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5 June 2009

S U M M O N S

MEETING: Community and Environment Board
DATE: 15 June 2009
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Lisa Reade

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor Burgess (Chairman)
Councillor Kimber (Vice Chairman)

Councillor Beavis	Councillor Mrs Forder
Councillor Bradley	Councillor Forder
Councillor Cully	Councillor Murphy
Councillor Edgar	Councillor Wright

The Mayor (Councillor Mrs Searle) (ex officio)
Chairman of the P and O Board (Councillor Hook) (ex officio)

FIRE PRECAUTIONS

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

In the event of the fire alarm (single continuous sound) sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following 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 2 MARCH 2009 AND 14 MAY 2009

To approve as a correct record the Minutes of the meetings of the Community and Environment Board held on 2 March 2009 and 14 May 2009 (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 11 June 2009. 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 11 June 2009).

6. PRESENTATION – ADAPTING TO CLIMATE CHANGE

Presentation by Environmental Services Manager.

Part II
Contact Officer:
David Jago
Ext. 5571

Continued

7. ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2009/2010
- Parts II
Contact Officer:
David Palmer
Ext. 5509
- To seek Board approval for the Environmental Health (Commercial) Service Plan for 2009/2010*
8. LEESLAND AND TUKES AVENUE ALLOTMENTS PROVISION OF CAR PARKING AND PERIMETER RAILINGS
- Part II
Contact Officer:
Alan Gibson
Ext. 5421
- To seek Board approval for the use of funding received by the Council from the sale of land at Camden allotment, to provide additional car parking facilities at Leesland allotments and Perimeter fencing at Tukes Avenue Allotments*
9. WALPOLE PARK COCKLE POND-PERIMETER PATHWAY RECONSTRUCTION
- Part II
Contact Officer:
Alan Gibson
Ext. 5421
- To seek Board approval for the required reconstruction of the existing pathways surrounding the Cocklepond at Walpole Park.*
10. USE OF DEVELOPMENT CONTRIBUTIONS FOR THE IMPROVEMENT OF PLAY AREA FACILITIES
- Part II
Contact Officer:
Alan Gibson
Ext. 5421
- To seek Board approval for the improvements to and funding of :*
- i. Walpole Park Skate Park
 - ii. Pirates Cove Play Area
 - iii. Privett Park Play Area
11. EVENTS ON COUNCIL LEISURE LAND IN GOSPORT AND LEE-ON-THE-SOLENT
- Part II
Contact Officer:
Alan Gibson
Ext. 5421
- To seek Board approval for the use of Council Leisure land for events*
12. ANY OTHER ITEMS
- Which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

**A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD
WAS HELD ON 2 MARCH 2009**

The Mayor (Councillor Kimber); Councillors Beavis, Burgess (P), Chegwyn (Chairman) (P), Edgar (P), Mrs Forder, Langdon (P), Murphy (P), Salter (P), Smith (P) and Wright (P).

It was reported that, in accordance with Standing Orders, notice had been received that Councillors Hook and Mrs Salter would replace Councillors Beavis and Mrs Forder respectively for this meeting.

60. APOLOGIES

An apology for inability to attend the meeting was received from The Mayor (Councillor Kimber) and Councillor Beavis and Councillor Mrs Forder.

61. DECLARATIONS OF INTEREST

There were no declarations of interest.

62. MINUTES

RESOLVED: That the Minutes of the meetings of the Board held on 19 January 2009 and 4th February 2009 be approved and signed by the Chairman as true and correct records.

63. DEPUTATIONS

It was reported that no deputations had been received.

64. PUBLIC QUESTIONS

No questions had been received from the public.

PART II

65. PROJECT INTEGRA ANNUAL ACTION PLAN 2009-2014

Consideration was given to a report of the Environmental Services Manager which examined the targets set by the Project Integra Business Plan for its Partnership Authorities for 2009-2014. The Report included a risk assessment advising that Local Authorities must adopt the Business Plan should they wish to continue with their membership of the partnership and that adoption of the plan would commit the Local Authority to strive to obtain a 40% recycling rate by 2010.

Clarification was given in answer to a Member's question concerning the 'Blue Haze Transfer Station' and the 'processing of incinerator bottom ash'. Members

were advised that the Blue Haze Transfer Station was situated in Ringwood and that as the landfill facility there was due to close shortly a review would be undertaken on the future of the Transfer Station. In addition Members were advised that previously unincinerable bottom ash could now be used as part of the construction of new roads and that 100000 tonnes had been used in the recent work on the M27.

Members questioned the targets that the business plan had set, highlighting in particular discrepancies in two figures setting the target for the reduction of waste. It was suggested that this would need to be taken to the Project Integra Board for clarification.

It was highlighted that currently only 19% of waste disposed of was domestic. Members questioned this as currently no service was provided by the Local Authority for the disposal of commercial waste. Concerns were raised as to the intentions of Project Integra and the Local Authority in addressing this large proportion of the waste. Members were advised that a scheme for the collection of waste from commercial properties was currently in its infancy at Eastleigh Borough Council. It was also recognised that there were high costs currently imposed on small to medium sized enterprises for the disposal of their waste and that the situation was currently under investigation.

Members questioned whether provisions were being made to meet the target of a 40% recycling rate by 2010. They were advised that there were still a number of multi-occupancy properties to come on-line to current waste disposal methods. In addition to this Members were advised that there were a number of issues hindering the process of bringing multi occupancy properties online including the rerouting of collection rounds and the capacity of communal bins. The most significant issue however was the storage of communal bins in existing properties.

Currently work is taking place with residents of the Borough to address contamination issues in households. Visits had been made providing advice and literature in schools and supermarkets.

It was acknowledged that despite efforts made it was unlikely that the 40% recycling target would be reached. It was recognised that existing waste contracts would need to be reviewed to identify potential to improve recycling including kerbside glass and textile recycling. Local Authorities currently recycling glass and textiles were benefiting from increased rates of recycling.

Members suggested that targets should be drawn up by officers to reflect what was realistically possible for the Borough to achieve.

RESOLVED: That the Project Integra Draft Annual Action Plan 2009-2014 be approved.

66. USE OF DEVELOPER CONTRIBUTIONS AT FORTON RECREATION GROUND, GROVE ROAD RECREATION GROUND, LEE – ON – THE –SOLENT RECREATION GROUND, WALPOLE PARK AND PRIVETT PARK

Consideration was given to a report of the Leisure and Cultural Services Manager which sought the Board's approval for the use of Developer Contributions for the provision of a range of improvements to Forton, Grove Road and Lee-on-the-Solent Recreation Grounds, Walpole and Privett Park.

Members welcomed the provision to include extra lighting facilities in these areas as it was hoped these would provide better security and extended access for those using them.

Clarification was sought as to the extent of the range of improvements and whether the finance for the work would come from individual Ward funds or a central funding source. It was confirmed that the only improvements would be to lighting in the areas and that finance would come from a central fund allocated to developing and improving facilities.

Members expressed concern that the plans for the proposed improvements had not been made available prior to the meeting and questioned the specification of the works to be undertaken. The work to be undertaken would be to a standard specification with lights being 35 metres in distance from each other.

Members were advised that consultation had been undertaken with the Community Safety Partnership as to which areas were priorities for improvement. It was noted that funding may be available from an additional source for some areas and, as a result, they had not been included in the plan for improvements. Ward Councillors had also been consulted.

Members expressed concern that the Youth Council had not been consulted in the process of planning the work as it was felt that young people may significantly benefit from the improvements being undertaken. The importance of liaison with the Youth Council was reiterated as it was hoped it would promote ownership and responsibility by young people which could in turn lead to a reduction in vandalism. Thanks were expressed to the Community Safety Officers who had been involved in considerable work with young people throughout the summer and that it was felt that these foundations should be built upon.

Members were pleased to support the work and were keen for it to be promoted to the residents of the Borough.

It was proposed and agreed that the Bridgemaury Park (at Cunningham Drive) area be included for improvement in the planned work. It was confirmed that finance was available for this to take place.

RESOLVED: That:

a) The use of £175000 funding for the following projects be approved:

- 1) Forton Recreation Ground - £15000
- 2) Grove Road Recreation Ground - £18000
- 3) Lee – on – the – Solent Recreation Ground £42000
- 4) Walpole Park - £55000
- 5) Privett Park - £45000; and

b) Bridgemary Park (at Cunningham Drive) area be included for similar improvements.

67. PENTANQUE PITCHES AT STOKES BAY

Consideration was given to a report of the Leisure and Cultural Services Manager which sought approval for the construction of Petanque pitches with a small refreshment area, and the use of £20000 in developer contributions to finance the project. It was hoped that the project could be completed in time for the forthcoming twinning celebrations.

The details of the lease for the pitches and the arrangements for running the facility were discussed. Concern was expressed as to whether the Council or the Pebble Beach Café would be responsible for providing Public Liability Insurance for the area and the equipment hired out.

There were a number of questions concerning the hire of the facility to members of the public, whether there would be a time restriction on the hire of the facility and whether the public could use their own equipment. It was hoped that the Pebble Beach Café would be able to manage the facility.

Members questioned whether there would be a financial return for the Council, and it was felt that a percentage of the profits could be negotiated as part of the lease of the facility.

The Head of Legal Services advised that the lease for the new facility would run concurrently with the lease for the existing facility.

Members agreed that the project should go ahead but a request was made for a briefing note from the Director of Economic Development, Tourism and the Arts, to include further details of how the Pebble Beach Café would manage the facility and the percentage of the profits to which the Council would be entitled.

RESOLVED: That:

a) The use of £20000 developer's contribution to construct the facility be approved; and

b) A briefing note providing details of the management of the facility and lease agreement for the facility be prepared and presented to Group Leaders by the Director of Economic Development, Tourism and the Arts.

68. NOISE MONITORING WORKING GROUP

Consideration was given to a report of the Noise Monitoring Working Group following its investigations into the possible requirement for an 'out of hours noise monitoring service'.

Members discussed the existing level of complaints to the Local Authority and it was felt that the Police were usually called by the public when a complaint was made. It was recognised that noise complaints were low priority to the police as there were often large numbers of higher priority calls.

Members expressed their thanks to the Environmental Health Section for their attendance and monitoring of incidents of excessive noise and for the high standard to which these situations were managed.

It was acknowledged that there was no funding available for the implementation of an out of hours service and that to approve the recommendation at this stage would not be an effective use of resources.

Members requested that the situation be re-examined should the need arise.

RESOLVED: That:

- a) The report be noted;
- b) The Noise Monitoring Working Group be thanked for the work they had undertaken; and
- c) The situation be re-examined should the need for an out of hours service become more evident.

69. CYCLE LANES WORKING GROUP

Consideration was given to a report of the Cycle Lanes Working Group investigating the improvements that could be made to the cycle lane network in the Borough.

Members expressed thanks to the Working Group for the high quality of its report.

It was recognised that the terrain of the Borough was ideal for cycling and that this should be utilised to its full potential.

It was advised that an agreement had been reached to allow cyclists to use the

proposed Bus Rapid Transport route to Fareham, should the scheme progress.

Members agreed that, in line with the recommendation, Gosport Borough Council needed to engage with Hampshire County Council to ensure that ways to fund improvements continued to be explored through the Hampshire Action Team Forum and through the Hampshire County Council Area Director for Transport.

The importance of ensuring existing cycle lane facilities were maintained was reinforced along with a need to examine other schemes to help improve traffic flow issues in Gosport.

It was clarified that in recommendation (f) of the report, 'The Chairman' was a reference to the Chairman of the Overview and Scrutiny Committee.

RESOLVED: That the recommendations of the Overview and Scrutiny Cycle Lane working group be approved as follows:

- a) The Council engage with Hampshire County Council (HCC) on the issue of funding for, and promotion of, the cycle lane network in Gosport Borough via the HCC Area Director for Transport and the Hampshire Action Team Forum;
- b) The Council, via the Community and Environment Board, include the 5 schemes set out in Paragraph 4.1.1 of the report to the Overview and Scrutiny Committee (attached as Appendix A) as priorities for improvements and to request for them to be included in the next Local Transport Plan;
- c) The Council write to the Area Manager of Hampshire Highways regarding the problems with the inspection regime and standards of shrub clearance;
- d) Gosport Transport and Sustainability Partnership (GTSP) continue to lead on promoting cycling and the production of promotional material, maps and secure cycle parking; GBC will support GTSP in this role;
- e) Improvements be made to the website as suggested in the report, consistent with the initiatives of the GTSP; and
- f) The Chairman make arrangements to send copies of the report to the County Director of Environment and the relevant County Council Executive Member.

70. APPLICATIONS FOR EVENTS TO BE HELD ON COUNCIL LAND

By reason of special circumstances, the Chairman determined that this item be considered at this meeting notwithstanding the fact that it had not been

available for public inspection in accordance with the provisions of Section 100(4)(a) of the Local Government Act 1985.

The special circumstances were created as many of the events were planned to take place between this Board meeting and the next scheduled meeting on June 15th 2009. Organisers would require confirmation of approval in sufficient time to allow their planning and arrangements to proceed.

Members were presented with a list of applications to hold events on Council land.

The Chairman reinforced that all event applications would come to this Board for approval, including those events to be run by Gosport Borough Council.

It was requested that an application from the organisers of the forthcoming Circus Tent Event, be approved in principle at this meeting pending receipt of the completed application. It was advised that when the completed application was received the relevant information be sent to Group Leaders and that, should any issues arise, then an Extraordinary Community and Environment Board meeting would be called.

RESOLVED: That

a) The following applications to hold events on Council land, with hiring fees and charges (including deposits) being in line with the fees and charges schedule agreed by the Council at its recent budget meeting, be approved.

- 1) BMX Race Day, 15th March, Gosport BMX Club
- 2) Gosport Passport Scheme, 7th April, GBC Community Safety
- 3) Gosport Passport Scheme, 8th April, GBC Community Safety
- 4) Gosport Passport Scheme, 17th April, GBC Community Safety
- 5) St George's Day Parade, 26th April, Gosport District Scouts
- 6) Life Boat and Blue Light Services Day, 4th May, GAFIRS
- 7) Gosport Passport Scheme, 27th May, GBC Community Safety
- 8) Gosport's Big Day Out, 14th June, GBC Economic Prosperity; and

b) An application for forthcoming Circus Tents Events be approved in principle with details of the application forwarded to Group Leaders on receipt.

The meeting commenced at 6.00 pm and concluded at 7.20 pm

CHAIRMAN

14 May 2009

A MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD

WAS HELD ON 14 MAY 2009

The Mayor (Councillor Mrs Searle) (ex-officio), Chairman of the Policy and Organisation Board (Councillor Hook) (ex-officio) (P), Councillors Beavis (P), Bradley (P), Burgess (P), Cully (P), Edgar (P), Mrs Forder (P), Forder (P), Kimber (P), Murphy (P), and Wright (P).

1. APOLOGIES

An apology for absence was received from the Mayor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. DEPUTATIONS

There were no deputations

4. PUBLIC QUESTIONS

There were no public questions.

5. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Burgess be appointed as Chairman of the Community and Environment Board for the Municipal Year 2009-2010.

Under Standing Order 6.10 (Minority Order), two Members requested that the matter be referred to full Council.

6. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Kimber be appointed as Vice-Chairman of the Community and Environment Board for the Municipal Year 2009-2010.

Under Standing Order 6.10 (Minority Order), two Members requested that the matter be referred to full Council.

The meeting ended at 7.37 p.m.

CHAIRMAN

Agenda item no.7

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	15 JUNE 2009
Title:	ENVIRONMENTAL HEALTH (COMMERCIAL) SERVICE PLAN REVIEW 2009/10
Author:	ENVIRONMENTAL SERVICES MANAGER
Status:	FOR DECISION FOR INFORMATION

Purpose

For the Board to consider the Environmental Health (Commercial) Service Plan for 2009/10.

Recommendation

That the Board approves the Environmental Health (Commercial) Service Plan for 2009/10.

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 Health and Safety Executive (HSE) guidance also requires an Enforcing Authority to produce an annual service plan approved by Members.
- 1.3 Revised guidance from both the FSA and HSE was published in 2008 and this has been incorporated in the development of this service plan.
- 1.4 The revised documents came into effect from 1 April 2008 although full compliance with the HSE guidance only becomes a mandatory requirement from April 2011.
- 1.5 The FSA guidance replaced the policy focused primarily on inspections with a new suite of interventions and allows local authorities to choose the most appropriate action to be taken to drive up levels of compliance by food establishments with food law. It takes account of the recommendations in 'Reducing Administrative Burdens: Effective Inspection and Enforcement' report by Philip Hampton, published March 2005.

2. Report

- 2.1 For Gosport Borough Council, the same officers in the Commercial Team carry out both Food Safety enforcement and Health and Safety enforcement. This service plan also covers the Licensing Service and 'smoke-free' legislation.

2.2 The draft service plan appears as Appendix A.

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.

Financial Services comments:	The financial resources allocated to the delivery of the service plan are included in the Service Plan (Appendix A).
Legal Services comments:	None for the purposes of this Report.
Service Improvement Plan implications:	None
Corporate Plan:	None
Risk Assessment:	None (approval of the Service Plan will meet all national requirements).
Background papers:	None
Appendices/Enclosures:	Appendix A: Environmental Health (Commercial) Service Plan 2009/10.
Report author/Lead Officer:	David Palmer, Head of Environmental Health 023 9254 5509 david.palmer@gosport.gov.uk

Environmental Health (Commercial) Service Plan 2009-2010

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.

1.3 Imminent changes to the duties of the Commercial Team due to new legislation since 2008-2009 include:

- Primary Authority Scheme
From 6th April 2009 the Government's Local better Regulation Office (LBRO) has introduced a Primary Authority Scheme which will be open to all businesses trading across two or more Council boundaries. This will be in addition to the existing Home Authority and Lead Authority schemes and can also cover one or all regulatory functions relating to one particular business. The business can choose which local authority it wishes to act as its Primary Authority.
- Revision of the Health and Safety (Enforcing Authority) Regulations
During 2009-2010 the Health and Safety Executive will be transferring enforcement responsibility for certain types of businesses, which will include motor vehicle repairers, care homes and dry cleaners to local authorities. The Commercial Team will target these high risk premises to identify those which need to improve their standards of compliance.

2.0 SERVICE AIMS AND OBJECTIVES

2.1 Aims

- 2.1.1 To ensure that food and drink on sale for human consumption within the Borough is safe to eat and drink and is produced, stored, distributed, handled and cooked 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 that workplaces, enclosed public places and vehicles to which the Health Act 2006 applies are smoke-free.
- 2.1.3 To ensure that the public has confidence that all relevant 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 Generic 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 health and safety at work, licensing and smoke-free compliance within 20 working days of receipt.
- 2.2.6 To resolve 85% of food hygiene-related service requests within 20 working days of receipt and 90% of food complaints within 60 working days.
- 2.2.7 To conclude 80% of all Food Alerts within 2 working days of receipt.
- 2.2.8 To maintain a food sampling programme.
- 2.2.9 To respond to 85% of all cases of organism-specific food-borne infectious diseases which require investigation within one working day of notification. For non-specific diarrhoea and vomiting notifications, this interval increases to 5 working days (these are informal, operational targets only).
- 2.2.10 To investigate all fatalities and major accidents or incidents at work or in a workplace, within one working day of notification.
- 2.2.11 To target food safety inspections and health and safety at work inspections towards the high risk, poor performing businesses in line with the Government's Better Regulation agenda.
- 2.2.12 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.
- 2.2.13 To provide a resource for information on matters for which the Commercial Team has responsibility for businesses and the public.

- 2.2.14 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 and contribute to the aims of the Local Area Agreement.

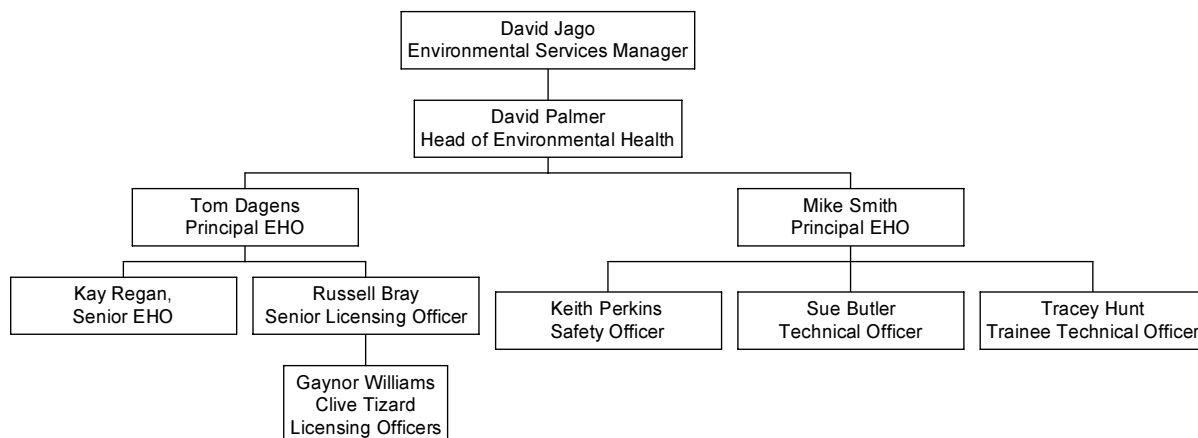
3.0 BACKGROUND

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 681 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 at work in 948 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 585 Premises Licences and Club Premises Certificates being issued together with 641 Personal Licences, since the Licensing Act was enacted in November 2005. The Council also administers various 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 2009

Environmental Health (Commercial) Organisation Chart



- 3.2.1 The Head of Environmental Health is 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 also leads the Licensing function and the Lead Officer for Health and Safety at Work is also leads on the smoke-free compliance function. All the Environmental Health Professionals in the Commercial Team have specialist responsibility for both food safety enforcement and health and safety at work enforcement. The Technical Officer has recently qualified to undertake all health and safety inspections and all food hygiene inspections.

- 3.2.2 The Trainee Technical Officer continues to undertake formal training in the inspection of food premises. It is anticipated that she will be qualified to carry out the full range of food premises inspections from mid 2010. She will be also undertake health and safety at work inspections of medium and low risk business premises.
- 3.2.3 The Council's Safety Officer may undertake low and medium risk health and safety inspections, when his corporate duties allow.
- 3.2.4 The Senior Licensing Officer carries out day to day supervision of the Licensing Team.
- 3.2.5 The employment of a Smokefree Compliance Officer on secondment ran until 31st December 2008. This secondment has now ended and enforcement of the smokefree legislation has reverted to the members of the Commercial Team.
- 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 provided by the Commercial Team

- 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 are 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 corporate health and safety advice to the Council, health promotion activities in support of the Local Area Agreement and responsibilities for the control of infectious diseases.
- 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 the Environmental Health Section and pass these on during the next working day. Out of hours emergencies concerning food safety or health and safety at work are passed direct to officers on a cascade basis although there are no formal call-out arrangements.

3.4 Enforcement Policy

- 3.4.1 The Council has signed up to the central and local government Concordat on Good Enforcement.
- 3.4.2 The Council has a Generic Enforcement Policy that covers all of its enforcement activities.
- 3.4.3 The Council has a separate Environmental Health Enforcement Policy that meets the requirements of the Food Law Code of Practice (England) and guidance from the Local Authorities Co-ordinators of Regulatory Services (LACORS) 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 where appropriate. Any departure from the Policies will be documented.
- 3.4.6 A copy of the Generic 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 is 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 Demands on the Service

4.2.1 The premises profile for Gosport is currently:

Primary Producers	1
Manufacturers and Packers	8
Importers/Exporters	0
Distributors/Transporters	5
Retailers	129
Restaurants and Caterers	538
Total	681

4.2.2 The Council is responsible for providing information to fishermen on the quality of the shellfish beds located within its boundary of 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 designated sampling points within the Council's boundary, demands are placed on the Service to provide information to local fishermen concerning any changes to the classification of the quality of the water. The occasional presence of Diuretic Shellfish Poisoning or sewage contamination means the shellfish beds have to be temporarily closed.

4.3 Food Premises Inspections

4.3.1 The enforcement of the Food Safety Act 1990 and its associated Regulations are governed by a statutory Code of Practice. This specifies procedures 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.

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

- 4.3.3 Inspections are usually carried out during normal office hours. However, where food premises are only open in the evenings (such as takeaways) inspections will be conducted during the hours that the food business is open to the public. Advice is available during normal office hours.
- 4.3.4 Revisits are undertaken to premises that require enhanced enforcement procedures to ensure improvement in standards.
- 4.3.5 The Hampshire "Safet2eat" website lists the inspection scores of all food premises operating within the Borough. The website has a resource implication in that premises identified as "Unsatisfactory" are subjected to enhanced activity by the officers in the Commercial Team to ensure standards are brought up to a "Satisfactory" standard. This inevitably will reflect upon the Team's ability to meet the programmed inspection requirement.
- 4.3.6 The Food Law Code of Practice (England) provides enforcement authorities with a flexible inspection regime that recognises good practice in medium risk premises. These premises are described as "broadly compliant" (with the regulations). Those premises deemed to be broadly compliant will not be subject to full inspection but other interventions will be used.
- 4.3.7 The profile of premises by risk as at 1st April 2009 is as follows :

Risk Category	Number of Premises	Inspection Period	Number of Premises Inspections carried out during 2008/2009	Number of Premises Inspections due during 2009/2010
A	0	6 months	0	0
B	15	12 months	9	15
C	300	18 months	146	227
D	121	2 years	38	79
E	195	3 years	43	86
Total	631		236	407
Currently unrated	50		13 (planned)	50

Differences between the numbers of premises in each risk category and the number of inspections carried out are explained by the fact that premises are inspected according to the time period determined by their individual risk rating. Premises may be re-rated into a different category following inspection.

- 4.3.8 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.
- 4.3.9 The Council maintains a Register of all food premises within the Borough.
- 4.3.10 It is estimated that the resources available for the provision of this service equate to 1.5 full time equivalent members of staff.

4.4 Food Complaints

- 4.4.1 During 2008-2009 31 complaints were received concerning unfit food or food failing to comply with food safety requirements. All were fully investigated and formal action was 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.

- 4.4.2 During the last financial year we received 41 complaints about food hygiene at food businesses operating in the Borough.
- 4.4.3 Investigations into food complaints are given priority since these may indicate that the food supply chain has broken down. We aim to resolve 80% of food complaints within 60 working days.
- 4.4.4 The decision to prosecute a business for selling or providing food not complying with food safety requirements will 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.
- 4.4.5 It is estimated that the resources available for the provision of this service equate to 0.1 full time equivalent members of staff.

4.5 Home Authority Principle

- 4.5.1 The Council will provide advice to businesses on legal compliance where they act as the home authority or originating authority for that business.
- 4.5.2 The Council shall have regard to any information or advice it has received from any home authorities or originating authorities relating to any food business and shall notify the home authority or originating authority of the outcome of any subsequent investigation or formal action.
- 4.5.3 Currently the Council is the Originating Authority for six businesses but the comparatively small nature of these businesses means that no significant resources are fully committed to this activity.

4.6 Food Sampling

- 4.6.1 The Council believes that, in line with the recommendations of the Rogers Review of regulatory services, a proactive, point of sale food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough.
- 4.6.2 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.
- 4.6.3 Microbiological food sampling is used by the Council as part of a planned approach to gather information about the safety and quality of food sold within the Borough and can indicate the possible presence of harmful micro-organisms in foods that are produced, sold and used locally.
- 4.6.4 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 Hazard Analysis Critical Control Point (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

4.6.5 These aims and objectives are achieved through sampling in the following situations :

- Participation in LACORS, FSA and Health Protection Agency (HPA) coordinated sampling programmes
- Sampling related to local products, events or initiatives concerning an issue particularly relevant to the Council
- The use of sampling as part of a food hygiene inspection to help assess overall 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 with the FSA, and where applicable integration with Hampshire County Council's policy and programme for the taking of samples for food standards purposes.

4.6.6 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 2008-2009 244 samples were taken of which 22 were considered to be unsatisfactory; this represents only a 9% failure rate.

4.6.7 Sampling at a similar rate will be undertaken during 2009-2010.

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

4.6.9 Food complaint samples may additionally be sent to Hampshire Scientific Services at Portsmouth for detailed analysis if the presence of chemical or physical contamination is found or suspected.

- 4.6.10 It is estimated that the resources available for the provision of this service equate to 0.2 full time equivalent members of staff.

4.7 Food Safety Incidents

- 4.7.1 From time to time the Food Standards Agency issue Food Alerts relating to the consumption of various foods.
- 4.7.2 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 of the notification.
- 4.7.3 Where a major food alert 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 although no formal stand-by arrangement is in place.
- 4.7.4 Response to Food Alerts may necessitate contacting or in some cases visiting premises where the relevant food is likely to be on sale.
- 4.7.5 Where the Council becomes aware of a serious localised incident within the Borough or a wider food safety problem the Food Standards Agency will be notified in accordance with the Food Law Code of Practice (England).
- 4.7.6 During 2008-2009 78 Food Alerts were received during the year as opposed to 57 in the previous year. These were predominantly advisory notifications for information only, requiring no enforcement action.
- 4.7.7 The resources allocated to this area of work are approximately 0.2 full time equivalent members of staff.

4.8 Control and Investigation of Outbreaks of Food Related Infectious Disease

- 4.8.1 The measures required to be taken by the Council 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 further more wide-spread outbreaks if the infected person is a food handler.
- 4.8.2 Nationally food poisoning cases are beginning to decline; this trend was reflected in Gosport where notifications fell in comparison to the previous year.
- 4.8.3 The incidence of 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.
- 4.8.4 The rigorous enforcement of legislation and the provision of food hygiene training to food handlers have had some impact in reducing the incidence of food poisoning, but it is apparent that many cases arise in the home. The Food Standards Agency actively promotes food safety in the home through television advertising and leaflets. The Council supports this campaign and will continue to promote the food hygiene message through its own publications, by the provision of advice during investigations, and by running specific campaigns at appropriate times, such as at Christmas.
- 4.8.5 A Council information booklet is provided to food poisoning sufferers on the causes and prevention of food poisoning. The information is also available on the Council's website.

- 4.8.6 The investigation of food poisoning cases is given a high priority and, in the event of a major outbreak, can necessitate utilising staff from the Section's Pollution and Environment Team in addition to those in the Commercial Team.
- 4.8.7 All investigations will follow the procedures laid out in the Hampshire Health Protection Unit Outbreak Control Plans.
- 4.8.8 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.
- 4.8.9 In 2008/9 there were 67 cases of notifiable food poisoning received, compared to 10 cases in 2007/8. In addition, 84 cases of Campylobacter were notified in 2008/9 compared to 74 in the previous year.
- 4.8.10 This apparent increase in food poisoning cases was due to two issues. The first was a major outbreak of suspected food poisoning arising from an international martial arts festival held at a venue in Gosport. Of 229 people attending the event 40 were interviewed by Gosport BC Environmental Health staff and 27 known cases of diarrhoea and vomiting were traced. The cause of the outbreak was eventually identified as Norovirus and not bacterial food poisoning.
- 4.8.11 The other probable reason for the increase was a change in the notification system. From January 2008 GPs were required to notify the Health Protection Agency of cases of food poisoning and suspected food poisoning whereas previously they had been required to notify local authorities. This may account for a more representative number of cases of food poisoning being recorded.
- 4.8.12 Resources allocated to this area of work is approximately 0.2 fulltime equivalent members of staff.

4.9 Advice to Business

- 4.9.1 Whilst the Council will utilise its powers to enforce the food legislation, it is the case that where food businesses break the law it is sometimes 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.
- 4.9.2 It is estimated that the resources allocated to the provision of this service currently equates to 0.3 full time equivalent members of staff.

4.10 Liaison with Other Organisations

- 4.10.1 The Council fully supports the work of Hampshire and Isle of Wight Food Advisory Committee. This body, which consists of representatives from all Hampshire and Isle of Wight Food Authorities, has amongst its objectives responsibility for ensuring that enforcement action by one Council is consistent with that of other neighbouring local authorities.
- 4.10.2 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.
- 4.10.3 The resources allocated to this area of work are approximately 0.1 full time equivalent members of staff.

4.11 Food Safety Education and Promotion Activities

- 4.11.1 The Council's educational and promotional activities can have a direct impact on food safety standards. The Council 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 principles providing details of food safety and food hygiene compliance of food premises within the Borough. The majority of councils in Hampshire will eventually contribute to the website
 - National Food Safety Week is 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.
- 4.11.2 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.

4.12 Financial Allocation

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

<u>2006/7 (Actual)</u>	<u>2007/8 (Actual)</u>	<u>2008/9 (Revised)</u>	<u>2009/10 (Original)</u>
£161,752	£200,672	£176,050	£177,970

4.13 Staffing Allocation

- 4.13.1 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.
- 4.13.2 All Commercial Team Officers involved in food safety work are qualified and 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 both Hygiene Improvement Notices and Emergency Prohibition Notices and the Technical Officer is authorised to serve Hygiene Improvement Notices.

4.14 Food Safety Work Programme

- 4.14.1 The Commercial Team aims to :
- Inspect food premises on a risk-based planned food hygiene inspection programme

- Work with owners of premises identified as unsatisfactory under the Safe2eat programme to raise standards
- Investigate all cases of food poisoning
- Respond to all national Food Alerts as appropriate
- Inspect food, as required, to ensure it is fit for human consumption and to ensure unfit food is disposed of in a proper manner
- Investigate all food and food-related complaints from the public
- Carry out our annual food sampling programme
- Register all food businesses
- Make available basic food hygiene training for all food handlers
- Raise awareness of food safety issues through the Council's website and the Council's Business Information Newsletter
- 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 the degree to which officers carry out their duties in a "customer friendly" manner.

4.15 Comment

- 4.15.1 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).
- 4.15.2 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.
- 4.15.3 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 has recently qualified to inspect all categories of food premises. The Environmental Health Section's commitment to developing our own staff equates with the Council's policy on Investors in People.
- 4.15.4 The Commercial Team is continuing to find it difficult to meet inspection targets. The Principal EHOs in the Team have taken more responsibility for management within the Environmental Health Section which has placed pressure on their ability to carry out their principal inspection tasks. This has a knock-on effect to other officers in the Team. The improvement in staffing competence brought about by in-house training of technical staff will be of some benefit but 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 originally referred to the Health and Safety Commission (HSC). However, from April 2008, the HSC merged with the Health and Safety Executive to form one body which is now known solely as the Health and Safety Executive (HSE). The reformed and revised HSE has taken on the functions of both the previous bodies and issues statutory guidance to both the HSE inspectors and to local authorities on the required framework for enforcement of health and safety legislation.
- 5.1.3 Revised statutory guidance under Section 18 of the Health and Safety at Work Act was issued in 2008 by the HSE.

5.2 The Standard for Health and Safety Enforcing Authorities

- 5.2.1 Revised statutory guidance (*the Section 18 Standard*) “*Making a difference – The Standard for Health and Safety Enforcing Authorities*” was issued in 2008 and it 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 more detailed guidance will continue to be issued by the HSE and full compliance with the new Standard will be expected by 31st March 2011.
- 5.2.2 In order to comply with the statutory standard the Council will need to ensure that all officers who enforce the Health and Safety at Work Act are competent to do so. This may involve additional training of existing staff, particularly in relation to new classes of business which are transferred for local authority regulation.

5.3 Intervention Plan

- 5.3.1 The Section 18 Standard requires every enforcing authority to have an Intervention Plan setting out its aims and objectives for the year ahead. This section sets out the Intervention Plan for Gosport Borough Council.
- 5.3.2 The overall aim of the Commercial Team, in relation to health and safety at work, is to protect and improve the wellbeing, health and safety of those affected by work activities in the Borough by ensuring that risks in workplaces are properly managed.

5.3.3 The priorities for the Council are :

- To target high risk, poor performing businesses in line with the Government's Better Regulation agenda
- To investigate incidents involving major injury and fatalities
- To investigate complaints about alleged poor management of businesses
- To work with the HSE, other local authorities and other local and national bodies when relevant or appropriate
- Wherever possible or appropriate health and safety at work issues will be targeted during routine food hygiene inspections.

5.3.4 Every year 40 million working days are lost in the UK, due to work injury and ill health. The Council will work to reduce the number of accidents at work and days lost through work-related ill health by targeting specific activities and potential hazards during inspection visits:

- Slips and Trips (of particular concern in food retailing, care homes, 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)
- 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)

5.3.5 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 improve health, safety and welfare at work.

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 concentrates its 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 948 business premises in Gosport Borough at 1st April 2009 and the 2009-2010 programmed inspection profile of premises by risk is shown below :

Category	Inspection Frequency	Inspections 2008-2009	Planned Inspections 2009-2010
A	12 months	1	1
B1	24 months	2	1
B2	36 months	6	4
B3	48 months	7	26
B4	60 months	13	58
C	72 months	32	172
Unrated		3	212
Total		64	474

- 5.5.6 Due to continuing work pressures and the demands of achieving the target for food hygiene inspections the number of health and safety inspections undertaken in 2008-2009 continues to be lower than planned.
- 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 2008-2009 we received 52 accident or incident notifications of which 17 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 use 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
- The provision of advice on Planning or Building Control applications
- The provision of articles for inclusion in the Council's Business Information Newsletter
- The provision of the 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
- 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 2008-2009

		PROACTIVE VISITS		REVISITS		REACTIVE VISITS				
Type of premises	(a) Total Number of Premises at 31/3/08	(b)1 Planned Fit3 Visits	(c)2 Other Planned Visits (based on risk rating)	(d1) Fit3 Revisits	(d2) 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
1. Retail shops	269	25	3	0	1	10	9	2	50	0
2. Wholesale	16	2	1	0	0	1	0	0	4	0
3. Offices	62	6	1	0	0	0	1	0	8	0
4. Catering, restaurants and bars	269	13	2	0	3	3	2	0	23	0
5. Hotels, camp sites and other short - stay accommodation	18	1	0	0	0	0	0	0	1	0
6. Residential care homes	30	3	0	0	0	3	0	0	6	0
7. Leisure and cultural services	48	5	2	0	1	5	2	2	13	0
8. Consumer services	230	42	2	0	0	0	6	1	45	0
9. Other premises (not classified above)	6	0	0	0	0	0	0	0	0	0
TOTALS	948	97	9	0	5	22	12	5	150	25

5.11 Financial Allocation

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

<u>2006/7 (Actual)</u>	<u>2007/8 (Actual)</u>	<u>2008/9 (Revised)</u>	<u>2009/10 (Original)</u>
£93,794	£83,551	£78,200	£77,230

5.12 Staffing Allocation

5.12.1 The resources allocated to the Health and Safety at Work Service is approximately 1.0 full time equivalent member of staff. In addition approximately 0.2 full time equivalent 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 qualified and competent to inspect all risk categories of premises as required by Section 18 guidance. The two Principal EHOs, the Senior EHO and the Technical Officer are authorised to serve both Improvement Notices and Emergency Prohibition Notices. The Council's Safety Officer is competent to inspect medium and low risk premises and to serve Improvement Notices on those premises only.

5.13 Joint Warranting

5.13.1 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 Comment

- 5.14.1 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 requires the competency of inspectors. Local Authorities have always been obliged to ensure inspectors are only appointed to undertake enforcement of health and safety at work legislation if they demonstrate the appropriate competencies.
- 5.14.2 Whilst further more detailed guidance on competency will be issued by the HSE during 2009 Gosport Borough Council Health and Safety Inspectors are likely to continue to be regarded as being generally competent under the new Standard. However additional training is likely to be necessary particularly in respect of undertaking enforcement at premises which are transferred for local authority enforcement by the HSE.
- 5.14.3 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 high risk premises goes some way to address this imbalance.
- 5.14.4 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.
- 5.14.5 It will be mandatory for local authorities to comply with the Standard for Health and Safety Enforcing Authorities (the Section 18 Standard) from April 2011 and the Council needs to plan for full compliance by that date.

6.0 LICENSING SERVICE DELIVERY

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 the relevant 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 1st April 2009**

Type	Number
Pet Shops	5
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 : To ensure that the terms of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 with regard to street trading are complied with.
- 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 Resources 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 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.

6.2.5 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.

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

6.2.7 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.

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

6.2.9 Consents Issued : As at the 1 April 2009 there were 6 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

It is felt that existing powers contained in the Health and Safety at Work etc Act 1974 are sufficient to ensure the safety of the public using body piercing services in the Borough.

- 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** : 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.
- 6.3.4 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.
- 6.3.5 **Table showing Numbers of Premises registered at 1st April 2009**

Type	Number
Ear Piercing	43
Electrolysis	22
Tattooist	5
Acupuncturist	8
Body Piercers	4*
Hairdressers	119**

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

**Includes 52 mobile hairdressers

6.4 Alcohol Licensing

6.4.1 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.

- 6.4.2 **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

6.4.3 **Policy** : The Council revised its Licensing Policy in November 2007 for implementation from January 2008 to January 2011. Under the Policy, where representations relating to applications for new licences or variations to existing licences are received from statutory consultees (responsible authorities) or members of the public living in the vicinity of the premises, the decision in relation to that licence will be made by a Licensing Sub-Board.

6.4.4 **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 2007/8	Licences Granted 2008/9	Total licences Granted
Premises Licences /Club Premises Certificates Granted	93	76	585
Personal licences granted	89	125	641
Temporary Event Notices	74	117	324

6.4.5 A request to review a Premises Licence was received in the year. The review was heard by a Licensing Sub Board which resulted in the Premises Licence being re-written to incorporate new or revised conditions.

6.5 Taxis and Private Hire

6.5.1 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.

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

6.5.3 **Policy** : Vehicles and drivers are licensed annually. The Council has adopted byelaws and conditions covering taxis and private hire vehicles. The issue of Hackney Carriage Licences is controlled with new vehicle licences only being issued for vehicles that are disabled and wheelchair accessible.

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

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

6.5.6 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 where 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.

6.5.7 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.

- 6.5.8 Where licensed drivers commit offences that would have resulted in the rejection of an initial application, the Council may suspend their licence pending a meeting of the Licensing 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 the travelling public through their employment will be minimal. Where drivers are arrested for matters that may involve an imminent risk to the safety of the travelling public the Environmental Services Manager may suspend them immediately. Suspension will remain in force until such time as the alleged offence is dealt with by the relevant court. This action is subject to appeal via the courts.
- 6.5.9 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 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 to renew a licence 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 Private Hire Vehicle 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 Private Hire Vehicle 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.

- 6.5.10 Where offences are discovered they will be dealt with in accordance with the Enforcement Concordat and the Council's Licensing Enforcement Policy.
- 6.5.11 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 a “good conduct bond” covering periods of foreign residency has been introduced.
- 6.5.12 To further enhance the criminality check applicants are required to provide photographic proof of identity on initial application.
- 6.5.13 Licensing and enforcement is carried out by Council officers appointed as ‘Authorised Officers’ for that purpose and they have been issued with written authority to do so.
- 6.5.14 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.
- 6.5.15 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.
- 6.5.16 Licenses Issued : All licences for hackney carriages and private hire operations are issued on an annual basis.

Type of Licence	Number issued 2006/7	Number issued 2007/8	Number issued 2008/9
Hackney Carriage Vehicle	71	99	102
Private Hire Vehicle	79	89	84
Hackney Carriage Driver	86	115	110
Private Hire Vehicle Driver	120	108	105
Dual Driver	40	55	45
Private Hire Operator	9	11	13

- 6.5.17 During 2008-2009 concerns were 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 were developed in collaboration with the trade. This initiative has however proved disappointing with a low level of support from the trade being provided. The work to develop this important initiative will however continue.

6.6 House to House Collections

6.6.1 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 placeto collect money for Charitable and other purposes."

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

- 6.6.3 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.

- 6.6.4 Permits Issued : During 2007/8, 14 house to house collection permits were issued.

6.7 Street Collections

6.7.1 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 transferred these functions from Police Authorities to District Councils.

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

- 6.7.3 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.

- 6.7.4 Licenses Issued : During 2008-2009 159 street collection licences were granted.

6.8 Gambling

6.8.1 Small Lotteries

6.8.1.1 Statutory Framework

Lotteries and Amusement Act 1976

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

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

6.8.1.3 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.

6.8.1.4 Registrations Issued : During 2008-2009 56 small lotteries were registered.

6.8.2 Amusements with Prizes

6.8.2.1 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.

6.8.2.2 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 incorporated and superseded by the provisions of the Gambling Act 2005.

6.8.3 Gambling Act 2005

6.8.3.1 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.

6.8.3.2 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.

6.8.3.3 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.

6.8.3.4 The Council has adopted its own "Statement of Principles" on gambling policy which will be used in determining applications for premises licences. The Act came into full effect in September 2007.

6.9 Caravan Sites

6.9.1 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."

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

6.9.3 Licensed Caravan Sites : There is currently one licensed caravan site within the Borough. This has three separate areas: an area for touring caravans; a holiday caravan site; and a small residential site for the site owners. Each of these areas have separate conditions.

6.10 Registration of Food Businesses

6.10.1 Statutory Framework

Food Hygiene (England) Regulations 2006

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

6.10.3 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 and with the Environmental Health Enforcement Policy.

6.11 Scrap Metal Dealers

6.11.1 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..."

6.11.2 Aims : To ensure that dealings in scrap metal are recorded.

6.11.3 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.

6.11.4 Premises Licensed : There is currently one licensed scrap metal dealer operating in the Borough.

6.12 Motor Salvage Operators

6.12.1 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.

6.12.2 Aims : To ensure dealings in salvaged car parts are recorded

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 and the Environmental Health Enforcement Policy.

6.12.4 Premises Licensed : There is currently one motor salvage operator licensed.

6.13 Sex Establishments

6.13.1 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 procedure to require sex establishments to be licensed by the Council.

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

6.13.3 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 new applications, the Council will take into account the location of the establishment relating to:

- The proximity to places of worship and schools
- The proximity to community facilities or public buildings
- The cumulative adverse impact of existing sex related licensed activities in the vicinity
- The 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 Council's Enforcement Policy and the Environmental Health Enforcement Policy.

- 6.13.4 Premises Licensed : At present there is one licensed sex establishment operating in the Borough.

6.14 Financial Allocation

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

<u>2006/7 (Final)</u>	<u>2007/08 (Final)</u>	<u>2008/9 (Final)</u>	<u>2009/10 (Original)</u>
£110,504	£91,632	£147,850	£135,810

6.15 Staffing allocation

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

6.16 Comments

- 6.16.1 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 : 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 secondment until 31 December 2008.
- 7.4 Enforcement of the smokefree legislation now falls upon the Commercial Team.
- 7.5 Liaison with Other Organisations : 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.

- 7.6 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.
- 7.7 Smokefree Compliance Inspections : From 1st April 2008 to 31st March 2009 a total of 37 workplaces were visited and given advice on compliance with the smokefree legislation.
- 7.8 Two warning letters were to persons contravening the legislation. One offence related to smoking in an enclosed public place and the other to smoking in a work vehicle.
- 7.9 Residents and other people who wish to give up smoking are directed to the PCTs smoking cessation services. The provision of advice to businesses will continue.
- 7.10 A Live Life Smokefree was launched by the PCT in April 2009 to promote the benefits of protecting both smokers and non-smokers from the dangers of secondhand smoke. The campaign is supported by football, sports and leisure clubs and covers Gosport, Havant and Fareham. The campaign will particularly raise awareness of smokefree environments and particularly of smokefree homes and cars.
- 7.11 All officers in the Commercial Team are “authorised officers” for the purposes of the Health Act 2006.

7.12 Financial Allocation

- 7.12.1 There is no specific budget set aside for smokefree compliance work.

7.13 Staffing Allocation

- 7.13.1 There is no specific staff resources allocated for smokefree compliance work.

7.14 Work Programme

- 7.14.1 No specific work programme exists for smokefree compliance, other than officers from the Commercial Team will check for compliance during food safety, health and safety and licensing investigations.

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 FSA 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 its 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:

- Businesses inspected for food safety and health and safety at work are surveyed to ascertain the degree to which officers carry out their duties in a “customer friendly” manner.
- During 2008/9, a new National Indicator was introduced (NI 182) to measure business satisfaction with local regulation services. This covers all relevant regulatory contacts across the whole of Environmental Health, including Licensing and Pollution and required that survey questionnaires be modified and new monitoring and follow-up arrangements introduced.

9.2 2008/9 data is still being collated but the NI 182 stratified results for the Environmental Health Service were as follows –

	Non-compliant Businesses	Compliant Businesses
Felt their business was treated fairly by Environmental Health	78.1% (61 responses)	84.1% (67 responses)
Felt the contact by Environmental Health was helpful	77.6% (61 responses)	83.6% (67 responses)

A total of 374 contacts, primarily food, health & safety and licensing-related, resulted in the issue of questionnaires which were followed up where necessary in accordance with Audit Commission guidance. The response rate was 34%. Because of reduced inspection activity this is below the target minimum sample base of 500 contacts, which should have resulted in 145 completed returns (29% response rate).

9.3 It is intended that an on-line survey option will be introduced in 2009/10.

9.4 Further information on customer satisfaction will be posted on the Council's web site.

10.0 QUALITY ASSESSMENT

10.1 Monitoring Arrangements : 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 Guidance, Statutory Codes of Practice, the Section 18 Standard and other nationally issued guidance.

10.2 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.

10.3 The Council's staff development procedures are accredited to Investors in People.

10.4 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.

10.5 Benchmarking : It is our intention to work towards improving our services wherever possible within existing budgets.

10.6 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. This approach,

which gained national recognition, is currently under review. It is likely that a revised scheme will be introduced gradually during 2009 and 2010 in order to improve the quality of data obtained and increase further the opportunities to share best practice across the County.

- 10.7 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 of its services. Following a further assessment, Charter Mark status was renewed in February 2009.
- 10.8 The Government has replaced Charter Mark with the Customer Services Excellence Standard. The February 2009 assessment included a 'gap analysis' which identified those areas that would need to be addressed in order for the Service to migrate to the new standard. This is currently being reviewed and a decision on our ability to meet the new, tougher Standard is awaited.

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. 8

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 15th JUNE 2009
Title:	LEESLAND AND TUKES AVENUE ALLOTMENTS PROVISION OF CAR PARKING AND PERIMETER RAILINGS
Author:	LEISURE AND CULTURAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To seek Board approval for the use of funding received by the Council from the sale of land at Camden Allotments, to provide additional car parking facilities at Leesland Allotments and perimeter railings at Tukes Ave Allotments.

Recommendation

The Board is recommended to approve the use of £10,000 from the above funding.

1. Background

LEESLAND AND TUKES AVENUE ALLOTMENT FACILITIES

Members will be aware that an area of land on the Camden Allotment was sold on 19 August 2003, resulting in a capital receipt of £200,000. This is identified separately in the Council's accounts for Allotment use. The remaining balance at 31st March 2009 is £136,210.

1.1 In February 2005, the Council established an Allotments Stakeholders' Consultative Group consisting of representatives from the following:

- i) Allotment Association Members
- ii) Non- Allotment Association Members
- iii) Councillors
- iv) Portsmouth Diocese
- v) Council Officers

1.2 The Group was established to review each of the ten allotment locations throughout the Borough and to consider issues such as:

- i) Existing operational Practices/Service Provision
- ii) Future improvements required
- iii) Available Funding
- iv) Prioritisation of action identified

2.0 Leesland Allotments

- 2.1 The increase in take-up of new Allotment tenancies has identified that additional off-street car parking would assist in reducing the numbers of vehicles parked on the highway.
- 2.2 It is proposed to provide additional parking facilities on the Allotment site, constructed from a suitable stone material.
- 2.3 As the Stakeholders Group does not have any delegated authority, it is necessary to submit any proposals requiring funding to this Board for approval.

Risk Assessment

- 2.4 The provision of additional car parking facilities at Leesland Allotments will reduce the numbers of vehicles parked on the highway and assist in addressing any local parking concerns.

3.0 Tukes Ave Allotments

- 3.1 A large section of the Allotment perimeter is insecure and is being used by unknown persons to gain access and cause damage to plots and property.
- 3.2 The Stakeholders Group identified that the section of the boundary in question is in need of security and it is proposed to install a 1.8m (6') high galvanised steel bow top design railing.
- 3.3 As the Group does not have any delegated authority, it is necessary to submit any proposals requiring funding to this Board for approval.

Risk Assessment

- 3.4 The Tukes Ave Allotment site has been identified as having poor security provision that allows unauthorised/undesirable access.
- 3.5 Property located on the site is at risk of damage caused by unauthorised users.
- 3.6 Persons gaining unauthorised access are at risk of injury in doing so, given that the location is not lit during hours of darkness.

4.0 Conclusions

- 4.1 The Council wishes to provide additional off-road car parking spaces for plot holders at Leesland Allotments and to provide improved security measures at Tukes Ave Allotments.

- 4.2 Given the impact of the damage being caused by unauthorised access at the Tukes Avenue site, the proposed measures will assist in reassuring plot holders of the Council's commitment to such facilities.
- 4.3 The additional parking facilities will assist in addressing localised parking problems in the Leesland area.

5.0 Additional Information

- 5.1 A table follows which shows the number of Council allotment plots available, current utilisation and the numbers on waiting lists where applicable.

Gosport Allotment Site Data

Area	Total Plots	Tenanted	Under Offer	Vacant	Not Available	Tenants Waiting
Brockhurst	328	255	2	1	70	74
Camden	159	122	1	9	27	46
Elson	75	74	0	1	0	50
Lee on the Solent	104	103	1	0	0	142
Leesland Park	62	59	0	0	3	59
Middlecroft	152	149	1	0	2	23
Park Road	17	17	0	0	0	54
Rowner	60	49	0	4	7	47
Tukes Avenue	3	3	0	0	0	2
Wych Lane	6	6	0	0	0	16
Totals	966	837	5	15	109	513

Financial Services comments:	If approved, this expenditure of £10,000 will reduce the remaining capital receipt to £126,210
Legal Services comments:	As the proposals set out in the Report are intended to secure an increase in the use and security of the recreation facilities, they would appear to be within the permitted use of planning developer contributions.
Service Improvement Plan implications:	Subject to approval by this Board, the actions will be included within the Plan for 2009/10
Corporate Plan:	The proposal is in line with the Council's Strategic Priority for: "Better leisure facilities with increased usage".
Risk Assessment:	The proposal seeks to address the risks identified.
Background papers:	None
Appendices / Enclosures:	None
Report Author / Lead Officer:	Alan Gibson

Agenda item no. 9

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	15 JUNE 2009
Title:	WALPOLE PARK COCKLEPOND – PERIMETER PATHWAY RECONSTRUCTION
Author:	LEISURE AND CULTURAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To seek Board approval for the required reconstruction of the existing perimeter concrete pathways surrounding the Cocklepond at Walpole Park.

Recommendation

The Board is recommended to approve the sum of £80,000 developer contributions in conjunction with £80,000 local capital funding resources to fund the Walpole Park Cocklepond perimeter pathway reconstruction.

1.0 Background

- 1.1 The concrete footways surrounding the Cocklepond were constructed many years ago as part of previous improvement works to the facility. Surfacing works undertaken six years ago assisted in extending the life of the footways, but these are now showing further signs of deterioration.
- 1.2 Water drains from the surrounding grassed areas and, over a significant time, has contributed to the erosion of the sub-base of the footpaths, resulting in the need to reconstruct them.

2.0 Report

- 2.1 The new footpath structure will be designed to address the problem identified in paragraph 1.2. See plan attached as Appendix A to show the area to be reconstructed.
- 2.2 Consultation will be undertaken with relevant stakeholders to ensure that the finished surfacing material of the footpath is suitable to meet identified needs. Timing of the works will need to take account of the Model Yacht Club activities and any requirements of Natural England.

- 2.3 It will be necessary to consult with Natural England to ensure that all work undertaken is in accordance to the requirements relating to the status of the Cocklepond. The area falls within a Special Protection Area (SPA), Site of Specific Scientific Interest (SSSI) and is a Ramsar Site.

3.0 Financial Implications

- 3.1 This scheme is included in the approved capital programme for 2009/10 (C&E Board, item 39) with provisional funding of £80,000 from developer contributions and £80,000 from local capital resources (usable capital receipts and prudential borrowing).
- 3.2 This report seeks the allocation of £80,000 from 'Other Sports Facilities' .Developer Contributions. There are funds available of £151,646 with an additional £54,649 for development not yet started. If approved, the proposed scheme would improve accessibility to the skate park and thus meet the funding criteria.

4.0 Risk Assessment

- 4.1 The condition of the existing footpath structure and surfacing is in poor condition which has raised concerns as to the safety of those using the facility.
- 4.2 The proposal to reconstruct the footpaths will address these concerns.

5.0 Environmental Implications

- 5.1 Consultation with the appropriate statutory bodies will allow environmental implications to be addressed.

6.0 Conclusion

- 6.1 The proposed scheme seeks to address safety concerns with the footpaths, and will provide an improved quality of use and recreational activity as well as enhancing the location.
- 6.2 The proposal meets the criteria to allow the scheme to be funded from the 'Other Sports Facilities' Developer Contributions as it will improve accessibility to an outdoor recreational facility.

Financial implications:	See 3.1 and 3.2
Legal implications:	As the proposals set out in the Report are intended to secure an increase in the accessibility of the recreation facilities, they would appear to be within the permitted use of developer contributions.
Service Improvement Plan implications:	
Corporate Plan	The proposal is in line with the Council's Strategic Priority for "Better Leisure Facilities with Increased Usage".
Risk Assessment	A Risk Assessment has been completed.
Background papers:	Nil.
Appendices/Enclosures:	Appendix A – Area to be reconstructed.
Report author/Lead Officer:	Alan Gibson



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

DATE : 28/05/2009

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AGENDA ITEM NO. 10

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 15th JUNE 2009
Title:	USE OF DEVELOPMENT CONTRIBUTIONS FOR THE IMPROVEMENT OF PLAY AREA FACILITIES
Author:	LEISURE AND CULTURAL SERVICES MANAGER
Status:	FOR DECISION

Purpose

To seek Board approval for the improvements to and funding of :

- i) Walpole Park Skate Park
- ii) Pirates Cove Play Area
- iii) Privett Park Play Area

Recommendation

The Board is recommended to approve the use of £18,000 Developer Contributions for the proposed improvements to

- i) Walpole Park Skate Park
- ii) Pirates Cove Play Area

and the use of £35,000 local capital funding resources for the proposed improvements to :

- iii) Privett Park Play Area

Walpole Park Skate Park

1.0 Background

- 1.1 In response to requests from local youngsters, the skate park was created on the open space area of land situated directly to the South side of the Cocklepond at Walpole Park.
- 1.2 The facility currently consists of 5 items of skate park equipment and caters mainly for children of a 'younger to lower teens' age group; it is seen by many as an ideal facility for beginners to the sport.

2.0 Report

- 2.1 Over the years, the facility has become increasingly popular and it is considered that it would benefit from being extended in length.
- 2.2 The proposal seeks to improve the level of the current play value, by re-arranging the existing equipment to accommodate use of an additional area. It is proposed that the existing facility is extended by 10

metres in both an easterly and westerly direction. See plan attached as Appendix A.

- 2.3 Although the area would be made longer, it would still provide a suitable 'learning environment' for beginners.

3.0 Financial Implications

- 3.1 This scheme is included in the approved capital programme for 2009/10 (C&E Board, item 40) with provisional funding of £6,000 from developer contributions.
- 3.2 This report seeks the allocation of £6,000 from 'Other Sports Facilities' .Developer Contributions. There are funds available of £151,646 with an additional £54,649 for development not yet started. If approved, the proposed scheme would improve the skate park and thus meet the funding criteria.

4.0 Risk Assessment

- 4.1 The proposed extension to the existing facility will also include for extension of the existing railings. The railings run parallel between the skate park and the Cocklepond to provide security to users.
- 4.2 The selected equipment and layout will be designed to address any risks identified from this extension.

5.0 Environmental Implications

- 5.1 None identified for the purposes of this report.

Pirates Cove Play Area

6.0 Background

- 6.1 The Pirates Cove Play Area is situated adjacent to the promenade at Marine Parade West and is located on the former Swimming Baths site; the facility is extremely popular with locals and visitors to the area alike.
- 6.2 An accident at the facility raised concerns relating to the deterioration of the 'rope' element of the then existing equipment; the equipment was subsequently removed.
- 6.3 Consultation with other local authorities has identified that this concern has also been experienced by them.

7.0 Report

- 7.1 This proposal seeks to replace the affected equipment with an item of new equipment that, while addressing the concerns, will retain the existing high levels of play value at the facility.

8.0 Financial Implications

- 8.1 This scheme is included in the approved capital programme for 2009/10 (C&E Board, item 38) with provisional funding of £12,000 from developer contributions
- 8.2 This report seeks the allocation of £12,000 from the 'Lee-on-the-Solent Children's Playing Space' Developer Contributions . There are funds available of £26,620 with an additional £7,266 for development not yet started. If approved, the proposed scheme would improve the Play Area facility and thus meet the funding criteria.

9.0 Risk Assessment

- 9.1 In view of the concerns identified, the Council is seeking to identify replacement of the equipment previously removed, with an alternative design.
- 9.2 The successful company will have been required to undertake a risk assessment in terms of equipment selection and layout design prior to submission to the Council.

10.0 Environmental Implications

- 10.1 None identified for the purposes of this report.

Privett Park Play Area

11.0 Background

- 11.1 Privett Park Play Area is situated to the South Eastern side of the Park and is a very popular and well used facility.
- 11.2 A need to upgrade the majority of the existing equipment has been identified via enquiries from local residents and Members.

12.0 Report

- 12.1 This proposal seeks to upgrade the facility by replacing items of equipment that are of an outdated style, with a design of new equipment that will substantially increase the levels of play value and enjoyment at the facility.

13.0 Financial Implications

- 13.1 This scheme is included in the approved capital programme for 2009/10 (C&E Board, item 61) with corresponding funding of £35,000 from local capital funding resources (usable capital receipts or prudential borrowing) included in the capital financing budget.

14.0 Risk Assessment

- 14.1 The successful company will have been required to undertake a risk assessment in terms of equipment selection and layout design prior to submission to the Council.
- 14.2 On approval and installation of the proposed equipment, the Council will arrange for an Independent Inspection to be undertaken to ensure that the equipment meets with the required Health and Safety specifications before being opened for use to the public. Members are advised that this procedure is standard practice for installation of items of new equipment.

15.0 Environmental Implications

- 15.1 None identified for the purposes of this report.

16.0 Conclusions

- 16.1 The proposed schemes seek to enhance play value and to maintain safety levels while contributing to an improved quality of play and recreational activity for local youngsters.
- 16.2 The proposals meet the criteria to allow them to be funded from the use of £18,000 Developer Contributions for the proposed improvements to

- i) Walpole Park Skate Park
- ii) Pirates Cove Play Area

and the use of £35,000 local capital funding resources for the proposed improvements to:

Privett Park Play Area

Financial Services comments:	Paragraphs 3, 8 and 13 refer.
Legal Services comments:	As the proposals set out in the Report are intended to secure an increase in the use and security of the recreation facilities, they would appear to be within the permitted use of planning developer contributions.
Service Improvement Plan implications:	Subject to approval by this Board, the actions will be included within the Plan for 2009/10
Corporate Plan:	The proposal is in line with the Council's Strategic Priority for: "Better leisure facilities with increased usage".
Risk Assessment:	The proposal seeks to address the risks identified.
Background papers:	None
Appendices / Enclosures:	Appendix A – Walpole Park Skate Park
Report Author / Lead Officer:	Alan Gibson

Cockle Pond



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

DATE : 28/05/2009



Scale 1:500
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Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 15 JUNE 2009
Title:	EVENTS ON COUNCIL LAND IN GOSPORT AND LEE-ON-THE-SOLENT
Author:	LEISURE & CULTURAL SERVICES MANAGER
Status:	FOR DECISION

PURPOSE OF REPORT

To seek Board approval for the use of Council Leisure land for the following events:

RECOMMENDATION

The Board is recommended to approve the use Council Leisure land for these events to take place and at the appropriate level of fees and charges

1 BACKGROUND

- 1.1 At the meeting of this Board in January 2009, a new procedure was approved to require all event applications to be presented to the Board for approval.
- 1.2 The procedure also allows Members to confirm the level of fee that would be levied to each organisation in relation to the approved fees and charges for the year.
- 1.3 The experience of the past five months has identified a potential difficulty for many community groups who have traditionally used Council land for their local events. In most instances, as a fee has not been previously charged, groups have not been able to make provision for the additional costs. This is particularly onerous given that most community groups organise events to raise funds for other charities or their local community.
- 1.4 Appendix A lists the table of approved fees and charges for 2009/10.
- 1.5 Appendix B lists the events / bookings that have already received approval at January and March meetings of this Board.
- 1.6 Appendix C shows the list of event applications for this Board to approve.

APPENDIX A

Description of Event	Suggested Charges
i) For events up to 2500 persons - per day	£
Charitable events organised by Registered Charities	100
Non-commercial and Community events	200
Commercial events	500
ii) For events above 2500 persons - per day	£
Charitable events organised by Registered Charities	200
Non-commercial and Community events	400
Commercial events	1000
iii) Set-up Fees - per day	
Calculated at 25% of the above fees	25% of relevant Fees above
iv) Reinstatement Fees for non-charitable events	
A deposit equivalent to the daily hiring fee, refundable after any works and land reinstatement costs incurred by the Council have been deducted	Directly related to the number of days for which the land is hired
v) Fees for charitable events	These may be waived subject to receiving Board approval

Table 1 - Events approved at January Meeting

DATE	PROPOSED EVENT / ORGANISERS	AREA OF LAND REQUESTED
8 - 10 May 2009	Walls Fair	Walpole Park ¹
13 June 2009	Gosport Carnival (Gosporters)	Walpole Park
11 July 2009	GADSAD	Walpole Park
25 July 2009	Gosport Lions Show	Walpole Park
2 August 2009	Provincial Bus Rally	Stokes Bay
31 August 2009	Vintage car Rally (Gosporters)	Stokes Bay
11 - 13 Sept 2009	Walls Fair	Walpole Park ¹
19 Sept 2009	Michaelmas Fayre (Gosporters)	Walpole Park

Note

Walpole Park¹ - Walls Fair will arrive the preceding Sunday or Monday to set up. The Fair will operate Thursday, Friday and Saturday then depart the next day following clear-up.

Table 2 - Events approved at March meeting

DATE	EVENT (& LOCATION)	ORGANISER
15 March	BMX Race Day (BMX Facility Grange Road)	Gosport BMX Club
7 April	Gosport Passport Scheme (Lee-on-the-Solent Skate Park)	GBC (Community Safety)
8 April	Gosport Passport Scheme (Elson Recreation Ground)	GBC (Community Safety)
17 April	Gosport Passport Scheme (Holbrook Field)	GBC (Community Safety)
26 April	St Georges Day Parade (Time Space & Gosport High St.*)	Gosport & District Scouts
4 May	Gosport & Fareham Inshore Rescue Service (GAFIRS) (Lifeboat and Blue Light Services Day)	GAFIRS
27 May	Gosport Passport Scheme (Walpole Park)	GBC (Community Safety)
14 June	Gosport's Big Day Out (Stokes Bay)	GBC (Economic Prosperity)

*** The High St is the responsibility of Hampshire County Council**

Table 1

DATE	EVENT (& LOCATION)	ORGANISER
Mon 27 Jul 2009	Elson Recreation Ground Fun Fair style day	GBC (Community Safety)
Tues 28 Jul 2009	Elson Recreation Ground Fun Day	GBC (Community Safety)
Weds 29 Jul 2009	Elson Recreation Ground Fun Day	GBC (Community Safety)
Thurs 30 Jul 2009	Privett Park Fun Day	GBC (Community Safety)
Sat 1 Aug 2009	Stokes Bay Open Space Friends of Stokes Bay Open Day	Friends of Stokes Bay
Fri 31 Jul 2009	BMX Track, Grange Road BMX Fun Day	GBC (Community Safety)
Mon 3 Aug 2009	Grove Road Recreation Ground Fun Day	GBC (Community Safety)
Tues 4 Aug 2009	Grove Road Recreation Ground Fun Day	GBC (Community Safety)
Weds 5 Aug 2009	Leesland Park BMX Fun Day	GBC (Community Safety)
Thurs 6 Aug 2009	Leesland Park Fun Day	GBC (Community Safety)
Mon 10 Aug 2009	Holbrook Recreation Ground Fun Day	GBC (Community Safety)
Tues 11 Aug 2009	Holbrook Recreation Ground Fun Day	GBC (Community Safety)
Thurs 13 Aug 2009	Gosport Park Fun Day	GBC (Community Safety)
Fri 14 Aug 2009	Stokes Bay Beach Party	GBC (Community Safety)
Sat 22 Aug 2009	Walpole Park Youth Festival	GBC
Sat 26 Sep 2009	Alverstoke Michaelmas Fayre	Mr A Edgar