaflets and literature

## **2 Report**

2.1 The input specification for recyclable material taken to the Materials Recycling Centre is no more than 5% contamination. As such Project Integra monitor loads delivered to the plant twice a year. Where contamination rates exceed 10% the Council is notified. In some areas of Gosport contamination rates have approached 20% whilst in areas of Lee on the Solent rates are as low as 3%. Our recycling tonnages are then adjusted to take account of the contamination and we receive less income as a result.

2.2 Where we are notified of high contamination rates we carry out bin checks over a 4-6 week period. Such checks involve lifting the lid of the bin to take a visual check, but not rummaging. Where these are carried out we find that in some areas 45-55% of recycling bins contain inappropriate material on the first visit.

2.3 Contamination is usually inappropriate types of plastic. Where this is found a green tag is placed on the bin advising the resident of the nature of the inappropriate material found. Once two green tags have been issued a red tag is used and the bin is not collected should contamination continue. Red tags are also used where material such as black sacks, glass or food waste is found the bin on any occasion.

2.4 Where red tags are issued these are followed by personal visits by our recycling inspectors and additional literature is provided. We have found that after checking bins and notifying residents of the problems identified, the number of bins contaminated reduce to

around 20%.

- 2.5 The Household Waste Recycling Act 2003 requires that all local authorities provide kerbside or near entry collection systems for at least two recyclable materials by December 2010. The Council has been actively rolling out alternate weekly collections to the harder to reach properties such as blocks of flats for sometime. Such areas often suffer from higher levels of contamination so where inappropriate material can be traced back to individual residents personal visits are made to ensure the scheme is fully understood.

### 3 Conclusion

- 3.1 These activities, therefore, help us to increase our income and at the same time keep council tax increases down to the minimum. They also help us to maximise the efforts of those residents who recycle in accordance with the scheme.

<b>Financial Services comments:</b>	None for the purposes of this report
<b>Legal Services comments:</b>	None for the purposes of this report
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	The corporate plan commits the Council to improving recycling with less waste created.
<b>Risk Assessment:</b>	Ceasing these activities may lead to an increase in contamination rates in the recycling waste stream with a corresponding reduction in income and our overall recycling rate
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	
<b>Report author/ Lead Officer:</b>	David Jago

## AGENDA ITEM NO. 8

<b>Board/Committee:</b>	Community and Environment Board
<b>Date of Meeting:</b>	16 June 2008
<b>Title:</b>	Waste Recycling Centre – Grange Road
<b>Author:</b>	Development Services Manager
<b>Status:</b>	For recommendation

### **Purpose**

To seek approval for extending the area of land currently leased to Hampshire County Council for the purpose of improving safety and traffic management.

### **Recommendations**

- 1 That the Board authorises the Head of Property Services to agree Terms as set out in the report.
- 2 That the Borough Solicitor be authorised to enter into such documentation as is necessary to effect the above decision in consultation with the Head of Property Services.
- 3 That authorisation is sought from the Policy and Organisation Board to proceed, should the Board agree with the above recommendations.

### **1.0 Background**

- 1.1 The Council granted a lease to Hampshire County Council for the Household Waste Recycling Centre on 6 April 1993.
- 1.2 The lease was for a term of 99 years expiring on 5 April 2092 at a peppercorn rent.
- 1.3 The land leased to the Hampshire County Council is shown on the attached plan (Appendix A).

### **2.0 Report**

- 2.1 Hampshire County Council (HCC) is proposing to carry out works to improve safety and traffic management at the Household Waste Recycling Centre in Grange Road
- 2.2 The works are shown on the attached plan, Appendix A, and include the following:
  - The provision of 2 new stacking lanes to provide queuing for up to 18 extra vehicles.

- An extension to the bund with dense planting.
- The provision of security fencing and a security gate.
- The layout of 9 additional parking bays for visitors to the nature reserve.
- The provision of a new exit lane with security gates, footway and roundabout.

2.3 In order for the works to take place HCC will require the additional land shown edged in red on the attached plan.

2.4 It is proposed that HCC surrender their existing lease and take a new 99 year lease from the Council of the larger area.

2.5 It is proposed that the rent shall remain a peppercorn.

2.6 HCC first wish to secure the Council's consent as land owner but, subject to the Board's approval and recommendation to the Policy and Organisation, HCC will then need to conclude their viability study and obtain authorisation to proceed, including the necessary planning permission and other consents required before the works start.

### **3.0 Risk Assessment**

3.1 There are no risks associated with the proposals in this report.

### **4.0 Best consideration**

4.1 The land currently leased to HCC for the waste recycling centre is at a peppercorn rent. Since the extended land area will similarly be limited to use as a waste recycling centre it has no value and therefore the Council is receiving best consideration for the facility

### **5.0 Conclusion**

5.1 That the proposals shown on Appendix A by HCC be accepted and the Council proceeds with the grant of the new lease in the terms set out in this report, noting that the progress of the scheme is subject to HCC obtaining planning permission and other consents.

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<b>Financial Services comments:</b>	None
<b>Legal Services comments:</b>	The Council can proceed with the proposed new Lease so long as Best Consideration under the Local Government Act 1972 is received for it. It is noted that this will be the case, albeit that there is no value in the land for the proposed use.
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	There are no Corporate Plan implications
<b>Risk Assessment:</b>	No risks
<b>Background papers:</b>	None
<b>Appendices:</b>	Appendix A
Appendix 'A'	Plan showing lease area and proposed works
<b>Report author/ Lead Officer:</b>	Mark Pam, Head of Property Services



'CARTER'S COPSE'  
NATURE RESERVE

9 No. REPLACEMENT PARKING BAYS  
FOR VISITORS TO NATURE RESERVE

DWARF RETAINING WALL  
MAY BE REQUIRED

EXIT TO BE FOR SERVICE  
VEHICLES ONLY

ENTRANCE FOR SERVICE  
VEHICLES ONLY

SECURITY GATE  
AT NEW ENTRANCE

EXTENSION TO BUND  
AND DENSE PLANTING

NEW DEDICATED ENTRANCE  
FOR HWRC CUSTOMERS ONLY

2 No. NEW STACKING LANES,  
PROVIDING QUEUING FOR UP  
TO 18 EXTRA VEHICLES

EXTENSION TO BUND  
AND DENSE PLANTING

SECURITY FENCE

GRANGE ROAD

ROUTE FOR USE WHEN  
STACKING LANES ARE NOT NEEDED

MoD  
PLAYING  
FIELD

BMX PLAY AREA

Household Waste Recycling Centre  
AREA FOR SERVICE VEHICLES  
AND STAFF ONLY

EXISTING SKIP / BAY CONFIGURATION  
TO REMAIN AS AT PRESENT  
(i.e. 5 No. DOUBLE BAYS PLUS 1 No. SINGLE BAY)

EXISTING HWRC CUSTOMER PARKING  
(19 No. PARKING BAYS INCLUDING 1 No. DISABLED,  
ONE OTHER TO BE CONVERTED TO DISABLED)

Household Waste Recycling Centre

NEW DEDICATED EXIT FOR  
HWRC CUSTOMERS ONLY

EXTENSION TO BUND  
AND DENSE PLANTING

SECURITY GATE  
AT NEW EXIT

EXISTING BUND AND DENSE  
PLANTING TO REMAIN

ALVER MEADOW

5m WIDE STUB FOR POSSIBLE  
REDEVELOPMENT OF DISUSED CAR PARK AREA

ACCESS TRACK

DISUSED  
CAR PARK

FOOTWAY

- ADDITIONAL LAND TAKE (OUTSIDE  
OF EXISTING HWRC PAVED AREA)  
TOTAL AREA = 2765m<sup>2</sup> (0.28Ha)  
FOR WHICH NEW LEASE REQUIRED  
FROM GOSPORT B.C.
- LAND INCLUDED IN EXISTING LEASE  
FROM GOSPORT B.C.

DRAFT

"REPRODUCED FROM THE ORDNANCE SURVEY MAPPING  
WITH THE PERMISSION OF THE CONTROLLER OF HER  
MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT  
UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT  
AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS".  
"HAMPSHIRE COUNTY COUNCIL, 1000/19180".

0 5 10 15 20  
SCALE 1:250 (A1)  
SCALE 1:500 (A3)  
METRES

HAMPSHIRE COUNTY COUNCIL  
ENVIRONMENT DEPARTMENT  
WASTE MANAGEMENT

Hampshire  
County Council  
Engineering  
CONSULTANT

DRAWN  
SF  
CAD  
AJM  
CHECKED

SCHEME  
SAFETY AND  
TRAFFIC MANAGEMENT MEASURES -  
HOUSEHOLD WASTE RECYCLING CENTRE  
GRANGE ROAD, GOSPORT

DRAWING TITLE  
OPTION INCORPORATING  
SEGREGATED ENTRIES / EXITS  
AND ADDITIONAL STACKING LANES  
TO EAST SIDE OF SITE

REV.	LAND-TAKE ADDED	AMENDMENT	02.11.07	AJM	SF	DD
			DATE	DRAWN	CHKD	APPR

AUSON QUANT BSc MSc MRTPI, DIRECTOR OF ENVIRONMENT, THE CASTLE, WINCHESTER.

APPROVED  
DD  
SCALE 1:250  
DATE 05.11.07  
SHEET No.

OPTION 2  
REV A

## Agenda item no. 9

<b>Board/Committee:</b>	<b>COMMUNITY AND ENVIRONMENT BOARD</b>
<b>Date of meeting:</b>	<b>16 JUNE 2008</b>
<b>Title:</b>	<b>ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2008/2009</b>
<b>Author:</b>	<b>ENVIRONMENTAL SERVICES MANAGER</b>
<b>Status:</b>	<b>FOR DECISION FOR INFORMATION</b>

### **Purpose**

For the Board to consider the Environmental Health (Commercial) Service Plan for 2008/9.

### **Recommendation**

That the Board approves the Environmental Health (Commercial) Service Plan for 2008/9.

#### **1. Background**

- 1.1 Each Food Authority is required by the Food Standards Agency (FSA) to produce a service plan and to ensure that it is approved by Members and reviewed annually.
- 1.2 The Health and Safety Commission (HSC) guidance also requires an Enforcing Authority to produce an annual service plan approved by Members.
- 1.3 Revised guidance from both the Health and Safety Executive (HSE) and FSA was due in early 2008. Both are important for the development of this service plan.
- 1.4 The revised HSE guidance under Section 18 of the Health and Safety at Work, etc., Act 1974 was published in April and places a duty on the HSE and Local Authorities to make adequate arrangements for enforcement. The Section 18 Standard sets out the arrangements that both regulators should put in place to meet this duty.
- 1.5 In complying with their duties under Section 18, Enforcing Authorities are required to follow the HSC Enforcement Policy Statement on the purpose, method and principles of enforcement.
- 1.6 The Section 18 Standard also sets out the broader requirements for Enforcing Authorities when complying with their duty to make 'adequate arrangements for enforcement'.

- 1.7 Although the new Standard will have effect from 1 April 2008, it does not require immediate full compliance with its requirements. From 1 April 2008, Enforcing Authorities must commence working towards compliance with the requirements; full compliance is mandatory from 3 March 2011, for which further guidance is expected in due course.
- 1.8 Officers are currently reviewing the implications and these will be addressed in greater detail in next year's Service Plan.
- 1.9 A revised Food Law Code of Practice under Section 40 of the Food Safety Act 1990 was due to be in place by 1 April but is awaiting approval by the Secretary of State. No firm date has yet been announced for its official publication.
- 1.10 The proposed changes aim to replace the current enforcement policy focused primarily on inspections, with a new policy for a suite of interventions. This will allow local authorities to choose the most appropriate action to be taken to drive up levels of compliance by food establishments with food law. This takes account of the recommendations in 'Reducing Administrative Burdens: effective inspection and enforcement' report by Philip Hampton, published March 2005. As food authorities in England must have regard to this statutory code when engaged in the enforcement of food law, it is necessary to update the current code to reflect these recommendations.
- 1.11 The implications of the new Code will be considered in due course.

## **2. Report**

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

## **3. Risk Assessment**

- 3.1 The Rogers Review report, "The National Enforcement Priorities For Local Authority Regulatory Services", published in March 2007 and subsequently approved in full by the Government, set five national enforcement priorities (plus one additional time-limited issue) for environmental health and trading standards. These included improving health in the work place and hygiene of food businesses. Of the local priorities selected for Gosport, one relates to safety of foodstuffs based on sampling to provide useful information about the microbiological fitness of food for sale within the Borough.
- 3.2 Production of an approved service plan is a requirement of two national bodies (FSA and HSE).



3.3 Approval of the Service Plan ensures full compliance with the requirement of Rogers and the national bodies.

#### **4. Conclusion**

4.1 The Service Plan Review complies with the requirements of both the Food Standards Agency and the Health and Safety Commission.

4.2 The Service Plan, once approved, will be publicised and placed on the Council's website.

<b>Financial Services comments:</b>	The financial resources allocated to the delivery of the service plan are included in the Service Plan (Appendix A)
<b>Legal Services comments:</b>	None for the purposes of this Report.
<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	None
<b>Risk Assessment:</b>	None (approval of the Service Plan will meet all national requirements).
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	Appendix A: Environmental Health (Commercial) Service Plan review 2008/2009
<b>Report author/Lead Officer:</b>	David Palmer, Head of Environmental Health 023 9254 5509 <a href="mailto:david.palmer@gosport.gov.uk">david.palmer@gosport.gov.uk</a>

## **Environmental Health (Commercial) Service Plan 2008/2009**

### **1.0 INTRODUCTION**

1.1 The Council has duties under a number of statutes:

- The Council is designated as a Food Authority under the Food Safety Act 1990 and as such has a statutory duty to enforce the Act
- The Council also has a statutory duty under Section 18 of the Health and Safety at Work Act 1974 to enforce health and safety legislation in premises for which it is the enforcing authority
- The Council is the licensing authority for a number of activities, with specific responsibilities under the Licensing Act 2003 and the Gambling Act 2005. In many instances the Council issues licences for specific activities at the same premises at which the Food Safety Act and the Health and Safety at Work etc Act is enforced, as well as to individuals
- The Council is an enforcement authority for the purposes of Section 10 of the Health Act 2006 relating to smoke-free premises, places and vehicles.

1.2 This document examines:

- The food safety, health and safety, and licensing objectives which express the Council's responsibility as set out in legislation
- The current work programmes within the Commercial Team
- The Council's policy on food safety enforcement, health and safety at work enforcement, licensing enforcement, smoke-free legislation enforcement, food sampling, the provision of information to businesses, response to food safety incidents, response to accident notifications and infectious disease control.

### **2.0 SERVICE AIMS AND OBJECTIVES**

#### **2.1 Aims**

- 2.1.1 To ensure that food and drink on sale for human consumption, which is produced, stored, distributed, handled or consumed within the Borough, is without risk to the health and safety of the consumer.
- 2.1.2 To ensure that all businesses for which the Council is the enforcing authority are free from risks to the health, safety and welfare of employees and the public and workplaces, enclosed public places and vehicles to which the legislation applies are smoke-free.
- 2.1.3 To ensure that the public has confidence that all premises and activities within the Borough that require licensing are safe and do not present a risk to those using those premises and activities.

#### **2.2 Objectives**

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

- 2.2.2 To take appropriate enforcement action according to the risk involved and in accordance with the Council's General Enforcement Policy and, where appropriate, its Environmental Health Enforcement Policy.
- 2.2.3 To ensure that all staff involved in food safety, health and safety at work, licensing work and the enforcement of the smoke-free legislation are properly qualified and competent for the work.
- 2.2.4 To resolve 80% of all food complaints within 60 working days of receipt.
- 2.2.5 To resolve 80% of all service requests regarding food safety, health and safety at work, licensing and smoke-free compliance within 20 working days of receipt.
- 2.2.6 To conclude 80% of all Food Alerts within 2 working days of receipt.
- 2.2.7 To maintain a food sampling programme.
- 2.2.8 To respond to 85% of all cases of organism-specific food-borne infectious diseases which require investigation within one working day of receipt. For non-specific diarrhoea and vomiting notifications, this interval increases to 5 working days (these are informal, operational targets only).
- 2.2.9 To investigate all fatalities and major accidents or incidents at work or in a workplace, within one working day of notification.
- 2.2.10 To target health and safety inspections towards the priority areas contained in the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) strategy and with regard to the HELA *Fit3* Programme (see paragraph 5.3.1).
- 2.2.11 To ensure all licensing applications are processed within the statutory time periods. In particular, to conclude 90% of Personal Licence applications within fourteen days of receipt.
- 2.2.12 To provide a source of information for businesses and the public through the Council's website and at the Food Safety Information Points throughout the Borough.
- 2.2.13 To provide opportunities for local businesses to obtain low cost food safety and health and safety training through the provision of appropriate courses and seminars.

### **2.3 Links to other Council Objectives and Plans**

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

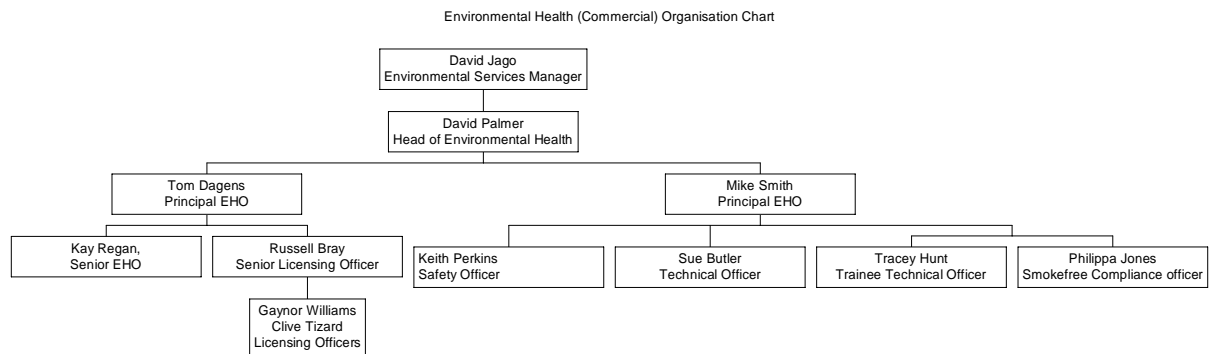
## **3.0 BACKGROUND**

### **3.1 Profile of Gosport Borough Council**

- 3.1.1 Gosport is a comparatively small coastal local authority with a population of 76,415 (2001 Census). There are approximately 618 food premises, mainly composed of restaurants, takeaways and retailers. There are no significant food manufacturers and no specific unusual demands on the food safety service e.g. tourism or large numbers of food premises run by proprietors whose first language is not English. The Council is responsible for enforcing health and safety in 939 businesses, the majority of which are small businesses employing less than 5 persons.

- 3.1.2 Implementation of the Licensing Act 2003 has resulted in a total of 526 Premises Licences and Club Premises Certificates being issued together with 516 Personal Licences, since the Licensing Act was enacted in November 2005. The Council also administers other Licences and Registrations covering a wide range of business activities, such as taxis and private hire vehicles, hairdressers, tattooists, and pet shops.

### 3.2 Organisational Structure at 1 April 2008



- 3.2.1 The Head of Environmental Health is the officer responsible for delivery of the Service. One Principal Environmental Health Officer acts as the Council's Lead Officer for Food Safety, as required by the Food Standards Agency (FSA), and the other Principal Environmental Health Officer acts as the Lead Officer for Health and Safety at Work, as required by the Health and Safety Executive (HSE). The lead officer for food safety is also the lead officer for the licensing function and the lead officer for health and safety at work is also the lead officer for the smoke-free compliance function. All the Environmental Health Officers (EHOs) in the Commercial Team have specialist responsibility for both food safety enforcement and health and safety at work enforcement. One Technical Officer is qualified to undertake low and medium risk health and safety inspections and medium to low risk food hygiene inspections. As a result of additional, formal training this officer should be authorised to inspect all categories of premises from late 2008.
- 3.2.2 A Trainee Technical Officer has been appointed and is at present undertaking formal training. This will enable her to undertake the full range of premises inspections from mid 2010. As her training progresses she will be able to undertake inspection of low risk premises for food safety and health and safety at work matters.
- 3.2.3 The Council's Safety Officer undertakes low and medium risk health and safety inspections, when his duties allow.
- 3.2.4 The Senior Licensing Officer carries out day to day supervision of the Licensing Team. One of the Licensing Officers assists with food sampling, to provide cover for annual leave and sickness.
- 3.2.5 The Smokefree Compliance Officer was originally appointed on secondment until 30 April 2008 to implement the smoke-free legislation which came into force on 1 July 2007. Due to the level of funding received from the Dept of Health this appointment has now been extended to 31<sup>st</sup> December 2008.
- 3.2.6 The Council has appointed Hampshire Scientific Services and Wessex Environmental Microbiology Services as its Food Examiners, where specialist advice is necessary.

### 3.3 Scope of the Services

- 3.3.1 The Food Safety Service provides food premises inspection, food inspection, food sampling, investigation of food complaints, the investigation of complaints relating to food safety or food

premises, responding to food safety incidents and national food alerts and the provision of advice to businesses and the public on food safety matters. In addition, the Commercial Team deal with all statutory nuisance and pollution matters relating to food businesses.

- 3.3.2 The Health and Safety Service provides health and safety inspections of workplaces, work-related accident investigations, the investigation of complaints regarding health, safety and welfare at work and the provision of advice to businesses and the public on health and safety matters.
- 3.3.3 The Licensing Service covers the complete range of licensing and registrations administered by the Council. This includes premises licensing under the Licensing Act 2003 and the Gambling Act 2005, food premises registration, taxi and private-vehicle hire licensing, animal welfare and registration of special treatments such as ear piercing, tattooing and electrolysis.
- 3.3.4 The Smokefree Compliance Service provides advice and guidance to businesses to enable them to comply with their smoke-free obligations. All members of the Commercial Team have been authorised to serve Fixed Penalty Notices under the provisions of the Health Act 2006 should this be considered appropriate.
- 3.3.5 The Environmental Health Section is responsible for the provision of health and safety advice to the Council, health promotion activities in relation to the Local Strategic Partnership (LSP) and infectious disease control.
- 3.3.6 In order to maximise the use of limited staff resources and to ensure a more coherent service to businesses the same officer will deal with all food safety, health and safety and public health matters related to any single premises. Where appropriate, inspections in relation to these activities will be combined.
- 3.3.7 All matters relating solely to Licensing will be dealt with by the Licensing Team. In addition, the Licensing Officers are able to provide some limited support to the rest of Environmental Health when required in areas of mutual interest.
- 3.3.8 It is the philosophy of the Commercial Team to assist regulated organisations to improve their health and safety and food safety compliance. The primary role of the Commercial Team is to assist businesses in reducing accidents and ill health caused by work activity and to assist them to produce and sell safe food. To these ends a significant amount of time during visits is spent providing the organisation with advice and guidance, including sources of more detailed information. A controlled library of leaflets is available within the Commercial Team. This includes publications from the Department of Health (DoH), the FSA, the Health and Safety Executive (HSE), the Chartered Institute of Environmental Health (CIEH), and the Royal Society for the Prevention of Accidents (RoSPA), as well as internally produced documents. During visits, officers will give appropriate leaflets to organisations and to individual duty holders.
- 3.3.9 Officers based at the Town Hall deliver the Commercial Service during normal working hours, between 08:45 and 17:00 hours. Provision is made for officers to work out of hours where this is deemed necessary.
- 3.3.10 Out of normal working hours the Council's Duty Officer will take messages for Environmental Health and pass these on during the next working day. Out of hours emergencies concerning food safety or health and safety at work are passed direct to officers on a cascade basis although there are no formal call-out arrangements.

### **3.4 Enforcement Policy**

- 3.4.1 The Council has signed up to the central and local government Concordat on Good Enforcement.

- 3.4.2 The Council has a generic Enforcement Policy that covers all of its enforcement activities which has recently been revised and is currently out for public consultation.
- 3.4.3 The Council has also recently revised its Environmental Health Enforcement Policy (similarly currently out for public consultation) that meets the requirements of the Food Law Code of Practice (England) and guidance from the Local Authorities Co-ordinators of Regulatory Services (LACORS) together with guidance issued under Section 18 of the Health and Safety at Work Act and with the HSE's Enforcement Management Model (EMM).
- 3.4.4 The Council determined its revised Statement of Licensing Policy with effect from 7 January 2008.
- 3.4.5 All enforcement decisions are made following consideration of the Enforcement Policies and, in respect of health and safety at work matters, the HSE's Enforcement Management Model is additionally applied. Any departure from the Policies will be documented.
- 3.4.6 A copy of the General Enforcement Policy and the Environmental Health Enforcement Policy and a summary leaflet explaining the key elements are available on request. Businesses are provided with a copy of the summary leaflet following an enforcement inspection. The individual enforcement policies are also published on the Council's website.
- 3.4.7 All food law enforcement is carried out in accordance with the Food Law Code of Practice (England) and other official guidance issued by LACORS or the FSA.
- 3.4.8 All health and safety at work enforcement is carried out in accordance with guidance issued under Section 18 of the Health and Safety at Work Act 1974 and other official guidance issued by the HSE or by LACORS.
- 3.4.9 All smoke-free compliance enforcement will be carried out in accordance with guidance issued by LACORS.

#### **4.0 FOOD SAFETY SERVICE DELIVERY**

##### **4.1 Statutory Framework**

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

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

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

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

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

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

## **4.2 Food Standards Agency Targets**

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

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

4.2.2 Locally Gosport has seen a reduction in the number of cases of food poisoning reported (see paragraph 4.9.9). An officer has received FSA funded training in food allergies. The "Safer Food is Better Business" HACCP (hazard analysis and critical control point) system is being introduced into Gosport based food premises.

## **4.3 Demands on the Service**

4.3.1 The premises profile for Gosport is currently :

Manufacturers and Processors	5
Manufacturers selling mainly by Retail	5
Distributors and Wholesalers	3
Packers	0
Caterers	480
Retailers	125
<hr/>	
Total	618

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

## **4.4 Food Premises Inspections**

4.4.1 The enforcement of the Food Safety Act 1990 and its associated Regulations are governed by a statutory Code of Practice. This specifies procedures and forms to be used by staff when enforcing the legislation. In particular the Food Law Code of Practice (England) specifies a risk rating scheme to assess the inspection frequency of each food business.

4.4.2 The use of the risk rating scheme ensures that the highest priority is given to food businesses where conditions are below standard, and to premises that cater for vulnerable groups e.g. hospitals and residential care homes.

- 4.4.3 Inspections are usually carried out during normal working hours. Where premises open in the evenings, inspections will also be conducted outside these hours. Similarly advice is available during normal working hours.
- 4.4.4 During 2007/8 a total of 184 planned inspections were carried out
- 4.4.5 Revisits are undertaken to premises that require enhanced enforcement procedures to ensure improvement in standards. During 2007/8, 187 revisits were undertaken. This is a considerable increase over 2006/7 when only 70 revisits were made but it indicates a new emphasis by the Commercial Team to target those premises which need to improve their food hygiene standards brought about by the introduction of the Safe2eat initiative.
- 4.4.6 In June 2007 the Council introduced a website dedicated to publishing the inspection scores of all food premises operating within the Borough. The site is called "Safe2eat" and it is hoped that this will eventually cover all food premises operating in Hampshire. Gosport was the first authority to go "live" with the system, since when there has been particular interest in the scheme from the media. The system has a resource implication in that premises identified as unsatisfactory are subjected to enhanced activity by the environmental health officers in the Commercial Team to ensure standards are brought up to an acceptable standard. This inevitably will reflect upon their ability to meet the programmed inspection requirement.
- 4.4.7 A revised Food Law Code of Practice (England) is imminent. The revised code was due for publication at the end of April 2008 to date however it has not been released to the enforcing authorities. The revised CoP will provide enforcement authorities with a more flexible inspection regime that will recognise good practice in medium risk premises, these premises will be describes as "broadly compliant". In recognition of the need to lower where possible the inspection burden on those premises deemed broadly compliant they will not be subject to inspection, other less invasive interventions will be used. This, it is hoped will release resources to concentrate on those premises that are not compliant. In order to ensure recognition of broadly compliant premises National Indicator 184 will require enforcing authorities to report the number of premises in their area that meet the broadly complainant criteria.
- 4.4.8 The profile of premises by risk as of April 2008 is as follows :

<b>Risk Category</b>	<b>Number of Premises</b>	<b>Inspection Period</b>	<b>Number of Premises Inspections carried out during 2007/8</b>	<b>Number of Premises Inspections due during 2008/9</b>
A	0	6 months	0	0
B	27	12 months	27	12
C	285	18 months	151	201
D	117	2 years	53	69
E	156	3 years	57	73
Total	613		288	355
Currently unrated	28		28	58

During 2007/8 we carried out all but 79 of our planned inspections. Differences between the numbers of premises in each risk category and the number of inspections carried out are explained by the fact that premises may be re-rated into a different category following inspection.



4.4.9 The national priorities for inspection remain as follows :

- To ensure compliance with the Food Hygiene (England) Regulations 2006
- To ensure food imported into the country fully complies with The Products of Animal Origin (Third Country Imports) (England) Regulations 2002.

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

4.4.11 The FSA return for 2007/8 has been completed and submitted.

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

#### **4.5 Food Complaints**

4.5.1 During 2007/8 eleven complaints were received concerning unfit food or food failing to comply with food safety requirements. All were fully investigated and formal action has been recommended in one case. Where complaints are indicative of a significant food safety risk, arrangements are in place to notify the Food Standards Agency in order that a national Food Alert can be considered.

4.5.2 During the last financial year we received 28 complaints about food hygiene at food businesses operating in the Borough.

4.5.3 Investigations into food complaints are given priority since these can indicate that the food supply chain has possibly broken down. We aim to resolve 80% of food complaints within 60 working days.

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

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

#### **4.6 Home Authority Principle**

4.6.1 Policy :

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

4.6.2 Demands :

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

## **4.7 Food Sampling**

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

The main aims and objectives of food sampling are to :

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

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

4.7.5 All samples are taken in accordance with procedures designed to ensure continuity of evidence and the prevention of deterioration or damage to samples whilst under the Council's control. During 2007/8, 439 samples were taken of which 90 were considered to be unsatisfactory; this represents a 21% failure rate.

4.7.6 Sampling at a similar rate will be undertaken during 2008/9.

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

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

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

#### **4.8 Food Safety Incidents**

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

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

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

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

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

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

4.8.7 During 2007/8 57 Food Alerts were received during the year as opposed to 68 in the previous year. These were predominantly advisory notifications for information only, requiring no enforcement action. The resources allocated to this area of work are approximately 0.2 full time equivalent members of staff.

## **4.9 Control and Investigation of Outbreaks of Food Related Infectious Disease**

- 4.9.1 The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated Regulations. This legislation includes the control of food poisoning and food and water borne diseases. Although the number of cases reported locally is comparatively low, it is widely acknowledged that the vast majority go unreported. Moreover, a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler.
- 4.9.2 Nationally food poisoning cases are beginning to decline; this trend was reflected in Gosport where notifications fell in comparison to the previous year.
- 4.9.3 However organisms such as Campylobacter, Listeria, Cryptosporidium, E. coli 0157, and viral infections continue to give cause for concern. Whilst they are common causes of gastrointestinal infection, these organisms are not officially notifiable at present.
- 4.9.4 The rigorous enforcement of legislation and the provision of food hygiene training to food handlers should have some impact in reducing the incidence of food poisoning, but it is apparent that many cases arise in the home. The Food Standards Agency is actively promoting food safety in the home through television advertising and leaflets. The Council fully supports this campaign and therefore will continue to promote the food hygiene message through its own publications, at the Food Safety Information Points throughout the Borough, the provision of advice during investigations, and by running specific campaigns at appropriate times, e.g. Christmas.
- 4.9.5 We provide an information booklet to food poisoning sufferers on food poisoning and its causes. The booklet is also available through the Council's website.
- 4.9.6 The investigation of food poisoning cases is given a high priority and, in the event of an outbreak, can necessitate utilising qualified staff from the Section's Pollution and Environment Team in addition to those in the Commercial Team.
- 4.9.7 All investigations will follow those procedures laid out in the Hampshire Health Protection Unit Outbreak Control Plans.
- 4.9.8 The Council supports the Portsmouth and South East Hampshire Infectious Disease Forum and the Portsmouth Water/Health Professionals Liaison Meeting, which exist to promote best practice and consistency of approach in this area of work between the neighbouring local authorities.
- 4.9.9 In 2007/8 there were 10 cases of notifiable food poisoning received, compared to 27 cases in 2006/7. In addition, 74 cases of Campylobacter were notified.
- 4.9.10 The resources allocated to this area of work are approximately 0.2 fulltime equivalent members of staff.

## **4.10 Advice to Business**

- 4.10.1 Whilst the Council will utilise its powers to enforce the food legislation, it realises that where food businesses break the law it is often due to ignorance rather than intention. As a consequence it is the Council's policy to provide advice to business in a number of different ways:
- Advisory visits to businesses on demand
  - The provision of advice prior to the setting up of a food business

- The provision of informal advice on best practice during inspections
- The provision of free advisory leaflets where appropriate
- The provision of advice on Planning or Building Control applications
- The use of the Council's Business Information Newsletter
- The provision of information on food safety via the Council's website.
- The provision of Level 2 Award in Food Safety Courses and other basic food hygiene training.

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

#### **4.11 Liaison with Other Organisations**

- 4.11.1 The Council fully supports the work of Hampshire and Isle of Wight Food Advisory Committee. This body, which has representatives from all Hampshire and Isle of Wight Food Authorities, has, amongst its objectives, responsibility for ensuring that any enforcement action taken is consistent with other neighbouring local authorities.
- 4.11.2 There are internal arrangements within the Council to ensure that appropriate Planning and Building Control applications are reviewed for their compliance with Food Safety and other legislation.
- 4.11.3 The resources allocated to this area of work are approximately 0.1 full time equivalent members of staff.

#### **4.12 Food Safety Education and Promotion Activities**

- 4.12.1 The Council's educational and promotional activities can have a direct impact on food safety standards. It is therefore committed to providing advice and information both to businesses and to the public through a number of initiatives:
- Safe2eat is a county-wide website based on Freedom of Information principals providing details of compliance in food premises in the Borough that have been inspected. The majority of councils in Hampshire will eventually contribute to the website
  - Food Safety Information Points: These are located in three local supermarkets, two local community centres and one is located in the Holbrook Recreation Centre. They are used to promote a different food safety topic each month. They are also used to provide details of food alerts
  - National Food Safety Week is normally held in June every year. The Council supports a number of activities during this week designed to promote food safety
  - Council Website: The Commercial Team provides food safety advice and information to both businesses and the public on the Council's website.
- 4.12.2 This work is largely dependent on the resources that may be available, but it is currently estimated that the resources allocated to this area of work are approximately 0.2 full time equivalent members of staff.

#### **4.13 Financial Allocation**

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

<u>2005/6 (Actual)</u>	<u>2006/7 (Actual)</u>	<u>2007/8 (Actual)</u>	<u>2008/9 (Original)</u>
£91,164	£161,752	£200,672	£204,710

#### **4.14 Staffing Allocation**

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

4.14.2 All Environmental Health Officers involved in food safety work are fully competent to inspect all risk categories of premises as required by the Food Law Code of Practice (England). The two Principal EHOs and the Senior EHO are authorised to serve Hygiene Improvement Notices and Emergency Prohibition Notices. The Technical Officer is able to inspect low and medium risk premises and is authorised to serve Hygiene Improvement Notices in respect of those premises only.

#### **4.15 Food Safety Work Programme**

4.15.1 During 2008/9 we aim to carry out 355 interventions in commercial premises, as set out in paragraph 4.4.7 above and subject to the revised Code of Practice requirements regarding 'broadly compliant' premises. In particular we aim to :

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

#### 4.16 Comment

- 4.16.1 There are defined qualifications for officers undertaking food hygiene inspections. Officers who are qualified as EHOs are deemed competent to inspect all risk categories of food premises. However Technical Officers require either the Ordinary Certificate in Food Premises Inspection or the Higher Certificate in Food Premises Inspection, both of which are validated by the Environmental Health Registration Board (EHRB).
- 4.16.2 Recruiting suitably qualified staff has proved difficult for most authorities. It has been estimated that the Country has over 1,000 vacancies for EHOs. Gosport Borough Council, in partnership with Havant, East Hampshire, the Isle of Wight and Rushmoor Councils, has agreed to jointly train and support Environmental Health Officer students.
- 4.16.3 Additionally, the Council has appointed a full-time Environmental Health Trainee Technical Officer in the Commercial Team who commenced her academic training in September 2006. The existing Technical Officer in the Commercial Team will be qualified later this year to inspect all categories of food premises. Environmental Health Services commitment to developing our own staff equates with the Council's policy on Investors in People.
- 4.16.4 The Commercial Team is continuing to find it difficult to meet inspection targets. The Principal EHOs in the Team have to take more responsibility for management issues which has placed pressure on their ability to carry out their principal inspection tasks. This has a knock-on effect to other officers. The improvement in staffing competence brought about by in-house training of technical staff will be of considerable benefit. However this programme will not be fully realised until the middle of 2010.

#### 5.0 HEALTH AND SAFETY AT WORK SERVICE DELIVERY

##### 5.1 Statutory Framework

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

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

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

- 5.1.2 "*The Commission*" referred to in paragraph 5.1.1 above is the Health and Safety Commission (HSC). However, from April 2008, the HSC merged with the Health and Safety Executive to form one body to be known as the Health and Safety Executive (HSE). The new HSE will take on the functions of both the previous bodies and will issue statutory guidance to both the HSE inspectors and to local authorities on the required framework for enforcement of health and safety legislation.

##### 5.2 The Standard for Health and Safety Enforcing Authorities

- 5.2.1 The revised statutory guidance "*Making a difference.....The Standard for Health and Safety Enforcing Authorities*" has recently been published. The document aims to ensure consistency

of enforcement by both the HSE and local authorities in the relevant business premises for which they have enforcement powers. Further guidance is to be issued by the HSE and full compliance with the Standard will be expected by 31<sup>st</sup> March 2011. The full implications of the new Standard are currently being assessed.

### **5.3 *Fit3***

5.3.1 *Fit3* stands for “Fit for Work, Fit for Life, and Fit for Tomorrow” and is a national strategic programme designed by the HSE, LACORS and Local Authorities to improve health and safety in the workplace. By working in partnership the aims are to reduce work related ill health, injury and days lost through sickness absence.

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

5.3.3 The *Fit3* priorities are :

- Slips and Trips (of particular concern in food retailing, hotels, restaurants, cafes and takeaways)
- Falls From Height (of particular concern in retail, offices, warehousing and builders merchants)
- Contact Dermatitis (of particular concern in hairdressers and beauty salons, tyre fitting businesses, and car repair workshops)

The Commercial Team is planning an advisory and awareness programme on contact dermatitis during 2008/9 which will be targeted at hairdressers and beauty salons in the Borough.

- Occupational Asthma (of particular concern in car repair workshops, boat builders, paint spray booths and larger bakeries and in supermarkets)
- Asbestos Management (of particular concern in the management of commercial and business premises and in building repair and maintenance)
- Stress (of particular concern in offices, call centres and retailing)
- Manual Handling (of particular concern in retailing, warehousing, offices and care homes)
- Noise (to raise awareness of the Control of Noise at Work Regulations)

The Commercial Team is hoping to work with the Health and Safety Laboratory Service during 2008/9 to raise awareness of the dangers of noise to staff working in the music and entertainment business. For Gosport BC this will particularly mean offering advice to pubs and clubs which have live music, discos and karaoke.

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

### **5.4 Liaison with Other Organisations**

5.4.1 The Council fully supports the work of the Hampshire and Isle of Wight Health and Safety Advisory Group. This body, which has representatives from all Hampshire and Isle of Wight Health and Safety Enforcing Authorities, including the HSE, has amongst its objectives



responsibility for ensuring that any enforcement action is consistent with other neighbouring local authorities.

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

## 5.5 Health and Safety Inspections

- 5.5.1 The Council recognises the importance of its responsibilities and duties under Section 18 of the Health and Safety at Work Act 1974 and is committed to providing adequate resources (both staffing and financial) to ensure that those responsibilities and duties are properly carried out.
- 5.5.2 The Council has a system of prioritised planned inspection activity according to hazard and risk, which is consistent with the advice given by the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA).
- 5.5.3 The Commercial Team also bases its inspection programme around the *Fit3* objectives by concentrating effort to ensure business operators (duty holders) manage and control risks from work activities. This is in accordance with the policy of the Hampshire and Isle of Wight Health and Safety Advisory Group.
- 5.5.4 Alternative interventions and strategies will be used to contact the lower risk premises.
- 5.5.5 There were 939 business premises in Gosport Borough at 1 April 2008 and the 2008/9 programmed inspection profile of premises by risk is shown below :

Category	Inspection Frequency	Inspections 2007/9	Planned Inspections 2008/9
A	12 months	0	2
B1	24 months	0	3
B2	36 months	1	8
B3	48 months	3	26
B4	60 months	3	37
C	72 months	4	146
Unrated		5	131
Total		12	353

- 5.5.6 Due to work pressures and the demands of achieving the target for food hygiene inspections the number of health and safety inspections undertaken in 2007/8 was greatly reduced. As the HSE now emphasises the need to concentrate on promoting the *Fit3* objectives rather than on general inspections, business premises will be targeted to promote specific health and safety topics. Some targeted visits are already planned – see 5.3.3 above.
- 5.5.7 In carrying out its health and safety enforcement activities the Commercial Team will comply with all statutory guidance from the Health and Safety Executive and have regard to any additional guidance from HELA and the Local Authorities Coordinators of Regulatory Services (LACORS).

## **5.6 Complaints**

- 5.6.1 Where a complaint is made about health and safety standards in a business, the complaint will be investigated in accordance with the Council's Enforcement Policy. Our aim is to resolve 80% of all such complaints within 20 working days.

## **5.7 Accident Notifications**

- 5.7.1 The decision as to whether to investigate an accident is determined by reference to HSE guidance. In 2007/8 we received 44 accident or incident notifications of which 12 were investigated. Where the accident or incident results in a fatality or a major injury we aim to commence the investigation within 24 hours of notification.

## **5.8 Lead Authority Principle**

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

## **5.9 Advice to Businesses**

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

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

## **5.10 Summary of Health and Safety at Work Activity 2007/8**

- 5.10.1 A summary of health and safety at work activity carried out during 2007/8 is shown in the following Table :

## Health and Safety at Work Activity by Gosport Borough Council during 2007/8

		PROACTIVE VISITS		REVISITS		REACTIVE VISITS				
		(b)1 Planned <i>Fit3</i> Visits	(c)2 Other Planned Visits (based on risk rating)	(d)1 <i>Fit3</i> Revisits	(d)2 Other revisits	(e) Visits to Investigate Accidents	(f) Visits following requests for Health & Safety service received by LAs	(g) Other Visits	(h) Total visits (columns b to g) (auto calc'd)	(i) OTHER CONTACTS e.g. mail shots, service requests
Type of premises	(a) Total Number of Premises at 31/3/07									
1. Retail shops	276	3	4	0	0	3	2	0	12	0
2. Wholesale	14	0	0	0	0	1	0	0	1	0
3. Offices	62	2	0	0	0	0	0	0	2	0
4. Catering, restaurants and bars	261	8	6	0	3	3	3	1	24	0
5. Hotels, camp sites and other short - stay accommodation	18	0	0	0	0	0	0	1	1	0
6. Residential care homes	31	2	1	0	0	3	0	0	6	0
7. Leisure and cultural services	49	1	3	0	0	5	2	0	11	1
8. Consumer services	222	0	2	0	0	3	6	0	11	24
9. Other premises (not classified above)	6	1	0	0	0	0	0	0	1	0
<b>TOTALS</b>	<b>939</b>	<b>17</b>	<b>16</b>	<b>0</b>	<b>2</b>	<b>18</b>	<b>13</b>	<b>2</b>	<b>69</b>	<b>25</b>

### 5.11 Financial Allocation

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

<u>2005/6 (Actual)</u>	<u>2006/7 (Actual)</u>	<u>2007/8 (Actual)</u>	<u>2008/9 (Original)</u>
£70,715	£93,794	£83,551	£85,540

### 5.12 Staffing Allocation

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

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

### 5.13 Health and Safety Work Programme

5.13.1 During 2008/9 we aim to concentrate inspections on those premises which represent the highest risk to the health and safety of employees and enforcement will focus on the *Fit3* priorities highlighted in paragraph 5.3 above. In particular we aim to do the following :

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

#### **5.14 Joint Warranting**

- 5.14.1 Since 2005 local authority Health and Safety Inspectors in Hampshire have been authorised by the HSE to take enforcement action where there is an immediate risk to the health and safety of persons working in premises for which the HSE is the enforcing authority. Certain HSE inspectors are authorised to act on behalf of Hampshire local authorities in similar emergency situations.
- 5.14.2 This Joint Warranting Project has been successful and continues as a rolling programme within Hampshire. Joint Authorisation is now being introduced to other parts of the UK.

#### **5.15 Comment**

- 5.15.1 The new Standard for Health and Safety Enforcing Authorities issued by the Health and Safety Executive under Section 18(4) of the Health and Safety at Work etc Act 1974 details the competency of inspectors. Local Authorities are obliged to ensure inspectors are only appointed to undertake enforcement of health and safety at work legislation if they demonstrate the appropriate competencies. Gosport Borough Council Health and Safety Inspectors are likely to continue to be competent under the new Standard but any additional training plan will be provided if necessary to ensure the relevant officers are deemed competent before the operative date of 31 March 2011.
- 5.15.2 The workload in other areas of Environmental Health, particularly Licensing and Food Safety enforcement, continue to place significant pressure on the Health and Safety at Work Service.. The decision to prioritise effort on *Fit3* visits within high risk premises goes some way to address this imbalance.
- 5.15.3 The Health and Safety Executive recognises that there are a variety of increasing and conflicting pressures on local authorities to meet inspection and other targets, whilst continuing to operate with limited or restricted staffing and financial resources. In common with Government thinking on better regulation, the Hampshire local authorities and the HSE work closer together as a partnership to make best use of joint resources and to address issues such as better regulation.

## **6.0 LICENSING SERVICE**

### **6.1 Animal Welfare**

#### **6.1.1 Statutory Framework**

##### **Riding Establishments Acts 1964 & 1970**

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

##### **Animal Boarding Establishments Act 1963**

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

Section 5(2) – “‘local authority’ means the council of any county district...”

##### **Pet Animals Act 1951**

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

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

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

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

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

##### **Dangerous Wild Animals Act 1976**

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

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

#### **6.1.2 Aims**

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

#### **6.1.3 Policy**

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

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

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

6.1.6 **Table showing Numbers of Premises at 1 April 2008**

Type	Number
Pet Shops	4
Riding Establishments	0
Boarding Establishments	2
Dog Breeders	0
Dangerous Wild Animals	0

**6.2 Street Trading**

6.2.1 Statutory Framework

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

The Council adopted the provisions on 27 October 1992.

6.2.2 Aims

- 6.2.2.1 To ensure that the terms of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 with regard to street trading are complied with. Policy: Under the terms of the legislation it is an offence to trade on a street without consent from the Council. The basis for granting or refusing consent is laid down in the Council's Policy approved by the Policy and Resources Committee on 19 September 2001.
- 6.2.2.2 Regular Surveys of areas where traders commonly operate are conducted. Complaints of illegal trading will be investigated. Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited. Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and Enforcement Policy.

6.2.3 Policy

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

- The trader shall provide a service which is of benefit to the public and be compatible with the character of the area in which it is proposed to be situated
- The use shall not be in direct competition, in terms of the goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away
- The number of traders permitted in any one street shall be limited so as not to cause undue concentration
- The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirements of emergency vehicles
- The use shall not be likely to cause problems of noise, smell, litter or late night disturbance, especially in residential streets. Uses involving the sale of food shall meet any additional requirements of the Head of Environmental Health

- The appearance and use of any stall/vehicle together with associated equipment and structures shall be of good quality and the precise appearance of the facility shall be identified before consent is granted
- No consents will be given in respect of the Gosport High Street pedestrianised area on market days (Tuesdays and Saturdays)
- Consent will not be granted for the sale of cars from the highway
- Where trading takes place on private land to which the public have free access trading consent will be required in addition to the permission of the landowner.

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

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

6.2.6 Streetscene has the powers to deal with the sale of vehicles on the street under the provisions of the Clean Neighbourhoods and Environment Act 2005.

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

#### 6.2.8 Consents Issued

As at the 1 April 2008 there were 5 consented traders operating in the Borough.

### 6.3 **Special Treatments**

#### 6.3.1 Statutory Framework

##### **Acupuncture, Tattooing, Ear-piercing & Electrolysis**

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

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

##### **Hairdressing**

Hampshire Act 1983 Section 3

##### **Body Piercing**

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

#### 6.3.2 Aims

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

#### 6.3.3 Policy

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

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

#### 6.4 Table showing Numbers of Premises registered at 1 April 2008

Type	Number
Ear Piercing	42
Electrolysis	22
Tattooist	5
Acupuncturist	7
Body Piercers	3*
Hairdressers	116**

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

\*\*Includes 52 mobile hairdressers

#### 6.5 Alcohol Licensing

##### 6.5.1 Statutory Framework

###### **Licensing Act 2003**

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

##### 6.5.2 Aims

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

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

##### 6.5.3 Policy

The Council revised its Licensing Policy in November 2007 for implementation from January 2008 to January 2011. Under the Policy, where representations are received from statutory consultees or members of the public living in the vicinity of licensed premises, the decision in relation to that licence will be made by a Licensing Sub-Board.

##### 6.5.4 Licences Issued

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



	Licences Granted 2006/7	Licences Granted 2007/8	Total licences Granted
Premises Licences /Club Premises Certificates Granted	30	93	433
Personal licences granted	103	89	516
Temporary Event Notices	77	74	199

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

## 6.6 **Taxis and Private Hire**

### 6.6.1 Statutory Framework

#### Hackney Carriages

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

#### Private Hire Vehicles

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

### 6.6.2 Aims

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

### 6.6.3 Policy

- 6.6.3.1 Vehicles and drivers are licensed annually. The Council has byelaws and conditions covering these activities. The issue of Hackney Carriage Licences is controlled with new vehicle licences only being issued to vehicle that are disabled and wheelchair accessible.
- 6.6.3.2 Periodic checks of vehicles, drivers and operators are carried out to ensure that byelaws and conditions are being complied with.
- 6.6.3.3 Where a complaint is made about a business, the complaint will be investigated and, where appropriate the premises will be visited.
- 6.6.3.4 Hackney Carriage Drivers and Private Hire Vehicle Driver's Licences are only issued subject to successful completion of a driving assessment with the Driving Standards Agency, a geography test and a satisfactory criminal record check ( including were appropriate a good conduct bond for non UK residents). All new applicants must also undergo a medical test to Group 2 standard of the "Medical Aspects of Fitness to Drive" produced by the Driver and Vehicle Licensing Authority.
- 6.6.3.5 The Council has adopted national guidelines relating to the relevance of certain convictions to the granting of a licence. The Council may consider spent convictions where these are serious and relevant to public safety. Hackney carriage drivers are subject to Council byelaws and Private Hire Drivers to Conditions applied to their licence.
- 6.6.3.6 Where licensed drivers commit offences that would have resulted in the non-consideration of an initial application, the Council may suspend their licence pending a meeting of the Regulatory Board. In considering such convictions the presumption is that Board will confirm

any suspension or revoke a licence unless the Board is convinced that the nature of the offence is such that the risk to crime and disorder through their employment will be minimal.

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

- Each case will be decided on its merits.
- A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions from three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public.
- The following examples afford a general guide on the action to be taken where convictions are admitted :
  - a) Major Traffic Offences : An isolated conviction for reckless driving or driving without due care and attention etc. will normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage and PHV drivers. More than one conviction for this type of offence within the last two years could merit refusal and no further application may be considered until a period of one to three years from convictions has elapsed.
  - b) Drunkenness with Motor Vehicle : A serious view will be taken of convictions of driving or being in charge of a motor vehicle while under the influence of drink. An isolated incident will not necessarily debar an applicant but strict warnings could be given as to future behaviour. More than one conviction for these offences can raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered.
  - c) Drugs : An applicant with a conviction for a drug related offence will be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she was an addict.
  - d) Indecency Offences : As Hackney Carriage and PHV drivers often carry unaccompanied passengers; applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind will preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct will be issued.
  - e) Violence : As Hackney Carriage and PHV drivers maintain close contact with the public; a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning will be administered.
  - f) Dishonesty : Hackney Carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the

trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, a period of three to five years free from conviction should be required before entertaining an application.

- 6.6.3.8 Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Licensing Enforcement Policy.
- 6.6.3.9 Information on criminality of drivers is supplied by the Criminal Records Bureau. Concerns have been raised that the information provided by the CRB only covered periods of UK occupancy. To overcome this shortfall a requirement to provide “good conduct bond” covering periods of foreign residency has been introduced.
- 6.6.3.10 To further enhance the criminality check applicants are required to provide photographic proof of identity on initial application.
- 6.6.3.11 Licensing and enforcement is carried out by Council officers appointed ‘Authorised Officers’ for that purpose and they have been issued with written authority to do so.
- 6.6.3.12 In relation to taxis and private hire operators and drivers the Council operates a points system to deal with infringements of its licensing conditions. The Head of Environmental Health is authorised to issue points with the person concerned having the right of appeal to the Environmental Services Manager. The Environmental Services Manager has delegated authority to suspend a licence where the infringement is so serious as to place the public at risk or where the person concerned has accumulated 12 points in any 12-month period. Any suspension must be ratified at the next available Licensing Board. During 2006/7 nine points were issued against one driver.
- 6.6.3.13 The Road Safety Act 2006 provides licensing authorities with enhanced powers to suspend drivers’ licences with immediate effect in the interests of public safety, or to suspend licences subject to a 21 day appeal process in all other cases. To date three immediate suspensions have been issued. Of these, two, drivers were subsequently reinstated, one remains under suspension.

#### 6.6.4 Licenses Issued

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

Type of Licence	Number issued 2005/6	Number issued 2006/7	Number issued 2007/8
Hackney Carriage Vehicle	63	71	99
Private Hire Vehicle	81	79	89
Hackney Carriage Driver	75	86	115
Private Hire Vehicle Driver	112	120	108
Dual Driver	47	40	55
Private Hire Operator	10	9	11

- 6.6.5 During 2007/8 concerns have been raised by the trade regarding safety, racial incidents and poor communication with the licensing authority. In an effort to address these issues an independent hackney carriage operator’s forum and a private hire operator’s forum are being developed in collaboration with the trade. This is however proving difficult to achieve due to poor support from the trade groups. The work to develop this important initiative will however continue

## **6.7 House to House Collections**

### **6.7.1 Statutory Framework**

#### **House to House Collections Act 1939**

Section 2 - Licensing Authority means District Council

#### **House to House Regulations 1947**

#### **Police, Factories etc (Miscellaneous Provisions) Act 1916**

Section 5 – A District Council may make regulations with respect to where and the conditions under which persons may be permitted in any street or public place ....to collect money for Charitable and other purposes.

### **6.7.2 Aims**

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

### **6.7.3 Policy**

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

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

### **6.7.4 Permits Issued**

During 2007/8, 14 house to house collection permits were issued.

## **6.8 Street Collections**

### **6.8.1 Statutory Framework**

**Police, Factories etc. (Miscellaneous Provisions) Act 1916** : The power to regulate street collections and to issue licences.

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

### **6.8.2 Aims**

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

### **6.8.3 Policy**

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

### **6.8.4 Licenses Issued**

During 2007/8, 148 street collection licences were granted.

## **6.9 Gambling**

### **6.9.1 Small Lotteries**

#### **6.9.1.1 Statutory Framework**

##### **Lotteries and Amusement Act 1976**

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

#### **6.9.1.2 Aims**

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

#### **6.9.1.3 Policy**

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

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

#### **6.9.1.4 Registrations Issued**

During 2007/8, 65 small lotteries were registered.

### **6.9.2 Amusements with Prizes**

#### **6.9.2.1 Statutory Framework**

##### **Gambling Act 2005**

No machine to which this Act applies shall be used for gaming except on premises in respect of which a permit is for the time being in force. The Act precludes the use of machines providing amusement with prizes from take away premises.

#### **6.9.2.3 Policy**

On 14 October 1992 the Council adopted a policy whereby it would not grant licences for amusement with prizes machines in takeaways, launderettes, cafes, restaurants and any Council Premises. This policy does not apply to premises which are wholly or mainly used for amusements by way of machines. This policy has been re-enforced/superseded by the provisions of the Gambling Act 2005.

#### **6.9.3 Gambling Act 2005**

6.9.3.1 The Gambling Act is an attempt to relax the law on gambling. The Act established the Gambling Commission which has primacy on all regulation of gambling activities in the UK.

6.9.3.2 The Act established local authorities as "Licensing Authorities" under the Act. Licensing Authorities are responsible for licensing premises used for gambling. Personal Licences and Operators Licences can only be issued by the Gambling Commission. The Licensing Authorities are the same as under the Licensing Act 2003.

#### **6.9.3.3 Aims**

The Act seeks to protect children and vulnerable people from the effects of harmful gambling by creating specific criminal offences preventing access to children, young people and

vulnerable people to premises used for gambling. The Government have made the point that maintaining the status quo is not an option as new legislation is necessary because the old legislation passed in the 1960s does not deal with new technology and the way people can now gamble via the Internet and on mobile phones.

- 6.9.3.4 The Council has adopted its own statement of gambling policy which will be used in determining applications for premises licences. The Act came into full effect in September 2007 though applications were accepted for processing from May of that year. The impact on the authority of the Act will not be as significant as for the Licensing Act 2003 as the number of premises requiring licensing will be small and subject to “grandfather” rights.

## **6.10 Caravan Sites**

### **6.11.1 Statutory Framework**

#### **Caravan Sites and Control of Development Act 1960**

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

### **6.11.2 Aims**

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

### **6.11.3 Licensed Caravan Sites**

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

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

## **6.12 Registration of Food Businesses**

### **6.12.1 Statutory Framework**

#### **Food Hygiene (England) Regulations 2006**

### **6.12.2 Aims**

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

### **6.12.3 Policy**

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

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

## **6.13 Scrap Metal Dealers**

### **6.13.1 Statutory Framework**

#### **Scrap Metal Dealers Act 1964**

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

### **6.13.2 Aims**

To ensure that dealings in scrap metal are recorded.

### **6.13.3 Policy**

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

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

### **6.13.4 Premises Licensed**

There is currently one licensed scrap metal dealer operating in the Borough.

## **6.14 Motor Salvage Operators**

### **6.14.1 Statutory Framework**

#### **Motor Salvage Operators Regulations 2002**

#### **Vehicle (Crime) Act 2001**

#### **Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

In paragraph B of Schedule 1 "... there shall be added -

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

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

### **6.14.2 Aims**

To ensure dealings in salvaged car parts are recorded

### **6.14.3 Policy**

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

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

### **6.14.4 Premises Licensed**

There is currently one motor salvage operator licensed.

## 6.15 Sex Establishments

### 6.15.1 Statutory Framework

#### **Local Government (Miscellaneous Provisions) Act 1982**

Section 2 – A Local Authority may resolve that Schedule 3 to this Act is to apply to their area. The Council has adopted this formal licensing procedure.

### 6.15.2 Aims

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

### 6.15.3 Policy

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

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

- proximity to places of worship and schools
- proximity to community facilities or public buildings
- cumulative adverse impact of existing sex related licensed activities in the vicinity
- proximity to areas with the highest levels of recorded crime (as identified in the Crime and Disorder Audit).

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

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

### 6.15.4 Premises Licensed

At present there is one licensed sex establishment operating in the Borough. A second application was refused by the Licensing Board in January 2008.

## 6.16 Financial Allocation

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

<u>2005/6 (Final)</u>	<u>2006/7 (Final)</u>	<u>2007/8 (Final)</u>	<u>2008/9 (Original)</u>
£189,538	£110,504	£91,632	£96,860

## 6.17 Staffing allocation

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



## **6.18 Comments**

The Council published its revised Statement of Licensing Policy during 2008. Consolidation of the work so far undertaken under the Licensing Act 2003 and the Gambling Act 2005 will continue.

## **7.0 SMOKEFREE COMPLIANCE SERVICE**

### **7.1 Statutory Framework**

#### **Health Act 2006 :**

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

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

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

### **7.2 Smoke-free Premises, Places and Vehicles**

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

### **7.3 Smokefree Compliance Officer**

7.3.1 Gosport Borough Council, in common with other enforcing authorities, received a grant from the Department of Health, for 2007/8 only, to aid the implementation of the new smoke free legislation. A temporary full-time Smokefree Compliance Officer was appointed to the Commercial Team on 30 April 2007 on secondment until 30 April 2008. Due to some of the Department of Health funding being carried over to 2008/9, this secondment will now end on 31 December 2008.

7.3.2 The Smokefree Compliance Officer has made visits to business premises during 2007/8 and has given advice on the requirements of the smokefree legislation including on the compliance of smoking shelters.

### **7.4 Liaison with Other Organisations**

7.4.1 The Council fully supports the work of the Hampshire and Isle of Wight Smokefree Working Group, which has representatives from the Hampshire and Isle of Wight local authorities, including Trading Standards and from the PCT. The aim of the Working Group is to ensure that any enforcement action and advice is consistent with other neighbouring local authorities.

7.4.2 In carrying out its smokefree enforcement activities the Commercial Team will comply with any statutory guidance from the Department of Health and have regard to any national guidance from LACORS.

### **7.5 Smokefree Compliance Inspections**

7.5.1 From 1 July 2007 to 31 March 2008 a total of 1,007 workplaces and 13 vehicles were visited and given advice on compliance with the smokefree legislation.

- 7.5.2 Two warning letters were sent and one fixed penalty notice was served on a person smoking in a smokefree vehicle.
- 7.5.3 The work of the Smokefree Compliance Officer will continue until 31 December 2008 and will involve joint working with the PCT to encourage people to give up smoking and directing them to smoking cessation services. The provision of advice to businesses will continue.
- 7.5.4 All officers in the Commercial Team are “authorised officers” for the purposes of the Health Act 2006. Smokefree compliance work will be undertaken by other members of the Commercial team when the secondment ends.

## **7.6 Financial Allocation**

A grant from the Department of Health will fully fund smokefree compliance work until 31 December 2008.

## **7.7 Staffing Allocation**

- 7.7.1 The resources allocated for Smokefree Compliance is 1.0 full time equivalent member of staff. In addition approximately 0.2 full time equivalent administrative support staff is dedicated to this area of work.
- 7.7.2 The post of Smokefree Compliance Officer will terminate on 31 December 2008.

## **7.8 Work Programme**

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

## **8.0 STAFF DEVELOPMENT PLAN**

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

## **9.0 CUSTOMER SURVEYS**

- 9.1 A number of customer surveys are regularly undertaken:
- 33% of businesses inspected for food safety and health and safety at work are randomly surveyed to ascertain the degree to which officers carry out their duties in a “customer friendly” manner.
  - During 2007/8, of those businesses inspected for Food Safety, 77% of those replying to the questionnaires said the findings of the Inspector were fair and accurate (the remainder

did not answer this question). All those who responded rated the inspection as being very useful.

- Health and Safety at Work survey returns were too low to draw any conclusions.
- A similar survey is also carried out for those applying for Licences. 89% of respondents rated the overall service as good to excellent.

Further information on customer satisfaction is posted on the Council's web site.

## **10.0 QUALITY ASSESSMENT**

### **10.1 Monitoring Arrangements**

- 10.1.1 The Council has in place quality assurance procedures designed to ensure that all the services of the Commercial Team are provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice, Section 18 Guidance and other nationally issued guidance.
- 10.1.2 All procedures are internally audited to ensure they are consistently followed. Whilst the quality system is not externally registered to ISO 9001:2002 it is designed and operated in such a way as to meet the requirement of that standard.
- 10.1.3 The Hampshire and Isle of Wight Environmental Health Managers' Group has an advanced system of Inter-Authority Auditing that has been carried out on a 5-year cycle. The Council is committed to this initiative and accepts that there is much that can be learned from the process. The results of the latest inter-authority audit have been taken into account in the development of this service plan. The audit process is currently under review to ensure that it remains fit for purpose.
- 10.1.4 The Council's staff development procedures are accredited to Investors in People.
- 10.1.5 In addition the Council operates a system of peer review where officers carry out joint inspections to ensure a consistent interpretation of legislation, codes of practice and national guidance.

### **10.2 Benchmarking**

- 10.2.1 The Council is committed to supporting the Hampshire and Isle of Wight Environmental Health Benchmarking activities. The aim of these is to provide a simple and effective means of comparing services provided by different Authorities and to share best practice. The various matrices produced, have wide acceptance as providing best practice. Among those organisations that support this approach are the Audit Commission, the Food Standards Agency, LACORS and HELA.
- 10.2.2 It is our intention to work towards improving our services wherever possible within existing budgets.
- 10.2.3 Environmental Health Services was awarded a Charter Mark for in 2002 for the excellence of its customer service and remains committed to the continuous improvement in its services. Following a further assessment, Charter Mark status was renewed in December 2007.

## **11.0 REVIEW**

### **11.1 Review against the Service Plan**

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

### **11.2 Identification of Variances from the Plan**

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

### **11.3 Identification of Improvements**

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

## AGENDA ITEM NO. 10

<b>Board/Committee:</b>	<b>COMMUNITY AND ENVIRONMENT BOARD</b>
<b>Date of meeting:</b>	<b>MONDAY 16 JUNE 2008</b>
<b>Title:</b>	<b>TRANSFER OF PLAY AREA AT THE DAEDALUS ESTATE, LEE ON THE SOLENT FROM TAYLOR WIMPEY TO GOSPORT BOROUGH COUNCIL</b>
<b>Author:</b>	<b>LEISURE &amp; CULTURAL SERVICES MANAGER</b>
<b>Status:</b>	<b>FOR DECISION</b>

### **Purpose**

To seek the Board's views to the transfer of the play area on part of the former HMS Daedalus site to Gosport Borough Council and to recommend to Policy and Organisation Board for approval.

### **Recommendation**

The Board is requested to recommend to the Policy and Organisation Board to approve the transfer of the identified land on the terms set out in this report and to authorise the Borough Solicitor to complete the necessary legal documentation to acquire the land as public open space.

## **1. Background**

- 1.1 Following completion of the housing development at the Daedalus Estate, Lee on the Solent during 2007, a request has been received from the developer, Taylor Wimpey that the Borough Council takes responsibility for the play area and boundary fencing as public open space.
- 1.2 Discussions have been undertaken between Taylor Wimpey and the Council to agree a suitable developer contribution to cover the maintenance requirements into the future.

## **2.0 Proposals**

- 2.1 The level of contribution required by the Council has been based on work to ensure the facilities meet the usual Council standards and also projected costs of maintenance into the future. The costs have been uplifted by an estimated rate for inflation over the next 10 years. The respective costs of this work are detailed below.

## 2.2 Play Area / Equipment

2.2.1 The Play Area consists of equipment, a seat and a litter-bin and play equipment that are all manufactured in wood. Based on past experience in dealing with associated vandalism and repair related issues of such items and equipment, there is an increased risk element of significant repair and / or renewal of the equipment being required within the projected period of 10 years.

2.2.2 An initial payment of **£3250.00** is required to bring the facility to a level of specification that will enable the Council to include it within the current Play Area facility inspections and maintenance programme.

This sum would include for the following issues:

- (i) Provision and installation of two recycled seats and hard-standing bases (replacing existing wooden design).
- (ii) Provision and installation of one new litter-bin (replacing existing wooden design).
- (iii) Conversion of existing swing units to anti-wrap design.

2.2.3 In terms of the on-going inspections, maintenance and the requirement for addressing any issues of repair / renewal within the liability period, an annual contribution has been identified. This has been calculated with an annual uplift of 5% to produce a total contribution required of **£41,731.84**.

2.4 Total Payments required from the developer amount to:

Play Area Upgrade	<b>£ 3,250.00</b>
<u>Play Area Maintenance</u>	<u><b>£41,731.84</b></u>

Total	<b>£44,981.84</b>
-------	-------------------

2.5 The area is proposed to be accepted as public open space land. (See attached plans).

## 3.0 Risk Assessment

3.1 The play area will be subject to a pre-transfer inspection before any responsibility is taken by this Council.

3.2 The initial payment referred to in paragraph 2.2.2 will enable the Council to bring the area up to the standard similar to other Council Play areas. From that time, the contribution detailed in 2.4 will cover future maintenance costs for a period of 10 years.

#### **4.0 Financial Implications**

- 4.1 The predicted costs for the Council to take responsibility for the play area have been identified in Section 2 under Proposals. The Council will require a total payment of **£44,981.84** to cover its future maintenance costs.

#### **5.0 Conclusions**

- 5.1 Subject to the developer contribution payment being received by the Borough Council, it is considered acceptable for the land to be adopted and maintained as public open space.

<b>Financial Services comments:</b>	None for the purposes of this Report.
<b>Legal Services comments:</b>	None for the purposes of this Report.
<b>Service Improvement Plan implications:</b>	The proposed action will be added to the Leisure & Cultural Services Plan.
<b>Corporate Plan:</b>	The proposal meets the Strategic Priorities of (i) People - better leisure facilities and increased usage; (ii) Places - quality public areas and green spaces;
<b>Risk Assessment:</b>	See Section 3 of the report.
<b>Background papers:</b>	N/a
<b>Appendices / Enclosures:</b>	Site plan
<b>Report Author / Lead Officer:</b>	Leisure & Cultural Services Manager

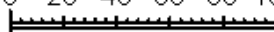




TOWN HALL, HIGH STREET, GOSPORT,  
HANTS, PO12 1EB.

DATE : 23/05/2008

Scale 1:2500  
0 20 40 60 80 100 m



If this map has been transmitted electronically, use the scale bar in preference to the written scale



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## AGENDA ITEM NO. 11

<b>Board/Committee:</b>	<b>Community and Environment Board</b>
<b>Date of Meeting:</b>	<b>16 June 2008</b>
<b>Title:</b>	<b>Southern Water Scrutiny</b>
<b>Author:</b>	<b>Borough Solicitor</b>
<b>Status:</b>	<b>For decision</b>

### **Purpose**

For the Board to consider the report and recommendation of the Overview and Scrutiny Committee regarding their scrutiny of Southern Water's plans for investment in infrastructure in the Borough.

### **Recommendation**

1. That the Overview and Scrutiny's recommendations be agreed:
  - a) a forum of representatives from Southern Water, Gosport Borough Council, Hampshire County Council and other bodies as required meet once every three months to:
    - i) ensure that pollution response and protection procedures are up to date
    - ii) share ideas on the development of Flooding Emergency Action plans, and
    - iii) discuss operational issues and actions being taken and planned by Southern Water in the Borough;
  - b) the Community and Environment Board consider how the Council is to receive feedback from the forum;
  - c) residents be informed via Coastline, the website and elements of the media of the correct procedures for the reporting of wastewater and pollution concerns;
  - d) the adoption of privately owned sewers and drains by Southern Water be publicised and explained to residents by the Council, along with the nationwide publication of the changes to be made by the Government in 2009; and
  - e) all Members of the Council be provided with a copy of the Southern Water Working Group's report.
2. That the Board make nominations to the forum of representatives.

## **1.0     Introduction**

- 1.1     On 25 January 2007 the Overview and Scrutiny Committee resolved that a dialogue should be set-up with Southern Water to ascertain their future plans for investment in the infrastructure of the Borough and to discuss their business plan for the area.

## **2.0     Report**

- 2.1     Three Councillors were nominated to sit on the working group: Councillor Davis (Labour), Councillor Carr (Liberal Democrat) and Councillor Jacobs (Conservative). The membership of the group remained unaltered until Councillor Mrs Salter replaced Councillor Carr as the Liberal Democrat group representative in March 2008.
- 2.2     The working group met for the first time on 11 July 2007 and held its seventh and final meeting on 12 March 2008. The last meeting was attended by a representative of Southern Water of whom Members asked a series of questions that had arisen during the scrutiny process. A report was then written to provide Members of the Overview and Scrutiny Committee with the recommendations of the working group and a summary of the investigation.
- 2.3     A copy of the report to the Overview and Scrutiny Committee is attached as Appendix B.
- 2.4     The Overview and Scrutiny Committee considered the report of the Working Group at its meeting on 27 March 2008 and made its recommendations as contained earlier in this report. A copy of the minutes of this meeting are attached to this report as Appendix A.

## **3.0     Conclusion**

- 3.1     That the Board consider the recommendations of the Overview and Scrutiny Committee.

<b>Financial Services comments:</b>	None for the purposes of this report
<b>Legal Services comments:</b>	None for the purposes of this report
<b>Service Improvement Plan implications:</b>	None for the purposes of this report
<b>Corporate Plan Implications:</b>	Pursuit of Excellence More effective performance management Enhanced customer service
<b>Risk Assessment:</b>	None for the purposes of this report
<b>Background papers:</b>	None
<b>Appendices/Enclosures:</b>	<b>Appendix A</b> – Minute Extract from Overview and Scrutiny meeting on 27 March 2008 <b>Appendix B</b> – Report to Overview and Scrutiny Committee 27 March 2008
<b>Report Author:</b>	Joe Martin

## **APPENDIX A**

### **OVERVIEW AND SCRUTINY COMMITTEE 27 MARCH 2008: MINUTE EXTRACT**

#### **Southern Water Working Group**

Consideration was given to the report of the Working Group. Members who had sat on the Working Group were congratulated by the Chairman together with Joe Martin of Democratic Services who had supported the Working Group. A request was made that a formal letter of thanks be written to Mr Martin.

With regard to the adoption in 2010 of all private sewers, it was confirmed that Southern Water would recover its additional costs through higher sewerage charges which, it was understood, would initially amount to approximately £10 per property each year. This was considered to be fairer than the current arrangements for private sewers.

Although many people were insured against damage or problems with private sewers, there were concerns that some would wait until 2010 to report the problem to Southern Water.

Members agreed with the recommendation of the report that the adoption of private sewers should be publicised through Coastline and the Council's website at the appropriate time, probably in 2009.

With regard to the opening of sluice gates, it was noted that this had been carried out on a number of occasions by members of the public. Members were advised that arrangements had now been made with Southern Water for Council officers to open and close the sluice gates as necessary.

The Working Group's report recommended that regular meetings take place between the Borough Council, the County Council and Southern Water. Southern Water had requested a copy of the Working Group's report once it had been considered by the Committee.

Members were advised that, provided the Committee was in agreement, the report should be placed before the next meeting of the Community and Environment Board. If the Board agreed to the recommendations, any resultant liaison groups would need to be set up through the Council and the Board would be required to decide how it wished the Council to receive feedback from the forum.

The Committee agreed that all Members of the Council should be provided with a copy of the Working Group's report.

**RESOLVED:** That the following recommendations be made to the Community and Environment Board:

- a) a forum of representatives from Southern Water, Gosport Borough Council, Hampshire County Council and other bodies as required meet once every three months to:
  - i) ensure that pollution response and protection procedures are up to date;
  - ii) share ideas on the development of Flooding Emergency Action plans; and
  - iii) discuss operational issues and actions being taken and planned by Southern Water in the Borough;
- b) the Community and Environment Board consider how the Council is to receive feedback from the forum;
- c) residents be informed via Coastline, the Council's website and elements of the media of the correct procedures for reporting wastewater and pollution concerns;
- d) the adoption of privately owned sewers and drains by Southern Water be publicised and explained to residents by the Council along with the nationwide publication of the changes to be made by the Government in 2009; and
- e) all Members of the Council be provided with a copy of the Southern Water Working Group's report.

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## **Membership**

Councillor Carr	<i>until March 08</i>
Councillor Davis	<i>Chairman</i>
Councillor Jacobs	
Councillor Mrs Salter	<i>from March 08</i>

Supporting Officers:  
Joe Martin  
Mike Wheeler





# **Southern Water Scrutiny Report**

## **BACKGROUND**

On 25 January 2007 the Overview and Scrutiny Committee resolved that a dialogue should be set-up with Southern Water to ascertain their future plans for investment in the infrastructure of the Borough and to discuss their business plan for the area.

Councillors Davis and Train volunteered to lead and oversee the investigation. It was decided at the 5 April 2007 meeting of the Overview and Scrutiny Committee that a working group should be set up to consider the wastewater system in the Borough and report back to the Committee with their findings. This would include a scoping exercise and consultation with outside bodies and individuals.

Three Councillors were nominated to sit on the working group: Councillor Davis (Labour), Councillor Carr (Liberal Democrat) and Councillor Jacobs (Conservative). The membership of the group remained unaltered until Councillor Mrs Salter replaced Councillor Carr as the Liberal Democrat group representative in March 2008.

The working group met for the first time on 11 July 2007 and held its seventh and final meeting on 12 March 2008. The last meeting was attended by a representative of Southern Water of whom Members asked a series of questions that had arisen during the scrutiny process. A report was then written to provide Members of the Overview and Scrutiny Committee with the recommendations of the working group and a summary of the investigation.

## **REASON AND PURPOSE**

The investigation was initiated in response to wastewater issues voiced by Councillors. Concerns identified at an early stage of the investigation included:

- The general infrastructure of the sewers in the Borough that had allegedly not been updated since the early 1900s, and the possibility that residential development would lead to more widespread problems.
- Improvement projects planned to be carried out by Southern Water in the Borough. The priority of such projects, potential for disruption of the transport system etc.
- The ownership of sewers and drains in the Borough and the responsibilities of Southern Water when pipes are privately owned.



- The adequacy of maintenance regimes.
- Areas of potential flooding and the need to inform the Council of those at risk.

## SCOPING REPORT

As this was the first scrutiny investigation of this type to be carried out by the Council a scoping report template had first to be created for use on this and future investigations.

The scoping report helped the working group to clarify which issues to investigate and subsequently develop a method by which to undertake the process.

The group learnt a great deal during the exercise and from the scoping process formulated six clear objectives and indicators for success. Although the group intended to deviate from these objectives if it saw fit, the investigation would benefit from having some structure to adhere to in the early stages.

It was necessary to identify key issues on which to focus the investigation so as not to allow the scope of proceedings to expand out of control. It was felt that, although it was largely incidents of flooding and pollution that led us to scrutinise the service the interest of the working group lay in the strategic rather than the operational element. The aim was to understand what had caused problems to arise and how the company together with the Council could provide a reliable service in the future.

### 7 Scoping Objectives:

- 1) To examine instances of road and internal flooding and Southern Water's response to individual operational issues.
- 2) To clear up widespread confusion over drain and sewer ownership and responsibility, and find the best way to resolve future problems.

- 3) To examine incidents of environmental concern, such as sewage leaks, and the procedures taken by Southern Water to ensure that incidents do not reoccur.
- 4) To achieve a better working relationship between Southern Water, the Council and the public.
- 5) To ensure that Southern Water implement a method by which to alert the Council of any works that are due to be carried out within the current capital investment programme.



- 6) To eliminate the potential for unexpected major disruption, particularly traffic.
- 7) To examine the future investments to be made by Southern Water and ensure that these objectives are in the best interests of the Borough.

## CONSULTATION

The first step was to consult with all ward councillors to establish what locations of concern there were in the Borough with regard to internal and external flooding and incidents of pollution. An inventory of current wastewater concerns would provide the group with some guidance on where they could thoroughly examine the service offered by Southern Water and the Hampshire County Council (HCC)

Highways Department, as it is HCC that are ultimately responsible for the road network and gullies.

The exercise proved a valuable contribution to the investigation. The results were collated and the group had an interesting variety of wastewater concerns before them. Many of the issues raised appeared to be road flooding and gully maintenance and it was thus decided to invite a representative of the HCC Highways department to a meeting of the working group.

### **Andy Peryer, Hampshire County Council Highways department**

Andy Peryer, attended the 27 November 2007 meeting and discussed with members the co-ordination of road works, possible ways to improve communication between different parties and the maintenance of sewers and gullies that were the responsibility of HCC. Mr Peryer also responded to each of the issues raised by Councillors and identified what action would or had been taken on those that were HCC Highways concerns. Of the eight incidents of HCC concern resulting from the consultation, three were investigated and cleared and the other five had been resolved prior to the meeting.

### **HCC maintenance**

Members were advised that HCC highways checked all gullies in the Borough annually and if they required it they were cleaned out in full. Mr Peryer believed this to be a proactive approach to maintenance rather than a reactive one as was employed by some utility providers. It appeared to the group that although the maintenance was proactive, a gully that was marginally below the level of that required to be cleared may be significantly above an acceptable

level come the same time next year. Members would clearly like to see a more flexible maintenance programme employed by HCC to further enhance the service but appreciate that there are financial restraints put upon HCC and that there would be a significant cost associated with providing a comprehensive maintenance programme in the Borough. Members thought it essential that residents and Councillors remained vigilant of gullies and drains that required attention and alerted HCC of any concerns. Effective communication between Borough residents and HCC Highways would help to reduce disruption considerably.

### **Utility works co-ordination**

Mr Peryer explained to Members the methods by which the Borough's road works are coordinated by the Hampshire County Council Highways department. There was an electronic system called 'Elgin' where HCC and utility companies share information about current and projected works, as well as a quarterly meeting involving all utility companies and surrounding local authorities, as decreed by the Traffic Management Act 2004. The Hampshire Action Team meet regularly and a briefing note is published that gives notice of all planned road works, although unplanned 'emergency' works had to be dealt with on an ad hoc basis.

A Traffic Management Permit Scheme would be introduced in 2008 and the A32 could possibly become a permit road for contractors, which would ensure that those wishing to undertake road works would be subject to more stringent regulations.

Members considered whether the Council could ratify a proposal that would require utility companies to give six months notice of road works to be

conducted in the area, but Mr Peryer did not believe utility companies would be able to provide information this far in advance. Mr Peryer stated that the service providers currently notified HCC three months in advance of disruption, but that sometimes emergency works needed to be carried out due to unforeseen problems with the infrastructure. There was also the issue of works being carried out on private sewers and drains where HCC would not normally be consulted. Members noted that there was an embargo on road works in place over Christmas for the benefit of local traders and felt this was certainly an example of a proactive approach to road work coordination.

The group concluded that more could be done to inform residents of upcoming road works and advised that measures be taken to implement the use of the following methods for alerting the public:

- Coastline articles
- The GBC website and homepage
- The HATS meeting briefing notes, which were public documents and available on the internet
- The 'Elgin' website which gives a detailed account of all planned and ongoing roadworks using a detailed mapping system.

## **POLLUTION INCIDENTS**

Being an initial concern of the group and highlighted again during the consultation process, it was decided to examine how the Council could help to ensure there were no future incidents of pollution.

Although there have been several incidents over the years, three were identified as suitable cases in which to investigate the maintenance of vital pumping stations and pipes that are at risk of contaminating areas of natural beauty: The Peel Common treatment

works incident, July 2006; Work House Lake, July 2007; and the Stoke Lake incident in August 2004.

The Environment Agency provided detailed accounts of why the incidents had occurred, Southern Water's involvement in the incidents and whether or not the Environment Agency considered Southern Water responsible in each case.

### **Peel Common Treatment Works**

The Peel Common incident had an impact on the Borough because sewerage flooded from the treatment works into the River Alver. There had been found to be a malfunction in a failsafe pump and inlet gate and thus there was a large overflow of sewerage which flowed down the river. The sewerage was cleared and the water re-oxygenated by Southern Water. The river seemed to have recovered within three months but Environment Agency officers had found evidence of dead aquatic life and fish after the incident.



The Environment Agency state that Southern Water was totally responsible for the escape as the protective measures they had in place were not proportional to the environmental risk posed. In this case they had not accounted for onsite drainage ditches which provided the sewage with a direct



pathway to the River Alver. Although they responded to the alert in fifteen minutes they could not control the spill for a further one and a half hours.

Southern Water subsequently put measures in place to prevent future occurrences of this kind. This has included updating the onsite risk assessment and addressing the drainage ditches. They have also locked the gate open on the offending pump to prevent it closing again in an emergency. This would ensure that any similar incident would not result in sewerage backing up in the chamber and overflowing. Following the incident a case file was prepared by the Environment Agency and Southern Water were successfully prosecuted in Fareham Magistrates Court.

### **Workhouse Lake**

The Environment Agency was first informed of this incident by a local resident that had seen sewerage effluent rising from the sea bed and spreading across the lake on 29 July 2007. He also said that he had seen fish and crabs in distress around the plume.



The resident opened the sluice gates and let the water out. He reported that he had found a crack in the pipe running along the bottom of the lake from Alver Bridge.

A Gosport Council Environmental Health officer who attended the site the next day said she had seen bubbling from the bed but also lots of fish swimming unhindered. An Environment Agency officer attended in the evening and observed a stable climate and no evidence of sewerage.

Southern Water was notified as the problem was thought to be from the foul sewer pipe. Three days later Southern Water reported that they had flushed the foul sewer pipe and found a crack 25mm in diameter using CCTV surveillance. Four concrete bags were applied as a temporary measure to prevent further leakage. It was soon decided that a 90m sewer pipe running across the lake would have to be relined. A custom made sleeve was manufactured and work on the pipe was finished seventeen days after the incident.

The Environment Agency stated that Southern Water were responsible for the foul sewer pipe which had failed to contain the sewerage creating an illegal discharge. However, the Environment Agency feel that in light of the fact that Southern Water has 11000km of sewers to look after it is inevitable that there will be problems which are only highlighted when a pollution incident occurs and is reported. Southern Water has a 24hr incident hotline similar to the Environment Agency where incidents relating to the surface water and foul sewers (which they are responsible for) can be reported. The Environment Agency have previously found the response to and investigation of incidents by Southern Water to be good, often going out in the same hour.

As the entire pipe was re-lined it is reasonable to assume that will be no problems with this particular pipe for the foreseeable future. In this case, the Environment Agency believed Southern

Water's response to be proportional to the environmental risk. Following guidance, an enforcement response was sent to Southern Water along with an Area Warning Letter.

### **Stoke Lake**

On 13 August 2004 a blockage of a 150mm diameter sewer caused Stoke Lake to be flooded with foul waste killing most of the marine wildlife inhabiting the lake. The sewer intersected a surface water sewer and the blockage forced sewerage into the surface water outfall before being discharged from the surface water pumping station at the corner of Little Anglesey Road.

A biological survey revealed that ninety percent of the Lagoon Sand Shrimp population was wiped out along with the Starlet Sea Anemone. The creatures are deemed to be very scarce and are protected under the Wildlife and Countryside Act 1981, whilst the lake itself is a designated Site of Scientific Special Interest.

Several issues of note arose from this incident that if addressed in the future would help to avert any future recurrence. A report of dead crabs was received by Southern Water at 14:00hrs, but the cause was not identified until 21:00hrs. It was estimated that the sewerage had been discharging for seven hours. It would seem that the response time on this occasion was slower than it should have been yet in the experience of the Environment Agency Southern Water are usually very quick to act on such matters. The cause of the sewerage leak was, however, quite hard to isolate in this instance.

Once they had been made aware by Southern Water, The Environment Agency had difficulty in contacting the Gosport Environmental Health

department or Duty Officer, due partly to the incident happening on a weekend. The Park Ranger was informed that the sluice gates would need opening to flush out the sewerage but said that he'd have to seek approval from the Head of Leisure Services first. Considering the recommendation to open the sluice gate came directly from the Environment Agency and the marine environment of the lake was under considerable distress it would seem appropriate to provide Park Ranger's with the authority to open the sluice gates when necessary.



When the appropriate Gosport Council staff became aware of the situation they were concerned that they had not been informed earlier, but the Environment Agency explained that they had been trying to contact the Environmental Health out of hours service without success. It materialised that the service was no longer in operation and had been replaced with a Duty Officer Service, but that the Environment Agency had not been informed of the new system and Duty Officer's telephone number.

Workhouse Lake was also affected by the incident as there is a balancing pipe that allows unidirectional flow from Stoke Lake to Workhouse Lake. A member of the public had taken it upon himself to open the sluice gate to Workhouse Lake fairly soon after the leak but had broken

the collar which would cost £500 to repair and partially hinder attempts to drain the lake. There have been many reports of members of the public opening sluice gates in the Borough, but this practice would seem to be wholly unacceptable due to the risk involved and sometimes the motives behind the decision. Gosport Council must be on hand to open sluice gates extremely quickly in these incidents and should make every attempt to ensure that members of the public are unable to open the gates themselves.

Southern Water was not found to be responsible for the incident by the Environment Agency as they considered the discharge of sewerage to be of such a small quantity that it could not have possibly caused the level of destruction in the lake. Water samples did not show any elevated levels of Ammonia, Biochemical Oxygen Demand, which is found in heavily sewerage contaminated water. It would seem that, based on a lack of evidence connecting the Southern Water discharge with the environmental impact observed, no enforcement action could be taken.

Southern Water is, however, responsible for maintaining both the foul and surface water sewers in that area, yet they cannot be held solely accountable every time something goes wrong with the system and they do usually respond quickly. The working group would recommend in this instance that Southern Water employ a suitable monitoring and maintenance scheme for the wastewater system surrounding the lakes and surrounding areas of natural beauty.

Another recommendation of the group would be that the Environmental Health department, namely the Pollution and Environment Team, form a strategy to deal with such incidents and make the strategy available to the public on the

website. Sluice gates, for instance, should be opened as soon as officers are made aware of the nature of the incident and not by members of the public. Water samples should also be taken by the authority to help the Environment Agency assess the severity of the problem. Generally, there should have been a far better working relationship between Southern Water, the Environment Agency and Gosport Council in this instance.

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Southern Water has a fairly good record of dealing with incidents of pollution in the Borough and making provision to ensure they do not reoccur in the future.

They have recently implemented a pollution reduction initiative, as alluded to later in the report, with the proviso to monitor sewers that are next to water courses and pose a risk to the environment if they fail. However, even regular maintenance may not stop the occasional blockage or split in the system and a main concern of Members is that the response to such incidents is quick and well co-ordinated. Gosport Council could publicise suspected sewerage leak sighting protocols for members of the public on the website and in Coastline so that Environmental Health and Duty Officers were aware and able to act as quickly as possible. It would also be of benefit if Environmental Health were to forge a closer working relationship with Southern Water and the Environment Agency so incident response could be better co-ordinated.

By working closely with Southern Water the Council should be able to ensure that Pollution Reduction Initiatives developed for Gosport are appropriate for the needs of our environment.

## **DAYSHE'S CLOSE INCIDENT**

Frailties in the Southern Water maintenance procedures were exposed when Dayshe's Close in Bridgemary suffered extensive exterior and interior flooding in August 2005. Many residents and properties were affected by the flooding and Southern Water took responsibility for discontinuing maintenance of the sewers under Dayshe's Close, which had a history of flooding and silt build up. Residents complained and many claims for compensation were made.

Southern Water subsequently completed surveys and computer modelling of the sewer network and in August 2006 began construction of a new larger sewer along Brookers Lane and Wych Lane at a cost of £866,000.

Uninsured losses and hardship were compensated for and the majority of residents are now satisfied with the outcome. Ward Councillors helped many of those affected with their claims and in January 2008 the working group heard from the last residents of the Close to have not reached an agreement. The residents explained that the loss adjuster had offered them well below what they had expected. Members sympathised with the residents and it was agreed that a letter should be sent to the Southern Water Asset Director to press the issue slightly and offer to arrange a meeting with the residents. The Asset Director believed the original offer to be reasonable for the uninsured losses identified and the distress and inconvenience suffered, but an improved offer was made as a "gesture of good will". The residents are currently deciding whether to accept the offer.

As a result of the Dayshe's Close incident Southern Water set up a new team called the customer focused Sewerage

Challenge Team who specialise exclusively on rectifying problem areas like Dayshe's Close.

## **PRIVATELY OWNED UNADOPTED SEWERS AND DRAINS**

Private sewers are the pipes that connect two or more households to the public sewer network that are owned by households. A great many Gosport residents are unaware that they have responsibility for the sewers until there is a problem with them.

The principle of private sewer ownership dates from 1937 when the Public Health Act declared that sewers were only public if they were:

- Already in place
- Laid by a statutory water and sewerage entity
- Adopted by a statutory water and sewerage company

Many sewers laid today are not put forward by developers for adoption by water and sewerage companies, and many in the past have simply not been constructed to a high enough standard to be adopted. The sewer system in the Gomer estate for example was made from Pitch Fibre pipe (a poor quality pipe used widely by developers in the 50s and 60s) and has therefore never been adopted by Southern Water.

This has caused widespread confusion for residents over many years, but under new legislation to be introduced in 2010 this will all change. Southern Water will from 2010 have responsibility for all currently privately owned sewers and lateral drains, which are pipes serving individual properties that cross into third party land, such as highways, to reach the public sewer.

Householders will no longer have to organise repairs themselves or have the



hassle of trying to get part of the costs back from neighbours who share the responsibility. Rather than the responsibility for payment of private repairs falling on the owners concerned, the cost increase necessary to facilitate Southern Water to take the increased network on (approximately doubling their sewer stock) will be spread across the entire customer base.

A considerable amount of consultation has been conducted on this issue over previous years and Members agreed that the new system seemed fairer and far more convenient for residents. They considered how it would be best to inform residents of the changes and thought that press releases and guidance material would be necessary. Although it was hoped that the majority of residents would welcome the changes, particularly those with privately owned sewers and drains, some will be concerned to see a further rise in the annual wastewater charge. Members agreed that they would investigate this matter further with a representative from Southern Water.

## **MEETING SOUTHERN WATER**

### **Dave Bialas, County Sewerage Engineer**

Mr Bialas was invited to attend the 12 March 2008 meeting of the working group to help Members with their investigation. Five questions focusing on future capital investment, maintenance programmes, prevention of pollution and the proposed adoption of private drains and sewers were sent to Mr Bialas the week before the meeting. Mr Bialas had an excellent working knowledge of the wastewater system in Gosport and discussed each question in turn with Members of the group.

## **Future Large Capital Investments**

Members were informed that there were no more outstanding improvement projects to be conducted in the Borough during the 2005-2010 capital investments programme. The Dayshes Close internal and external flooding correction project had been completed in 2006 at a cost of £1m. Although nothing further was planned for the current investment period Mr Bialas advised Members that emergency projects were dealt with on an ad hoc basis, subject to approval from Ofwat, such as had occurred with the St Lukes Road scheme that was completed in 2004.



### **Locations being monitored and possible projects for inclusion in next investments programme**

WS Atkins had been conducting drainage area plans for the entire area and updating those that already existed. The plans comprised 'hydraulic modelling' to predict flows which were then matched up to historic events and flow monitoring exercises.

Mr Bialas informed Members of several areas in the Borough where Southern Water was monitoring the service with a view to investing in improvements:

Foxbury Lane

Hydraulic modelling was being undertaken and there was monitoring to ensure no recurrence of previous flooding incidents.

Red House Park Gardens

This area had been flooding regularly. CCTV had revealed the pipes to be in good condition but there was speculation that the flooding was backing up from Military Road. This location was to be included in a forthcoming Drainage Plan.

Rothsea Road

Two properties had flooded internally. The topography of the site had been examined and the area was flat. A hydraulic scheme for the area has just been announced but would take some time to model due to the size of the area.

Parham Road

There had been reports of flooding which may have been caused by tidal water being forced up through sewers. Hydraulic modelling had shown no problems but the area would continue to be monitored for now.

Foster Road

The road, some front gardens and Foster Gardens had been affected by flooding in the past. There had also been problems in Beach Grove. Work had been conducted on the Bury Cross pumping station which may have solved the problem and the area would continue to be monitored.

Forton Road and Crossways

Residents had reported seeing water coming from the manhole covers in heavy rain leaving surface water on the road. The Leeslane pumping stations were under review. Members reported that a barrier had been erected to stop cars pushing surface water into the shops.

**Recent improvements that were being monitored to assess their success**

Gregson Avenue

Internal flooding had occurred during flash floods in 2005. The sewers had been inspected and two cracks found which were both repaired. There had been no reports of flooding since.

Bridgemary Road

Public sewers had been cleared out and HCC Highways had re-routed sewers that had collapsed.

Foxbury Lane

Long running surface water flooding problems had now been resolved at this location. DARA had not maintained their gullies and privately owned sewers and drains, subsequently water had been running off into the properties along Foxbury Lane. Southern Water had CCTV checked the pipes and these were found to be silted up and were therefore water jetted clear. The Peel Common Area Plan, currently under development, would show whether there was a capacity problem in the area. Although an agreement had been reached between DARA and Southern Water that DARA would maintain the gullies and pipes, there had been no formal agreement and previous communication with DARA employed engineers had not always proved to be constructive.

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Mr Bialas advised that all reported problems were noted and those with any history were thoroughly investigated. He used Woodward Close as an example to show that once minor flood problems had been reported, a CCTV was conducted that revealed there to be a height difference in the sewer as a result of subsistence. Fat had begun to build up and the only option was to regularly

maintain the system by regularly jetting water to clear the fat away. Specific Catchment Inspection Officers were employed to investigate and solve recurrent fat problems.

### **Maintenance**

Members were particularly concerned with the Southern Water maintenance programme in the Borough, especially considering the recent Dayshes Close and pollution incidents.

Mr Bialas stated that there was routine heavy jetting in areas where there were known problems, such as fat and root obstructions. Once a history of flooding was established in an area the water company would keep a record and ensure that vulnerable pipe work was regularly inspected and cleared. It is essential that Southern Water do not remove locations from maintenance programmes without being fully convinced that there could not be any future problems, as exemplified in the Dayshes Close case. Slack gradient areas were also regularly maintained.

Pumping stations receive a major three-monthly inspection in which wet wells are cleared and any rag, fat and grit is removed. Each station was also equipped with a telemetry system to warn of any potential fault in the system.

Southern Water was also currently installing 'Condition Based Monitoring Systems' which monitor energy usage at pumping stations. Excess energy consumption would indicate a degradation of certain parts in the system, which would subsequently be upgraded.

### **Protection against pollution**

Mr Bialas reported that there was now a Southern Water Pollution Reduction

Initiative in place to combat future risks. All sewers next to water courses were now inspected by camera. Sewer inspections of this sort had been conducted for the past two years. Mr Bialas noted Members concerns that areas of natural beauty had suffered as a result of inadequate maintenance, such as Stoke Lake losing nearly all of its marine life in 2004 due to foul water backing up into the lake for several hours. Implementation of a suitable maintenance scheme to avert future incidents of pollution in areas of natural beauty was of paramount importance to Members.

### **Adoption of privately owned sewers and drains**

Mr Bialas advised that Southern Water would adopt any shared ownership sewer (serving more than one property) and that the adoption would not be dependent on the condition of pipes. This could possibly come into force by March 2010. Members queried whether residents could opt to have their privately owned drains and sewers adopted by the water company now and were informed that under Section 102 of the Water Industry Act 1991 the water company could be asked to adopt privately owned sewers and drains, but that any adoption would be subject to the standard of quality of the pipes being at an acceptable level.

Once the legislation comes into force, if a property has one lateral pipe into the sewer Southern Water will take ownership of everything from the highway. Pipes under driveways will remain a private concern. Southern Water will automatically adopt entire unadopted networks, such as Gomer and Priddy's Hard, and the majority of adoptions would be public sewers.

Mr Bialas advised Members that the government would advertise the changes nearer to the event, possibly in late 2009. Members were of the opinion that Coastline would be a good vessel in which to publicise how the changes will affect Gosport residents. Mr Bialas agreed that it would be beneficial if Southern Water issued a statement and some advice for residents through Coastline, perhaps in the summer of 2009.

There was some speculation that the additional cost for each household to cover the adoption of all privately owned sewers and drains would be roughly £10 per year. This would be added onto the wastewater bill issued by Southern Water.

### **Gosport Council and Southern Water Co-ordination Forum**

The principle of holding regular meetings, perhaps three-monthly, between GBC and Southern Water was discussed and agreed by all to be a good idea and a worthwhile exercise for the future. This would help alleviate disruptions caused by works, particularly considering that Gosport is a peninsula and has poor access routes. HCC Highways would also be invited to attend.

Southern Water would welcome the advice and input of Gosport Council and it was hoped that such meetings would further improve the service that is delivered to Borough residents. Mike Wheeler, Head of Engineering, volunteered to represent Gosport Council at these meetings.

One possible benefit to arise from such an arrangement could be the creation of a Flooding Emergency Action Plan for the Borough. Strategic Emergency Plans already existed in Fareham, the Titchfield Haven area, and strategic locations at

risk in Gosport could be agreed between parties.

## **CONCLUSIONS**

By mid-March 2008 the working group had finished its research into the Borough's wastewater concerns and had reached a number of conclusions.

When we look back at the original questions asked in the Scoping Report it is evident that recommendations can be made to the Overview and Scrutiny Committee which would help to improve the service offered to residents by Southern Water, Gosport Council and Hampshire County Council.

### **Internal and external flooding**

Incidents of road and internal flooding were thoroughly investigated and Southern Water was found to be fully aware of the current issues in the Borough and implementing monitoring and correction schemes to improve the service.

Dayshes Close was an isolated incident in the respect that Southern Water had made a mistake by accidentally removing the maintenance of the sewers under the estate from their system. As Southern Water accepted full responsibility for the incident they had to pay a significant amount of compensation to residents for uninsured losses and inconvenience. They also completed a one million pound sewer improvement scheme in the area that has brought the wastewater network up to a high standard. As well as these correctional matters, Southern Water made some strategic changes to the service offered to customers and now has a designated customer focused Sewerage Challenge Team who respond to similar incidents a lot more quickly than previous contractors and aim to

perform remedial and investigative work of a high standard.

The working group would recommend that Councillors, Council Officers and residents remain vigilant of wastewater concerns in the Borough and report them to the Council and Southern Water as soon as they are noticed. To achieve this it would be preferable if the Council and Southern Water could publicise how residents should go about reporting concerns, who exactly to contact and what they can expect to be done by the service provider. Southern Water will log all concerns on their system and once it becomes apparent that there is a wastewater problem in the area they will look to monitor and rectify the problem as soon as possible. If it is found to be a large problem the water company will include the improvements scheme in its Capital Investments Programme which is submitted to Ofwat for funding approval.

### **Adoption of unadopted drains and sewers**

The consultation period in which all authorities and interested parties have a chance to respond to the new legislation proposed by the Government is drawing to a close and it is expected that privately owned drains and sewers in the Borough will become the responsibility of Southern Water from 2010.

This should end widespread confusion on the part of residents who are unaware that they are responsible for the sewers close to their property until there is a blockage or leak that requires remedial action. This can often prove to be costly for residents and can come as a shock to some who have presumed that the annual bill paid to Southern Water covers the maintenance and correction of sewers and drains in their area.

The additional cost of approximately ten pounds on every household's wastewater bill is thought to be enough for the water company to take on the additional pipe stock and not provide a diminished service.

The working group would wish to recommend that the new measures are well publicised to residents through Coastline, the website and the media. The Government and Southern Water would also widely publish details of the hand-over in late 2009.

### **Incidents of pollution**

The three incidents that Members chose to focus their attentions on have been well documented in this report but on reflection there have not been a great many incidents of pollution in the Borough over recent years, although every effort should be made to ensure that there are no more in the future.

Southern Water has been prosecuted on several occasions for incidents that have occurred across the wider Southern region and have in the last two years implemented a new pollution reduction initiative to ensure that all sewers that surround water courses and in which a fault could cause a pollution incident are monitored and maintained. Gosport Council Environmental Officers should ensure that they are aware of the new measures to be implemented by the water company and offer to help with local area knowledge in any way they can.

In addition to telemetry systems pumping stations are now also fitted with Condition Based Monitoring Systems which monitor energy usage. Increased energy consumption would indicate a degradation of some part of the station that would require replacement before it failed. It is of vital importance that

pumping stations close to areas of natural beauty in the Borough stay operational at all times.

Members agree with the Environmental Agency that Southern Water generally respond quickly and efficiently to reports of pollution and look to ensure future problems can be averted. The Stoke Lake incident seems an anomaly in this respect as the Environment Agency do not believe the leak, and ultimately Southern Water, to be responsible for the severity of the incident. The Environment Agency cannot provide an explanation of why marine life in Stoke Lake was so badly affected in August 2004. Either way if there had been a closer working relationship between the responsible parties and a faster response from the Council the severity of the incident may not have been so extreme.

#### **A better working relationship between Southern Water, Gosport Council and Hampshire County Council**

The Southern Water County Sewer Engineer, Dave Bialas, felt that regular meetings with Gosport Council and Hampshire County Council would help to improve the service.

Mr Bialas advised that one of the first things that the coordination forum could do would be to develop a Flooding Emergency Action Plan for areas at risk of flooding in the Borough. The working group was most encouraged by this suggestion and wondered whether this could also be the correct forum at which to discuss the maintenance of sewers surrounding water courses included under the pollution reduction initiative.

The working group would recommend that regular meetings be held between the appropriate parties every three months to aid co-ordination of works and ensure a higher quality of service. The

Head of Engineering for Gosport Council, Mike Wheeler, would attend along with Mr Bialas and a representative of Hampshire County Council Highways department. Other parties, such as Environmental Health Officers, would be invited to attend and provide advice as and when required.

#### **RECOMMENDATIONS: that,**

- 1) a forum of representatives from Southern Water, Gosport Borough Council, Hampshire County Council and other bodies as required meet once every three months to:
  - i) ensure that pollution response and protection procedures are up to date
  - ii) share ideas on the development of Flooding Emergency Action plans, and
  - iii) discuss operational issues and actions being taken and planned by Southern Water in the Borough
- 2) residents be informed via Coastline, the website and elements of the media of the correct procedures for the reporting of wastewater and pollution concerns.
- 3) the adoption of privately owned sewers and drains by Southern Water be publicised and explained to residents by the Council, along with the nationwide publication of the changes to be made by the Government in 2009.