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25 February 2011

S U M M O N S

MEETING: Community and Environment Board
DATE: 7 March 2011
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Lisa Young

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Allen) (ex officio)
Chairman of the Policy and Organisation Board
(Councillor Hook) (ex-officio)
Councillor Burgess (Chairman)
Councillor Kimber (Vice Chairman)

Councillor Mrs Bailey	Councillor Mrs Hook
Councillor Edgar	Councillor Murphy
Councillor Mrs Forder	Councillor Ronayne
Councillor Henshaw	Councillor Mrs Searle

FIRE PRECAUTIONS

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

In the event of the fire alarm 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. Councillors are requested to note that, if any Councillor who is not a Member of the Board 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.

Community and Environment Board
7 MARCH 2011

AGENDA

RECOMMENDED
MINUTE FORMAT

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 MEETING OF THE COMMUNITY AND ENVIRONMENT BOARD HELD ON 27 JANUARY 2011.

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, 3 March 2011. 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, 3 March 2011).

6. ADOPTION OF THE NATIONAL FOOD HYGIENE RATING SCHEME

Part I
Contact Officer:
Tom Dagens
Ext. 5516

To introduce the National Food Hygiene Rating Scheme for food hygiene inspections.

7. GOSPORT PARK PLAY AREA, UPGRADE OF EXISTING EQUIPMENT

Part II
Contact Officer:
Alan Gibson
Ext. 5721

To seek Board approval for the use of £38,000 of Developer Contributions for the provision of new items of equipment at Gosport Park Play Area.

8. ANY OTHER ITEMS

-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

Community and Environment Board
7 MARCH 2011

9. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 3

of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out.

**PART B ITEM
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no. 3 of Part I of Schedule 12A of the Act	
10.	ICE CREAM CONCESSIONS – STOKES BAY AND LEE-ON-THE-SOLENT	Paragraph 3 The report contains financial data which is identified as sensitive material.	PART II Contact Officer Glen Wilkinson Ext 5720

AGENDA ITEM NO. 6

Board/Committee:	Community and Environment
Date of Meeting:	7 th March 2011
Title:	Adoption of the National Food Hygiene Rating Scheme.
Author:	EHSM
Status:	FOR RECOMMENDATION TO COUNCIL.

Purpose

To introduce the National Food Hygiene Rating Scheme for food hygiene inspections.

Recommendation

That the Council be recommended to adopt the National Food Hygiene Rating Scheme as the means of publishing food hygiene inspection findings for food premises in the borough.

The existing Safe2Eat scheme be discontinued with the adoption of the national scheme

1.0 Background

- 1.1 Routine inspection of food premises is a function of the Environmental Health Services. Inspections are carried out by officers specifically authorised for this task. Inspections are carried out against a national code of practice developed by the Food Standards Agency (FSA).
- 1.2 Research has shown that publication of the results of such inspections is of benefit to consumers who use the information, typically displayed on the premises or on websites to make an informed choice on where they purchase and or consume food.
- 1.3 Publication of the results of hygiene inspections also has a beneficial effect in ensuring future compliance from premises that do not meet excepted standards.

2.0 Report

- 2.1 In June 2007 this Council in conjunction with the majority of local authorities in Hampshire launched the Safe2eat website. The site identified premise following food hygiene inspections under three headings, "Excellent", "Satisfactory" and "Unsatisfactory". These ratings were established using scores obtained under the FSA Code of Practice for food hygiene inspections. Premises were provided

with a certificate that identified their rating under the scheme, this was then published on the Safe2eat website.

- 2.2 Safe2eat has introduced the concept of scores on the doors in the borough however it does have some shortcomings. The system is not directly compatible with other similar systems so comparisons outside of the county are not possible. Although initially described as a "Scores on the Doors" system, no suitable means of displaying information on the premises to the public was provided, (although this was never and still is not a statutory requirement the absence of information at the public interface was a failing).
- 2.3 The provision of only three bands gave little scope for premise to improve their rating. This was an issue that the Safe2eat project team were to have addressed.
- 2.4 The FSA acting in partnership with other organisations including local authorities has moved to introduce a national scheme to replace the myriad of local schemes being operated. The scheme is still based on the findings of routine inspection of food premises however it offers 6 rating bands from 0 (urgent improvement required) to 5 (very good). The scheme is still web based, however the FSA will provide display materials free of charge to premise thus meeting the single biggest failing with our current system.
- 2.5 The FSA has produced an information sheet outlining the scheme and its benefits to local authorities who are migrating to it from an existing scheme, this information is provided as Appendix A.
- 2.6 The scheme is provided free of charge to participating authorities although there is the potential for increased officer cost in terms of time in operating the scheme which has more sophisticated safeguards than the existing Safe2eat scheme.
- 2.7 Safe2eat came at a cost of £1500.00 per annum to each participating authority. The Hampshire authorities who currently operate Safe2eat have agreed to migrate to the national scheme during 2011, not only in view of its enhanced utility but as an obvious cost saving measure. The migration of authorities further undermines Safe2eat as a viable stand alone system.
- 2.8 The cost saving that migration to the national scheme offers has already been incorporated into budgets prepared for 2011 by Environmental Health Services.
- 2.9 In order to maintain a consistent approach to the scheme and to ensure the commitment of participating authorities the scheme involves a contractual agreement between participating authorities and the Food Standards Agency, Appendix B. In making this commitment this authority will be accepting the "Brand Standard" for

the national scheme in terms of operating the scheme in accordance with FSA requirements. This will include strict operational procedures in relation to inspection data being submitted and inspections/visits completed to exacting time scales.

- 2.10 Members who wish to view the new site may do so at <http://ratings.food.gov.uk/Welcome.aspx> . The Lord Young report 'Common Sense, Common Safety', published on 15 October 2010, gave very strong support for the Agency's national scheme, the FSA has written to all local authorities about taking forward his recommendation re adoption of the national scheme.

3 Risk Assessment

- 3.1 This Council is committed to a scores on the doors system for reporting food hygiene inspection findings. The current Safe2eat system will however not be viable after 2011. An alternative scheme is required to continue this initiative.
- 3.2 Failure to meet the brand standard of the scheme may result in the FSA withdrawing this Councils membership of the scheme. This would result in the Environmental Health Services having no viable "Scores on the doors "scheme.

4 Conclusion

- 4.1 Publication of food hygiene inspection findings is a proven tool to improve compliance with food hygiene requirements and provide assurance to the public.
- 4.2 This Councils current scheme, Safe2eat will no longer be available after 2011 due to the existing scheme member migrating to a new national scheme that will provide more information to consumers.
- 4.3 The national scheme will be provided free of charge by the FSA with enhanced materials to promote the scheme.
- 4.5 The national scheme will, due to its increased number of ratings for premises provide greater flexibility and an opportunity for improvements to be recognised.
- 4.6 The national scheme is more complex than the existing scheme and will involve increased resources to administer in terms of officer involvement.

Financial Services comments:	None received
Legal Services comments:	No adverse comments
Service Improvement Plan implications:	People - promoting health and wellbeing. Prosperity - promotion of tourism

Corporate Plan:	Pursuit of Excellence
Risk Assessment:	Included in the report
Background papers:	None
Appendices/Enclosures:	
Appendix A	FSA information to members on the National Food Hygiene Rating Scheme
Appendix B	Formal commitment document to the brand standard for the NFHR scheme.
Report author/ Lead Officer:	T Dagens tom.dagens@gosport.gov.uk Ext 5516

Appendix A

Members information on the National Food Hygiene Rating Scheme

Introducing the national *Food Hygiene Rating Scheme* Gosport Borough Council - Briefing note for Members, portfolio holders and council leaders

What is the purpose of this briefing note?

- Support from elected Members is being sought for Gosport Borough Council to migrate from the Safe2eat scheme to the new national *Food Hygiene Rating Scheme*.
- This note provides information about the national scheme – it explains in brief what the national scheme is, why and how it has been developed and when it will be rolled out, why Gosport Borough Council should migrate to this, what support the Food Standards Agency will provide, what the benefits are for local consumers and for local businesses, and the potential impact on Gosport Borough Council resources.

What is the national *Food Hygiene Rating Scheme*?

- The scheme, which is for England, Wales and Northern Ireland, is a local authority/Food Standards Agency partnership initiative.
- Like Safe2eat it is designed to provide consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with legal requirements – the rating given reflects the inspection findings.
- Again, like Safe2eat, its purpose is to allow consumers to make informed choices about the places where they eat out or shop for food thereby encouraging businesses to improve their hygiene standards.
- Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as other business where consumers can eat or buy food, will be given a hygiene rating as part of the scheme.
- There are six different hygiene ratings - the top one represents a very good level of compliance with legal requirements so that all business can achieve this - and ratings for all businesses included in the scheme will be published on a national website, and businesses will be encouraged to display them at their premises.

Why and how is the national scheme being developed and when will it be rolled out?

- Gosport Borough Council has been operating Safe2eat for 3 years – this has been popular and, like similar schemes operating in local authorities across the UK, our experience suggests that it has been successful in encouraging businesses to improve hygiene standards.
- Our 'local' scheme and those of other local authorities vary in a number of key respects so the Food Standards Agency has developed a 'national' model on the basis of advice and guidance from a UK-wide Stakeholder Group which includes

local authority (including Local Government Regulation and the Chartered Institute of Environmental Health), consumer and food industry representatives, as well as officials from the Agency, the Better Regulation Executive and the Local Better Regulation Office.

- The framework that will underpin the national scheme has now been agreed – which businesses are included, how the ratings are calculated, the safeguards to ensure businesses are treated fairly (an appeal process, a right to reply opportunity and a mechanism to request a new rating when improvements have been made), and the procedures for ensuring the scheme is operated consistently within and across local authorities.
- Following independent research with consumers about what would make the scheme easy to understand and use, it has been decided that ratings will be shown on a simple numerical scale with associated descriptors and will range from '0 – urgent improvement necessary' at the bottom up to '5 – very good' at the top.
- The national database and public-facing website providing consumers with a single point of access to ratings for all businesses covered by the scheme has been developed, going live in mid-September 2010, this allowed for 'early adopters' to start to roll out the scheme in their areas from the autumn of 2010.

Why should Gosport Borough Council migrate to the national scheme?

- Although Safe2eat has been successful, there are additional benefits of operating the national model.
- Having a single scheme operating in England, Wales and Northern Ireland will help to ensure consistency for businesses and clarity for consumers across local authority boundaries.
- The scheme will be supported and promoted nationally by the Food Standards Agency – see below.
- The scheme is provided free of any administrative costs, including free access to the necessary media (certificates, labels etc)

How will the Food Standards Agency support the scheme?

- It is providing detailed guidance on implementation and operation of the scheme.
- It will provide a 'Communications Toolkit' that will include guidance on promoting the scheme locally and materials for helping with this.
- It will provide the certificates for businesses to display at their premises, and proposes also to provide the stickers though this is subject to approval given current spending restrictions.
- It is organising and funding consistency training for local authority food safety officers, and providing the associated training materials.
- It is funding the development of the national database and website and the associated IT assistance/training required for local authorities to link to this so there will be no IT set-up or on-going subscription costs for participating authorities.
- The Agency will promote the scheme on a national basis to raise awareness among consumers and businesses once a sufficient number of local authorities

have formally adopted and started to operate the scheme – in the interim the Agency will support local authorities in promoting the scheme locally.

What are the benefits to local consumers and businesses?

- For consumers, the national promotional activities will raise awareness and understanding of food hygiene ratings and will help them to use the scheme, and they will be able to easily compare one business with another not just within their own area but also further afield.
- For businesses, they will have reassurance that they are being treated fairly and consistently with their local competitors and with competitors more widely. All businesses, no matter the size or nature of their operation, should be able to achieve the top rating.

What are the resource implications for the Food Safety Team?

- The scheme is based around the planned food hygiene intervention programme in order to minimise any burdens on the Food Safety Team.
- Given the support being provided by the Food Standards Agency – see above - the set-up and on-going costs are minimised.
- The main impact on resources is likely to result from operation of the mechanism that allows businesses to request a new rating when improvements have been made (this safeguard is essential if the scheme is to be legally robust) as these can be outside the planned intervention programme – the mechanism has, however, been designed to minimise any impact and the Agency has given a commitment to keeping it under close review and to revising the procedure as necessary to ensure that it does not compromise public health protection.

Appendix B

Commitment document.



FOOD HYGIENE RATING

[Name of LA Chief Executive/Council or Portfolio Leader]

Gosport Borough Council

[Address of LA]

[Date]

THE AGREEMENT

Dear [Name of LA signatory],

Implementation and operation of the Food Hygiene Rating Scheme

This letter of agreement is to confirm that Gosport Borough Council agrees to implement and operate the Food Hygiene Rating Scheme in accordance with the 'Brand Standard' set out in 'The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the 'Brand Standard'.

The Agreement comprises this letter and the appended 'Outline of Responsibilities'. Details of the process for terminating the Agreement are also appended.

You are requested to indicate your acceptance of this Agreement by signing both copies of this letter and returning them to the address below as soon as possible.

One copy will be signed on behalf of the Agency and returned to you.

Signed: (On behalf of the Local Authority)
Name (Print):
Position:
Date:

Signed: (On behalf of the Food Standards Agency)
Name (Print):
Position:
Date:

Food Hygiene Rating Scheme (FHRS) – Outline of responsibilities

Gosport Borough Council undertakes to:

- Follow in full the Food Standards Agency's (FSA's) guidance on the FHRS - the 'Brand Standard'; and
- Give early warning of any emerging problems to the FSA so that advice and support may be offered to ensure that the credibility and integrity of the FHRS is not compromised.

The Food Standards Agency undertakes to:

- Keep the guidance for local authorities on the implementation and operation of the FHRS under review as the scheme beds in and to revise and update it as and when appropriate to reflect the experience of local authorities, any feedback from food businesses or from consumers, or other developments;
- Work with local authorities to resolve situations where they encounter difficulties in fulfilling their responsibilities to follow in full the FHRS 'Brand Standard' in order to ensure that the credibility and integrity of the scheme is not compromised;
- Provide and maintain the central database and on-line search facility for publishing food hygiene ratings and provide the associated IT support and training;
- Provide other support such as promotion of the FHRS to consumers and to businesses through appropriate channels;
- Monitor and audit the implementation and operation of the FHRS to ensure the consistent interpretation and application of the 'Brand Standard' and to work with local authorities to resolve any issues identified through this; and
- Conduct a formal evaluation of the FHRS after it is rolled out and within an appropriate timeframe.

Intellectual Property Rights

Any intellectual property rights (IPR) created during or resulting from the work to support the FHRS shall remain the property of the party by whom or on whose behalf the particular IPR were created.

Data protection

The parties confirm that they will observe their respective obligations in respect of the Data Protection Act 1998. Any data and information introduced by a party to support the work of the FHRS shall belong to that party.

Information access legislation

Both parties acknowledge that the other party is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and each party will assist and cooperate with the other party to enable both parties to comply with such information disclosure obligations and to meet the necessary statutory deadlines.

FHRS - process for termination of Agreement

Note – The aim will be to resolve any problems or issues through informal discussion and that the processes outlined below will be used in exceptional circumstances only.

Prior notice

Where the local authority is considering terminating the agreement, it should give at least 14 days¹ prior notice to the FSA.

Where the FSA is considering terminating the agreement, unless there are immediate risks to public health protection, it similarly will give at least 14 days prior notice to the local authority.

In both sets of circumstances this provides a further opportunity to work together to try to resolve any issues/concerns and, where appropriate, to discuss whether additional support can be provided to allow the local authority to continue operating the FHRS.

Notification

Where the local authority has decided to terminate the agreement, it should notify the relevant FSA Director in writing outlining the reasons for this.

Where the FSA has decided to terminate the agreement, the local authority will be notified in writing of the FSA's decision and the reason for this. The local authority can appeal this decision – see below – but it should be noted that termination of the agreement is not suspended during the period in which such an appeal can be made or pending the outcome of an appeal once lodged.

Actions following termination of Agreement

Irrespective of which party terminates the agreement, the following steps must also be taken to ensure that the credibility and integrity of the FHRS is not compromised and to ensure that the reputations of the FSA, of the local authority concerned, and the businesses in the relevant area are safeguarded.

The FSA will:

- immediately notify stakeholders that the local authority is no longer participating in the FHRS by means of an announcement at [food.gov.uk/ratings](https://www.food.gov.uk/ratings) on both the home page and on the local authority's own page;
- immediately suspend the local authority's access to the national database so that no further ratings can be published; and
- within 14 days, remove the local authority's existing ratings from public access;
- notify the local authority when these steps have been taken.

¹ Where references to numbers of 'days' are made these includes weekends and bank holidays.

The local authority will:

- If it also publishes ratings on its own website, immediately notify local stakeholders that the authority is no longer operating the FHRS by means of an announcement on an appropriate website page, and within 14 days, remove any published ratings from its site;
- remove any FHRS branding from its website;
- suspend distribution of any marketing and advertising material that incorporates FHRS branding;
- remove stickers/certificates from display in food business establishments as soon as possible and at the next planned intervention of that establishment at the latest;
- advise businesses in the area that the FHRS no longer operates and that the continued use of any branded materials for marketing and advertising purposes may constitute an offence under trading standards legislation; and
- confirm to the FSA that these actions have been taken.

Local authority appeals

If a local authority considers that the FSA decision to terminate the Agreement is unjust it may appeal against this. The process is as follows:

- The local authority can, within 14 days from the date of notification of termination, ask for the matter to be referred to an Advisory Disputes Panel (see box below).
- The Advisory Panel will be convened and will investigate the matter and report its findings and recommendations within six weeks.
- The FSA will review the Panel's report and within 14 days will notify the local authority of its decision as to whether it accepts the Panel's view.
- If the local authority remains dissatisfied its Chief Executive can within 14 days request that the dispute be referred to the FSA's Chief Executive.
- The FSA's Chief Executive will review the case and the Panel's report and issue a final decision that will be notified to the local authority within 14 days.

Advisory Disputes Panel

Membership will comprise representatives from or nominated by Local Government Regulation and the Chartered Institute of Environmental Health as well as consumer and food industry representatives.

The Panel will elect its own chair.

The Secretariat function will be provided by the FSA.

AGENDA ITEM NO. 7

Board/Committee:	COMMUNITY AND ENVIRONMENT BOARD
Date of meeting:	MONDAY 7 MARCH 2011
Title:	GOSPORT PARK PLAY AREA UPGRADE OF EXISTING EQUIPMENT
Author:	LEISURE & CORPORATE SERVICES MANAGER
Status:	FOR DECISION

Purpose

To seek Board approval for the use of £38,000 of Developer Contributions for the provision of new items of equipment at Gosport Park Play Area.

Recommendation

The Board is recommended to approve the use of £38,000 from the above funding.

1. Background

- 1.1 Gosport Park Play Area is situated to the Eastern side of the Park Road and is a very popular and well used facility
- 1.2 A need to upgrade the majority of the existing equipment has been identified via enquiries from local residents and Town Ward Elected Members.

2. Report

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

3. Financial Implications

- 3.1 The funds of £38,000 are to be allocated from the Town Centre Children's Playing Space fund. There are funds available of £184,713 of which £2,628 is for development not yet started. If approved, the proposed scheme would improve the Play Area facility and thus meet the open space developer contributions funding criteria.
- 3.2 This scheme is included in the approved capital programme for 2011/12.

4. Risk Assessment

- 4.1 The facility is within the Council's weekly programme of inspections, along with the Council's 'Annual Independent Inspection'.

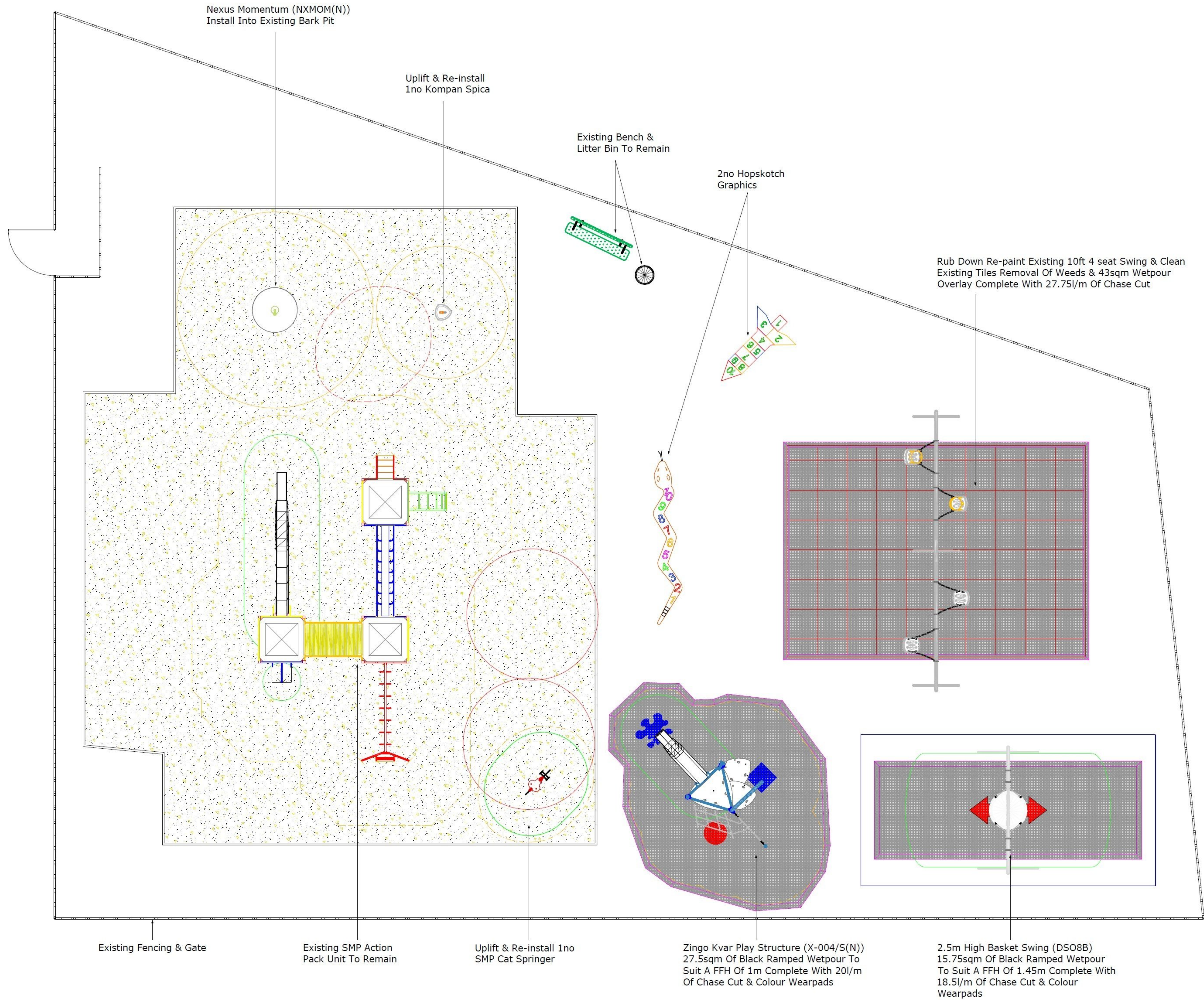
5. Environmental Implications

- 5.1 There are none for the purposes of this report.

6. Conclusion

- 6.1 The proposed scheme seeks to increase the enjoyment of the facility, by providing a more modern and challenging design of equipment, indicating to users the Council's commitment to upgrade existing facilities as and when resources allow.
- 6.2 The proposals meet the criteria to allow them to be funded from developer contributions.

Financial Services comments:	Section 3 refers
Legal Services comments:	As the proposals set out in the Report are intended to secure an increase in the use of the recreation facilities, they would appear to be within the permitted use of Developer Contributions.
Service Improvement Plan implications:	Complies with Service Improvement Plan
Corporate Plan:	Complies with the Corporate Plan
Risk Assessment:	Refer to 4.1 of this report
Background papers:	None
Appendices / Enclosures:	Appendix A and B
Report Author / Lead Officer:	Alan Gibson





Gosport B.C.

Gosport Park



Please note this drawing is an artists impression only.