

# FAREHAM

BOROUGH COUNCIL

## AGENDA

### HEALTH AND PUBLIC PROTECTION SCRUTINY PANEL

**Date:** Tuesday, 8 October 2024

**Time:** 6.00 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor M J Ford (Chairman)

Councillor Mrs L M Birkett (Vice-Chairman)

Councillors Mrs P M Bryant  
D G Foot  
Miss T Harper  
G Furnivall  
A West

**Deputies:** S P Ingram  
D P Wiltshire



**1. Apologies for Absence**

**2. Minutes (Pages 5 - 8)**

To confirm as a correct record the minutes of the meeting of the Health and Public Protection Scrutiny Panel held on 27 June 2024.

**3. Chairman's Announcements**

**4. Declarations of Interest and Disclosures or Advice or Directions**

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct and disclosures of advice or directions received from Group Leaders or Political Groups, in accordance with the Council's Constitution.

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Portsmouth Hospitals University NHS Trust - Presentation (Pages 9 - 10)**

To receive a presentation from Peter Ridley, PHU Chief Executive Officer, on local acute health matters.

**7. Food Safety Service Plan 2024 (Pages 11 - 28)**

To consider a report by the Head of Environmental Health on the Food Safety Service Plan 2024.

**8. Coastal Parking Charges Update (Pages 29 - 30)**

To receive a presentation from the Policy, Research and Engagement Manager on the Coastal Parking Charges Update.

**9. Presentation - Building Control Partnership Service Review (Pages 31 - 32)**

To receive a presentation from the Head of Building Control Partnership on a review of the Building Control Partnership Service.

**10. Executive Business (Pages 33 - 34)**

To consider any items of business dealt with by the Executive since the last meeting of the Panel, that falls under the remit of the Health and Public Protection Portfolio. This will include any decisions taken by individual Members during the same time period.

**(1) Anti-Social Behaviour Policy - Adoption (Pages 35 - 36)**

**(2) Anti-Social Behaviour Policy (Pages 37 - 38)**

**11. Scrutiny Priorities (Pages 39 - 40)**

To provide an opportunity for Members to consider the scrutiny priorities for the Health and Public Protection Panel.



A WANNELL  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
30 September 2024

**For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
Tel:01329 236100  
[democraticservices@fareham.gov.uk](mailto:democraticservices@fareham.gov.uk)**



# FAREHAM

BOROUGH COUNCIL

## Minutes of the Health and Public Protection Scrutiny Panel

(to be confirmed at the next meeting)

**Date:** Thursday, 27 June 2024

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** M J Ford (Chairman)

**Councillor** Mrs L M Birkett (Vice-Chairman)

**Councillors:** D G Foot, Miss T Harper, G Furnivall, A West and S P Ingram  
(deputising for Mrs P M Bryant)

**Also Present:** Councillor R N Bird (for item 6)



**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs P M Bryant.

**2. MINUTES**

RESOLVED that the minutes of the meeting of the Health and Public Protection Scrutiny Panel held on 27 March 2024 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

**4. DECLARATIONS OF INTEREST AND DISCLOSURES OR ADVICE OR DIRECTIONS**

There were no declarations of interest made at this meeting.

**5. DEPUTATIONS**

There were no deputations made at this meeting.

**6. ANTI-SOCIAL BEHAVIOUR POLICY**

At the invitation of the Chairman Councillor R N Bird addressed the Panel on this item.

The Panel considered a report by the Director of Neighbourhoods which presented the draft Anti-Social Behaviour policy for comment prior to it being presented to the Executive for consideration.

The Panel paid particular attention to the definition of anti-social behaviour, as detailed in the draft policy and considered whether it should be more closely aligned with the definitions as laid out in the Anti-social Behaviour, Crime and Policing Act 2014. Following discussion, Members felt that it is more important to ensure that no one is inadvertently excluded from accessing help under the policy because the definitions are too prescriptive. It was felt that it may in fact be beneficial to broaden the definitions of anti-social behaviour to make it clear that it includes issues such as graffiti and trespass. It was also suggested that the policy should reference areas like misogyny and specifically reference gender-based issues and sexual harassment.

RESOLVED that the Health and Public & Protection Scrutiny Panel notes the content of the report, passes the comments, as detailed above, to the Executive for consideration and recommends that the draft policy be approved for a suitable period of consultation.

**7. EXECUTIVE BUSINESS**

**(1) Traffic Regulation Order (Amendment 9) Consideration of Consultation Responses**

There were no comments or questions for clarification in respect of this item.

**8. INTRODUCTION TO THE PANEL AND PORTFOLIO SERVICES**

The Panel received a presentation by the Director of Neighbourhoods which outlined the role and function of the Panel and provided an overview of the Health and Public Protection portfolio services. A copy of the presentation slides is attached to these minutes as Appendix A.

The Panel was advised that if any Members wanted more information on the services provided by the Health and Public Protection portfolio, Officers would be very pleased to meet with them outside of the meeting.

RESOLVED that the Health and Public Protection Scrutiny Panel notes the content of the presentation.

**9. HEALTH AND PUBLIC PROTECTION SCRUTINY PANEL PRIORITIES**

The Director of Neighbourhoods presented suggested scrutiny priorities for the Panel for the 2024/25 municipal year and advised members that she would cover this in more detail at the next meeting if this was helpful.

The Panel was encouraged to put forward any comments on the suggested items, or to put forward any further items for consideration, to the Chairman or Director of Neighbourhoods.

(The meeting started at 5.00 pm  
and ended at 6.02 pm).

..... Chairman

..... Date





# FAREHAM

## BOROUGH COUNCIL

### **Presentation to Health and Public Protection Scrutiny Panel**

**Date:** 08 October 2024

**Report of:** Director of Neighbourhoods

**Subject:** PORTSMOUTH HOSPITALS UNIVERSITY NHS TRUST SERVICE  
PROVISION

#### **SUMMARY**

Peter Ridley, PHU Chief Officer at Portsmouth Hospitals University NHS Trust has been invited to attend the Panel to update Members on local acute health matters.

#### **RECOMMENDATION**

It is recommended that Members consider the presentation and make any comments or raise any questions for clarification.



# FAREHAM

## BOROUGH COUNCIL

### **Report to Health Public Protection Scrutiny Panel**

**Date**                    **8 October 2024**

**Report of:**            **Director of Neighbourhoods**

**Subject:**              **FOOD SAFETY SERVICE PLAN**

#### **SUMMARY**

The Food Standards Agency came into operation on 1 April 2000 and is responsible for directing, monitoring, and auditing of Local Authorities work in respect of food law enforcement. The Food Standards Agency requires each authority to produce a Food Safety Service Plan that details how the Food Authority (Fareham) plans to meet its Statutory responsibilities in respect of Food Safety. The plan should be regularly reviewed. This plan was last reviewed by the Health & Public Protection Scrutiny Panel on 21 June 2022.

#### **RECOMMENDATION**

Members are requested to consider and approve the revised Food Safety Service Plan attached to the report as Appendix A, subject to any amendments that they feel are necessary.

## **INTRODUCTION**

1. The Food Standards Agency is responsible for directing, setting, and monitoring standards and auditing local authorities' enforcement activities to ensure that these activities are effective and undertaken on a consistent basis and in line with current guidance. Powers enabling the Agency to monitor local authorities are contained in the Food Standards Act 1999.

## **SERVICE PLANS**

2. The Food Standards Agency requires a detailed Service Plan for Food Safety Law Enforcement, and this is produced and updated regularly. The Agency has provided detailed guidance as to how these should be set out and the information they should contain. This plan provides the detail to satisfy the information requirements of the Agency. It also provides the evidence to satisfy the Agency that the Council has adequate arrangements in place to meet its statutory obligations in respect of Food Safety Law Enforcement.
3. It is important that the Food Safety Service Plan is approved by Members as it details the work and demands on the service and ensures transparency and accountability.
4. The Service Plan contains:
  - Service Aims and Objectives
  - Background
  - Service Delivery
  - Resources
  - Quality Assessment
  - Review
5. The Spending Plan for delivering the Food Safety Service for 2024/2025 was reported to the Executive on 5 February 2024.
6. Appendix A contains the latest revised Food Safety Service Plan.

## **RISK ASSESSMENT**

7. It is important that the Authority reviews and updates its Food Safety Service Plan to demonstrate it can meet the Food Standard's Agency's expectations in respect of this Statutory Service.

## **CONCLUSION**

8. The Food Safety Service Plan attached to this report has been produced in accordance with the requirements of guidance issued to local authorities by the Food Standards Agency. The plan details how Fareham meets its Statutory duties.

## **APPENDIX A – Revised Food Safety Service Plan**

**Enquiries:** For further information on this report please contact Ian Rickman (Ext 4773).



**FAREHAM** BOROUGH  
COUNCIL

[www.fareham.gov.uk](http://www.fareham.gov.uk)

# **Food Safety Service Plan**

## **2024-2026**

**as required by**

# **The Food Standards Agency**

## **INTRODUCTION**

1. This Food Safety Service plan has been produced as required by and in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law enforcement. It is written in the format prescribed by the Agency, its purpose being to demonstrate that Fareham Borough Council has in place adequate and effective arrangements to meet its statutory obligations in respect of Food Safety activities.
2. Fareham Borough Council is designated as a Food Authority under the European Communities Act 1972, the Food Hygiene (England) Regulations 2013 and the Food Safety Act 1990. This places a statutory duty on the Authority to enforce the Acts and associated Regulations. The delegated Authority to do this lies with the Head of Environmental Health, who has further delegated relevant Authority to staff within the Food team within the Fareham and Gosport Environmental Health Partnership based on their qualifications and experience.
3. This plan covers the following:
  - i) The Service Aims and Objectives
  - ii) Background Information
  - iii) Service Delivery
  - ii) Resources
  - iii) Quality Assessment
  - iv) Service Review.

## **SERVICE AIMS AND OBJECTIVES**

5. The Service objectives are as follows: -
  - i. Ensure that all businesses involved in the preparation, sale, distribution, or handling of food comply with food safety legislation and the requirements of codes of practice issued by the Food Standards Agency.
  - ii. To minimise the spread of incidents of infectious diseases including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

### **Links to corporate objectives and plans**

5. The Council's Corporate Strategy (2023-2029) sets out several Priorities, one of which is "Strong, Safe and Healthy Communities", the Food Safety function helps deliver this Priority by helping to ensure commercial Food Premises are safe to eat in.
6. In respect of Food Safety, the Council's Health and Public Protection Scrutiny Panel, and the Executive are responsible for this function.
7. Reports are considered by the Health and Public Protection Scrutiny Panel throughout the year as required to ensure the service can adapt to changing demands e.g. changes to legislation/guidance, emerging risks.

## **BACKGROUND**

### **Profile of Fareham**

8. The Borough of Fareham has a population of approximately 116,000 people. It covers almost thirty square miles of southern Hampshire between Portsmouth and Southampton on the south coast. With the town of Fareham at its centre, the Borough extends from Portchester in the east, which borders the northern side of Portsmouth harbour, to the river Hamble in the west. From south to north, it reaches from the Solent coastline at Hill Head and extends northwards into rural Hampshire towards Wickham.
9. The Borough has grown rapidly in recent years, with the development of extensive areas of housing, shops and commerce. The town centre consists of shops including a large superstore, leisure facilities, theatre and a cinema complex, bars and restaurants.
10. In addition to the town centre, there are several other important local centres based on former villages. Portchester lies to the east of Fareham town with Stubbington and Hill Head to the south. To the west are Titchfield, Warsash, Park Gate, Locks Heath, and Whiteley.
11. There is a new community, Welborne underway to the north of Fareham, which will result in not only additional properties and residents but also more commercial food businesses.
12. The Authority has recently acquired the town centre shopping centre as part of plans for Fareham town centre regeneration plans.

### **Organisational Structure**

13. The Council is run by an Executive, supported by several Scrutiny Panels. The Executive operates like the Government's cabinet. It is made up of six councillors, including one who is appointed as the Executive Leader. It is responsible for almost all the functions and services of the Council but is not allowed to deal with certain matters like Planning and Licensing applications. These are dealt with by Committees.
14. Each member of the Executive has responsibility for a specific range of Council activities (sometimes called portfolios) and acts as the Council's spokesman for those functions. The portfolio which currently incorporates the Food Safety function is Health & Public Protection.
15. The Council has several Scrutiny panels, which broadly mirror the portfolio areas of the Executive members. The job of the Scrutiny panels is to take a leading role in the development and review of policies, related to its services. All the panel's report to the Council's Executive Committee. The Panel currently responsible for Food Safety is the Health & Public Protection Scrutiny Panel.
16. The Food Safety function is undertaken by the Fareham and Gosport Environmental Health Partnership, within the Neighbourhoods Department, which reports to the Health & Public Protection Scrutiny Panel. The Director of Neighbourhoods is the officer responsible for the Food Safety Service delivery, with the Head of Environmental Health being responsible for the day-to-day management of the team and the service. The Director of Neighbourhoods

reports to the Chief Executive Officer.

### **Fareham and Gosport Environmental Health Partnership**

17. Since January 2011, Fareham has been working in partnership with Gosport Borough Council, through the Fareham and Gosport Environmental Health Partnership. On 1 April 2014 the former Gosport employees were TUPE transferred to Fareham for the purposes of employment and a single employment structure was put into place. The Food Safety function is now a single team providing the Food Safety Service to both Boroughs. This ensures consistency across the Boroughs, which is a particular benefit for those businesses that have premises in both Boroughs. It also allows for better use of the joint resource to deliver the Service to both Councils and gives the Service more resilience.
18. The Service consists of 2 full time and 2 part-time (3 and 4 days a week) Senior Environmental Health Officers and 1 Senior Technical Officer.
19. The provisions made for specialist services are as follows:-

#### **Food Examiner:**

Hampshire Scientific Service  
Hyde Park Road,  
Southsea  
Hants  
PO5 4LL      Tel No. 0370 779 0001

#### **Food Analyst:**

HPA Microbiological Services  
FW&E Microbiology Laboratory - Porton  
Salisbury  
Wiltshire  
SP4 0JG      Tel No: 01980 616766/ 6161776

The above are used as and when necessary, where expert and specialist advice is required.

20. From time to time, consultants may be required to undertake food hygiene inspections. This may be because of staffing shortages, special projects, prosecutions, or food poisoning investigations; all which impact directly upon the employee resource available.
21. The figures shown in this report below relate only to the Fareham aspect of the joint team's work.

### **Scope of the Food Service**

22. The Food Safety function consists of the following elements: -
  - Ensuring that all food premises within the Borough are identified and inspected on a risk-assessed basis.
  - Implementing and maintaining the National Food Hygiene Rating Scheme.
  - Reviewing planning and building control applications to ensure that food hygiene requirements are considered at the design and build stages of development.
  - Providing advice to food businesses and members of the public on issues relating to food safety.
  - Investigating all complaints relating to food and food safety and taking



appropriate enforcement action to prevent potential outbreaks of food poisoning.

- Undertaking sampling to determine the quality and fitness of food that is available for purchase throughout the Borough.
- Minimising the spread of incidents of infectious diseases, including incidents of food poisoning by investigating relevant cases and taking action to control the spread of disease.

### **Demands on the Food Service**

23. There are approximately 811 registered food premises within the Borough, mainly composed of restaurants, takeaways, and retailers. There are no specific unusual or reasonable demands on the Service, such as tourism or large numbers of food premises run by proprietors whose first language is not English.
24. As of September 2024, the 811 registered food premises within the Borough were made up of the following food premises types:

Distributors/warehousing	17
Fishing Boats	3
Care Premises	110
Hotel/Guest House	11
Manufacturer	8
Mobile	46
Primary Producer	3
Pub/Club	58
Restaurant/ Other caterers	293
Retailer	138
Import/Export	1
Education	49
Supermarket	14
Takeaway	40
Unassigned	20
<b>Total Registered Premises</b>	<b>811</b>

25. The Authority has Procedures in place that ensure that the Food Standards Agency's Code of Practice and Practice Guidance document is followed. In addition, these Procedures also refer to the various Guidance Notes from the Local Government Regulation which gives guidance on Food Safety issues. Officers of the Council must and do have regard to these Codes and Guidance in undertaking the food safety function as they ensure consistent enforcement. These Procedures are embedded into our electronic business processes.
26. The Team, in addition to undertaking the Food Safety function, also has responsibility for Health and Safety, Licensing, Infectious Disease Control and Health Act.
27. The service is provided 8.45am to 5.15pm Monday to Friday by officers based at the Civic Offices. An Environmental Health Out of Hours service also operates (between 5.15pm to 8.45am Monday to Friday and 24-hours a day at weekends and Bank/Public Holidays) to deal with requests relating to Food Safety which requires an emergency response as detailed in the Out of Hours Service

Procedures. Planned out of hours inspections and visits are also made by Officers based on the trading times of food businesses and perceived need. Food Safety issues are also covered by the Out of Hours Service as necessary.

### **Licensing**

28. This team is a designated Responsible Authority for the purposes of the Licensing Act 2003. The team is required to make relevant representations regarding licence applications.
29. The team also linked with Licensing attend the Safety Advisory Group for events and advise Event Organisers on Food Safety, Health and Safety and Licensing matters.

### **Shellfish**

30. The Authority is responsible for the shellfish beds located between the mean high-water mark and the Southampton Port Health Boundary to the west and south and Gosport Borough Council boundary in the east. Whilst there are no sampling points within the Authority's responsibility, demands are placed on the service to provide information to local fishermen and failed sampling results occasionally mean the temporary closure of the shellfish beds.

### **Approvals**

31. The Authority approves premises which are required to be formally Approved under specific EU Legislation due to the increased risk posed by their particular food activities e.g., cold store or food premises producing meat products for other food businesses.

### **The Food Hygiene Rating Scheme**

32. The Food Hygiene Rating Scheme (FHRS) is a Food Standards Agency/Local Authority partnership initiative. It is a national scheme which provides consumers with information about hygiene standards in food business establishments using information gathered by officers at the time they are inspected to check compliance with legal requirements on food hygiene. The food hygiene rating given reflects the inspection findings.
33. The purpose of the FHRS is to allow consumers to make informed choices about the places where they eat or shop for food and, through these choices, encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness and the associated costs to the economy.
34. There are six different food hygiene ratings ('0' up to '5') - the top rating represents a 'very good' level of compliance with legal requirements and all businesses irrespective of the nature or size of their operation should be able to achieve this.
35. Food hygiene ratings are published online at <http://ratings.food.gov.uk/> and businesses are encouraged to display certificates and stickers showing their food hygiene ratings at their premises where consumers can easily see them, although there is no legal requirement currently to display either.

36. The FHRS incorporates safeguards to ensure fairness to businesses. This includes an appeal procedure, a 'right to reply' for publication (together with the food hygiene rating) at <http://ratings.food.gov.uk/> and a mechanism for requesting a re-inspection/re-visit for the purposes of re-rating when improvements have been made.
37. Fareham joined the scheme in June 2011. The following Table shows the current list of Ratings for Fareham:

Rating	No of Food Businesses
	2024
0 – Urgent Improvement Necessary	1
1 – Major Improvement Necessary	10
2 – Improvement Necessary	7
3 – Generally Satisfactory	18
4 – Good	72
5 – Very Good	599
Exempt / excluded / unrated	104
Totals	811

The issues found at inspection which generated the rating will have been resolved shortly after the inspection, but the rating remains for between 3 and 6 months after the inspection.

### **Enforcement Policy**

38. The Council has signed up to the Central and Local Government Enforcement Concordat. One of the requirements of this concordat is that the Council has an enforcement policy.
39. There is also a general Enforcement Policy to cover all the work undertaken by the Section.
40. All food safety enforcement decisions are made following consideration of the Enforcement Policy. Any departure from the Policy will be documented.
41. A copy of the Enforcement Policy and/or a summary leaflet explaining the key elements is available on request. The policy is also available on the Council's.
42. All food law enforcement will be carried out in accordance with the relevant Food Standards Agency Code of Practice and Practice Guidance and other relevant Guidance.
43. Food Premises owned by the Council need a separate method for achieving compliance. Usually, an informal approach should be successful. However, if difficulties were to be encountered, these would be reported to the Director of Neighbourhoods, who would, in turn, raise those issues with the Chief Executive,

if necessary, after liaison with the relevant Senior Officer/Director for the premises concerned.

## **SERVICE DELIVERY**

### **Food Safety Interventions**

44. The enforcement of Food Safety legislation is governed by a Statutory Food Law Code of Practice and Practice Guidance, which details how enforcement is to be undertaken. There is a risk rating scheme which is used to assess the risk associated with each food business and thereby its priority for inspection. As well as inspection, there are a range of other interventions which may take place, auditing, verification visits, as well as visits to carry out sampling or to investigate food or food hygiene complaints.
45. In June 2023 the Food Standards Agency issued a revised Food Law Code of Practice.
46. Inspections must be risk based and the code acknowledges that a range of other measures that can be employed to achieve the same result, e.g., surveys, formal training and interventions including sampling, auditing, verification visits, use of remote information, as well as visits to investigate food or food hygiene complaints.

### **Performance Management Monitoring**

47. The Food Standards Agency monitors the performance of the Council with respect to food hygiene management and gathers the performance data quarterly. The Food Standards Agency then evaluates and publishes the performance of each Local Authority. They also use the Food Hygiene Rating Scheme data as a means of monitoring performance. and the Local Authority is also required to return data regarding its Approved Premises.

## **FOOD SAFETY INTERVENTIONS PLAN**

### **Inspections**

48. Inspections are carried out in accordance with the Food Law Code of Practice (June 2023).
49. Following each inspection, the premises are attributed a Risk Rating Score in accordance with Food Law Code of Practice, which determines the minimum inspection period before the next inspection. The risk score is entered on the local system and each month a list of premises due for inspection is produced.
50. The Code requires Category A and B premises to receive an inspection at the appropriate frequency (6 months & 12 months).
51. Category C (18 months) premises are divided into 2 groups as defined by the guidance, those broadly compliant and broadly non-compliant.
  - i) Broadly complaint premises will receive a full inspection every other time it is due for an inspection. An alternative intervention such as a sampling visit or visit for another food matter will be carried out for the other due inspection. There is however clear guidance on what the alternative intervention must be detailed in the Code of Practice.

- ii) Broadly non-compliant premises will continue to receive an inspection every time it is due.
52. Category D premises (2 years) will be treated the same as Broadly Compliant C premises.
  53. Category E premises may not receive traditional inspection at all but may receive one of the other intervention types as appropriate.
  54. All new food premises will receive an initial inspection and thereafter treated as above depending on the initial category.
  55. Following the Pandemic when many food premises were closed for long periods, the Food Standards Agency produced a Local Authority recovery plan, which set out expectations in respect of catching up with the inspection programme between July 2021 and March 2023.
  56. The Food team met each of the Food Standards Agency milestones for the inspection programme and successfully recovered the inspection programme from the effects of the Pandemic.
  57. As of September 2024, the team had inspected 167 food premises that were due for inspection.
  58. The following are outstanding for 2024/2025.

Risk Category	Inspection Interval	No. of Premises due for Inspection
		2024/25
A, B and non-compliant C	6, 12 and 18 months	75
Compliant C, D	18 months, 2 years and 3 years	184
<b>Total</b>		<b>259</b>

59. Since March 2024 there has been a vacancy within the Food Team, and this is likely to impact the overall performance this year. Usually close to 100% of the Food Premises Inspection programme is completed each year, however the team only consists of 4.4 full-time equivalents for Fareham and Gosport, so to be one short will obviously have an impact on performance overall. Plans are in place to fill the vacancy now and any premises not inspected that are due this financial year should be inspected early in the next financial year. There is a national shortage of Environmental Health Officers.
60. An alternative intervention plan for those premises not requiring a full inspection. For the coming year it is intended to tackle these as follows: -
  - Combined visits by multi-skilled officers who may be visiting for other reasons.
  - Use complaint interventions to defer inspections.

- Use sampling interventions to defer inspections.
- Use of questionnaires.

### **Food Hygiene Inspections follow up/administration.**

61. Revisits are made to check on compliance with Enforcement Notices and to ensure poor standards and serious defects are addressed by the food business operator. This is at the officers' discretion, but in line with the Enforcement Policy.
62. The Council maintains a Register of all food premises within the Borough in accordance with regulations.
63. The Food team has received appropriate training to ensure knowledge of food specific legislation which relates to premises within the Borough.
64. All new food premises receive an initial inspection, generally within one month of opening. Full inspections are carried out, occasionally following food and food hygiene complaints. The decision to make such inspections depends upon the nature and circumstances of any complaint.
65. The Food Team holds regular team meetings to help ensure that inspection targets are being met and to enable the team to respond quickly to changes in legislation/guidance and develop and improve the methods of operation within the team.
66. At the time of every food premises inspection, a pro-forma is completed which is attached to the electronic premises file. Following each inspection, either a written report is sent to the proprietor of the business, or, for minor matters, a carbonated handwritten report is left on site and sent to Head Office where relevant. The report and carbonated handwritten report have a standard format, which includes all the information contained in Annex 6 of Food Law Code of Practice.

### **Food Complaints**

67. It is the responsibility of the Council to enforce the provisions of the Food Safety Act 1990 as far as food complaints concerning the following are concerned:
  - Food which does not comply with the food safety requirements i.e., food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.
  - Food which is not of the nature or substance demanded by the purchaser.
68. The Council also enforces the provision of the Food Labelling Regulations 1984, which relate to 'Use-by' date labelling and quality issues, in co-operation with the trading standards authority.
69. All food complaints are investigated in accordance with guidance issued from Local Government Regulation- 'Guidance on Food Complaints' and Codes of Practice, which forms the basis of the in-house procedure.
70. Initial investigations into food complaints are given high priority since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place to liaise with the Food Standards Agency where food complaints may have wider implications.
71. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute would

be taken at the recommendation of the officer concerned, in consultation with the Head of Environmental Health and the Council's legal representative, in accordance with the Food Safety Enforcement Policy. In each case the company/business and complainant will be kept informed as to the progress of the complaint.

72. Dealing with food complaints is a relatively small part of the overall workload.

### **Primary Authority Principle**

73. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the Authority where the unit which manufactured a product is situated. In principle, any Authority shall observe the following: -

- An Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.
- An Authority, having initiated liaison with any home and/or Originating Authority, shall notify that Authority of the outcome.

74. Currently this Council does not act as Primary Authority for any local businesses.

75. If a business requests a Local Authority to be its Primary Authority for any regulatory function, the Local Authority must agree to the request, although it may charge for the cost of doing so.

### **Advice to Business / Food Hygiene Complaints**

76. Whilst the Council will utilise its powers to enforce the food legislation, it is realised that, where food businesses break the law, it is often due to ignorance rather than design. As a consequence, it is the Policy to provide advice to business in a number of different ways.

77. The Food team does not provide formal food hygiene training, as there are many providers available.

78. Training is however organised on an ad hoc basis for businesses depending on need, e.g. in response to new legislation.

79. Advice is also given during routine inspections and visits and followed up in writing. Advice is provided to direct queries received either by telephone or letter. Where necessary, it is followed up with a visit and/or a letter. Provisional advice is given prior to the setting up of a food business.

80. The Food team are consultees for Building Control and Planning applications to enable advice to be given to the developers/applicants regarding issues relating to Food Safety and Health and Safety.

81. In addition, the Team responds to complaints from members of the public regarding the hygiene of premises/food handling practices. This may result in anything from a telephone call in response to a prosecution for any offences.

## **Food Sampling**

82. Proactive, point of sale, food sampling is in place to provide useful information about the microbiological fitness of food for sale within the Borough.
83. The Council participates in the Portsmouth and Southeast Hampshire sampling group, which has a co-ordinated food-sampling programme based on Food Standards Agency, Local Government Regulation and agreed local priorities.

## **Food Complaints**

84. It is the responsibility of the Council to enforce the provisions of the Food Safety Act 1990 as far as food complaints concerning the following are concerned:
  - Food which does not comply with the food safety requirements i.e. food which is unfit; food which has been rendered injurious to health; or food which is so contaminated.
  - Food which is not of the nature or substance demanded by the purchaser.
85. The Council also enforces the provision of the Food Labelling Regulations 1984, which relate to 'Use-by' date labelling and quality issues, in co-operation with the trading standards authority.
86. All food complaints are investigated in accordance with guidance issued from Local Government Regulation- 'Guidance on Food Complaints' and Codes of Practice, which forms the basis of Fareham's in-house procedure.
87. Initial investigations into food complaints are given high priority since these can give an indication of where the food supply chain has broken down. Such breakdowns may be one-offs or can indicate a problem that, if left unattended, could have serious consequences. Arrangements are in place to contact the Food Standards Agency where food complaints may have wider implications.
88. Where companies involved are unable to provide a satisfactory defence that they take all reasonable precautions and exercise all due diligence to prevent such a complaint, legal proceedings may be instigated. The decision to prosecute would be taken at the recommendation of the officer concerned, in consultation with the Head of Environmental Health, the Director of Leisure & Community and the Council's legal representative, in accordance with the Food Safety Enforcement Policy. In each case the company/business and complainant will be kept informed as to the progress of the complaint.
89. Dealing with food complaints is a relatively small part of the workload.

## **Primary Authority Principle**

90. In April 2009 the Regulatory Enforcement and Sanctions Act introduced the Primary Authority Scheme. This is an arrangement where a Local Authority agrees to provide specialist advice to a company regarding its Food Safety arrangements and acts as a point of contact for other local authorities where its food may be sold. The Primary Authority is usually where the head office for a company is situated. The Originating Authority is the Authority where the unit which manufactured a product is situated. In principle, any Authority shall observe the following: -
  - An Authority shall have regard to any information or advice it has received



from any liaison with home and/or originating authorities.

- An Authority, having initiated liaison with any home and/or Originating Authority, shall notify that Authority of the outcome.

91. Currently this Council does not act as Primary Authority for any local business.
92. If a business requests a Local Authority to be its Primary Authority for any regulatory function, the Local Authority must agree to the request, although it may charge for the cost of doing so. Fareham isn't currently a Primary Authority.

### **Advice to Business / Food Hygiene Complaints**

93. Whilst the Council will utilise its powers to enforce the food legislation, it is realised that, where food businesses break the law, it is often due to ignorance rather than design. Therefore, it is the Council's policy to provide advice to business in several different ways for less contraventions.
94. The Food team does not provide formal food hygiene training, as there are many local providers. Advice is also provided on training courses offered throughout Hampshire and the Isle of Wight by other authorities and training centres and, particularly, for courses offered in ethnic languages.
95. Training is however organised on an ad hoc basis for businesses depending on need, e.g. in response to new legislation.
96. Advice is also given during routine inspections and visits and followed up in writing. Advice is provided to direct queries received either by telephone or letter. Where necessary, it is followed up with a visit and/or a letter. Provisional advice is given prior to the setting up of a food business. Free advisory leaflets are provided, where appropriate.
97. Building Control and Planning applications are inspected by the Commercial team and advice given to the developers/applicants regarding issues relating to Food Safety and Health and Safety.
98. In addition, the Team responds to complaints from members of the public regarding the hygiene of premises/food handling practices. This may result in anything from a telephone call to prosecution for any offences.
99. The Food team also deal with requests for food hygiene advice and allegations of food poisoning/infectious disease notifications.

### **Food Sampling**

100. The Authority believes that a proactive, point of sale, food sampling programme can provide useful information about the microbiological fitness of food for sale within the Borough.
101. The Council participates in the Portsmouth and Southeast Hampshire sampling group, which has a co-ordinated food-sampling programme based on Food Standards Agency, Local Government Regulation and agreed local priorities.
102. There is usually a formal sampling programme in place, however due to the current staffing shortage this area of work is not the top priority. Samples are taken as and when necessary.

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

103. The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated Regulations. This legislation includes the control of food poisoning and food and water borne diseases. Although the number of cases reported locally is comparatively low, it is widely acknowledged that most cases go unreported. Moreover, a single case may lead to the discovery of an outbreak and could lead to a further outbreak if the person concerned is a food handler.
104. The investigation of food poisoning cases is therefore given a high priority, and, in an outbreak, this can necessitate utilising qualified employees from the Pollution/Housing Team, in addition to those in the Food Team.
105. All investigations will follow those procedures laid out the UK Health Security Agency (UKHSA). Such investigations will be overseen by the Head of Environmental Health and liaison will take place with the UKHSA.
106. There are excellent links with the local Health Protection Unit and the public health laboratory, which come to the fore during outbreaks.

## **Liaison with Other Organisations**

107. To ensure that enforcement action taken is consistent with national guidance and neighbouring local authorities, liaison arrangements are in place with the following organisations:
  - The Food Standards Agency
  - Local Government Regulation
  - Chartered Institute of Environmental Health, Hampshire and Isle of Wight Branch Food Advisory Group (bimonthly meetings)
  - Wessex Environmental Microbiology Services User Group East (meetings every four months)
  - Southern Shellfish Liaison Group (annual meeting with interim newsletters as necessary)
  - Director of Public Health
  - UK Health Security Agency.
108. The Council fully supports the work of the Hampshire and Isle of Wight Food Liaison Committee. This body, which has representatives from all Hampshire and Isle of Wight Food Authorities, Hampshire Scientific Services and the Wessex Public Health Laboratory Service, has amongst its objectives, 'ensuring that any enforcement action taken is consistent with other neighbouring local authorities'.

## **Food Safety and Standards Promotion**

109. Education and promotion activities can have a direct impact on food safety standards. These activities take place on request or in response to specific issues. As well as during visits to food premises

## **Food Alerts**

110. Food alerts are notified by the Food Standards Agency. There is a duty officer system, and the duty officer decides upon the appropriate action in each case, which may include mailshots, visits, local press releases, etc. The resource implication is unknown, as it depends upon the nature and type of alerts, but existing resources usually perform this work as and when required.

## **Equality and Diversity**

111. The Equality Act 2010 replaced many separate anti-discrimination laws with a single Act. It also strengthened the law in important ways and extends protection against discrimination on the basis of race, disability, sex, gender re-assignment, marriage and civil partnership, sexual orientation, age, religion or belief, and pregnancy and maternity.
112. There is a general duty under the act and some specific duties which include the need for public bodies to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations. In addition, there is a duty to publish certain information to demonstrate compliance with the Act.
113. In respect of the Food team there is an Equality Impact Assessment in place which details the various measures employed by the team to meet the requirements of the Act and ensure the Service does not discriminate and is equally accessible to all.

## **RESOURCES**

### **Financial / Staffing Allocation**

114. The Food team consists of 2 full time Senior Environmental Health Officers, 2 part time Senior Environmental Health Officer (3 & 4 days), 1 full time Senior Environmental Health Technical Officers.
115. Officers only carry out work which is permitted by the qualification requirements of the code of practice.
116. There is a list of delegations to officers, annexed to the Council's Constitution and the Environmental Health Partnership agreement. This is constantly reviewed and updated as new regulations are made.

### **Staff Development Plan**

117. Training is looked at as and when required, it is recognised that the officers need to meet Continuing Professional Development (CPD) requirements, to maintain competency.
118. Training may be provided through attendance at externally organised courses and seminars, online or through in-house training activities.
119. All training received will be documented and records kept demonstrating competency.
120. Core regulator skills will be achieved using the "Competency Framework".

## **QUALITY ASSESSMENT**

121. The Food Safety Act Code of Practice on Food Hygiene Inspections requires Authorities to have internal monitoring systems.
122. The Service has a set of Food Safety Procedures aimed at meeting the requirements of the Food Safety Code of Practice and Official Guidance. These are regularly kept under review and used to ensure consistency and improvements in service delivery. The electronic system ensures consistency and performs management review.
123. The Service has in place procedures for achieving and monitoring the consistency and quality to ensure that the Service is provided in a way that is consistent with the Food Standards Agency Standard, Statutory Codes of Practice and nationally issued guidance.
124. In addition, the team operates a system of peer review and quality checks where officers carry out joint inspections to ensure a consistent interpretation of legislation, codes of practice and national guidance.

## **REVIEW**

### **Performance against Plan**

125. The performance of the Service is reported annually to the Food Standards Agency, via their reporting requirements.
126. The Food Standards Agency then reports this performance data to Government.
127. The Service met the Food Standards Agency recovery plan ,milestones and generally the resource provided meets the requirements of the Food Standards Agency.

# FAREHAM

## BOROUGH COUNCIL

### **Presentation to Health and Public Protection Scrutiny Panel**

**Date:** 08 October 2024

**Report of:** Director of Neighbourhoods

**Subject:** UPDATE OF COASTAL CAR PARKING CHARGING

#### **SUMMARY**

The Panel received a presentation on the implementation of the car parking charges at coastal car parks on the 27 March 2024. This item will provide a brief update including the feedback from the first full year of charging at Wicor car park.

#### **RECOMMENDATION**

It is recommended that Members consider the presentation and make any comments or raise any questions for clarification.



# FAREHAM

## BOROUGH COUNCIL

### **Presentation to Health and Public Protection Scrutiny Panel**

**Date:** 08 October 2024

**Report of:** Director of Neighbourhoods

**Subject:** BUILDING CONTROL PARTNERSHIP SERVICE REVIEW

#### **SUMMARY**

The Building Control profession is undergoing generational change in response to the Grenfell tragedy, the subsequent Public Enquiry, and the Hackett review recommendations. The Councils building control service is provided by the Building Control Partnership and this presentation will update members on an independent service review of the partnership undertaken by LABC to ensure the service is appropriately prepared for the future and to safeguard its continued success.

#### **RECOMMENDATION**

It is recommended that Members consider the presentation and make any comments or raise any questions for clarification.





# FAREHAM

## BOROUGH COUNCIL

### Health and Public Protection Scrutiny Panel

**Date**            08 October 2024

**Subject:**        EXECUTIVE BUSINESS

#### **SUMMARY**

One of the key functions of the Scrutiny Panels is to hold the Executive Portfolio Holder and Senior Officers to account in the delivery of the service and the Improvement Actions identified in the Council's Corporate Priorities and Corporate Vision.

Members are therefore invited to consider the items of business that fall under the remit of the Health and Public Protection portfolio and have been dealt with by the Executive since the last meeting of the Panel. This also includes any decisions taken by individual Executive Members.

The relevant notices for decisions taken are attached for consideration.

#### **RECOMMENDATION**

It is recommended that Members consider the items of Business discharged by the Executive since the last meeting of the Panel and make any comments or raise any questions for clarification.



# FAREHAM

## BOROUGH COUNCIL

2024/25  
Decision No.  
2568

### Record of Decision by Executive

Tuesday, 3 September 2024

<b>Portfolio</b>	Health and Public Protection
<b>Subject:</b>	<b>Anti-social Behaviour Policy - Adoption</b>
<b>Report of:</b>	Director of Neighbourhoods
<b>Corporate Priority:</b>	Strong, Safe and Healthy Communities

**Purpose:**

To seek approval from the Executive to adopt Fareham's Anti-Social Behaviour Policy, following public consultation.

The Anti-Social Behaviour Act 2003 requires Local Authorities to prepare an Anti-Social Behaviour Policy. The Anti-Social Behaviour, Crime and Policing Act 2014 sets out powers to deal with Anti-Social Behaviour.

There are also powers under the Housing Act 1985 and Housing Act 1996 to assist in combatting Anti-Social Behaviour.

In April 2024, the Housing Regulator introduced Housing Consumer Standards pursuant to the Social Housing (Regulation) Act 2023, which brings in a requirement for Registered Social Landlords to ensure that tenants can live in safe environments.

The proposed Anti-Social Behaviour Policy fulfils the requirements of the above legislation.

**Options Considered:**

A revised page 77 of the agenda pack was tabled at the meeting to show Foot Note 1 which was missing from the published Draft Anti-Social Behaviour Policy document.

As recommendation.

**Decision:**

RESOLVED that the Executive:

- (a) approves Fareham Borough Council's Anti-Social Behaviour Policy, as attached at Appendix A to the report; and
- (b) agrees that authority be delegated to the Director of Neighbourhoods, following consultation with the Executive Member for Health and Public Protection, to make any minor changes to the Policy that may be required.

**Reason:**

The report and appended Anti-Social Behaviour Policy set out how internal departments will work co-operatively and in partnership with external community safety agencies to tackle Anti-Social Behaviour and ensure residents of Fareham feel safe.

**Confirmed as a true record:**

Councillor SD Martin (Executive Leader)

Tuesday, 3 September 2024

# FAREHAM

## BOROUGH COUNCIL

2024/25  
Decision No.  
2547

### Record of Decision by Executive

Monday, 1 July 2024

<b>Portfolio</b>	Health and Public Protection
<b>Subject:</b>	<b>Anti-Social Behaviour Policy</b>
<b>Report of:</b>	Director of Neighbourhoods
<b>Corporate Priority:</b>	Strong, Safe and Healthy Communities

**Purpose:**

To approve the new draft Anti-Social Behaviour Policy which is subject to consultation.

The report introduces a new draft Anti-Social Behaviour Policy which will be subject to consultation. This policy will enable the Council to demonstrate it has written procedures and processes detailing how it will deal with complaints of anti-social behaviour and to provide an easily accessible document listing the incremental approach it will take to tackle anti-social behaviour and improve the situation.

Following a consultation period, the final Policy will be considered for adoption at a future meeting of the Executive.

**Options Considered:**

The comments of the Health and Public Protection Scrutiny Panel were taken into account in considering this item.

As recommendation.

**Decision:**

RESOLVED that the Executive agrees the proposed draft Policy for a period of consultation. Following the consultation period, the policy will be brought back to a future meeting of the Executive for adoption.

**Reason:**

To comply with the requirement of the Crime and Disorder Act and the new social Housing Regulation Act 2023 and to ensure that we work collaboratively, both within the Council and with our statutory and voluntary sector partners, to tackle anti-social behaviour.

**Confirmed as a true record:**

Councillor SD Martin (Executive Leader)

Monday, 1 July 2024

# FAREHAM

## BOROUGH COUNCIL

### **Report to Health and Public Protection Scrutiny Panel**

**Date:** 08 October 2024

**Subject:** Scrutiny Panel Priorities

#### **SUMMARY**

Members are asked to consider the Panel's Scrutiny Priorities. The main purpose of these priorities is set out in the Council's Corporate Strategy and Portfolio Responsibilities. In addition to this, the Panel is also responsible for scrutinising service performance.

Consideration may also be given to external organisations and items of Executive Business which may formulate a future topic for consideration.

#### **RECOMMENDATION**

It is recommended that Members consider the Health and Public Protection Scrutiny Panel Priorities and make suggestions on future topics for consideration by the Panel.

