



East Suffolk House, Riduna Park, Station Road,  
Melton, Woodbridge, Suffolk, IP12 1RT

# Scrutiny Committee

## Members:

Councillor Stuart Bird (Chairman)  
Councillor Mike Deacon (Vice-Chairman)  
Councillor David Beavan  
Councillor Judy Cloke  
Councillor Linda Coulam  
Councillor Andree Gee  
Councillor Louise Gooch  
Councillor Tracey Green  
Councillor Geoff Lynch  
Councillor Mark Newton  
Councillor Keith Robinson  
Councillor Caroline Topping

Members are invited to a **Meeting of the Scrutiny Committee**  
to be held in the Deben Conference Room, East Suffolk House, Riduna Park  
on **Thursday, 25 July 2019 at 6:30pm**

An Agenda is set out below.

## Part One – Open to the Public

## Pages

---

### 1 Apologies for Absence and Substitutions

### 2 Declarations of Interest

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

*The Monitoring Officer has recommended that the Minutes of the past and Shadow Authorities be received as good governance and for the avoidance of Minutes remaining unconfirmed.*

<b>3a</b>	<b>Unconfirmed Minutes of the Meeting of the Shadow Scrutiny Committee held on 4 February 2019</b> To confirm as a correct record.	<b>1 - 5</b>
<b>3b</b>	<b>Unconfirmed Minutes of the Suffolk Coastal District Council Scrutiny Committee held on 14 March 2019</b> To confirm as a correct record.	<b>6 - 8</b>
<b>3c</b>	<b>Unconfirmed Minutes of the Meeting of the Waveney District Council Overview and Scrutiny Committee held on 14 March 2019</b> To confirm as a correct record.	<b>9 - 14</b>
<b>4</b>	<b>Scrutiny Committee's Terms of Reference and Procedure Rules ES/0041</b> Report of the Chairman of the Scrutiny Committee	<b>15 - 26</b>
<b>5</b>	<b>East Suffolk Food and Health and Safety Service Plan 2019/20 ES/0078</b> Report of the Cabinet Member with responsibility for Community Health	<b>27 - 107</b>
<b>6</b>	<b>Appointments to Outside Bodies for 2019/20 (Scrutiny Functions) ES/0079</b> Report of the Leader of the Council	<b>108 - 112</b>
<b>7</b>	<b>Review of the Scrutiny Committee's forms and guides ES/0040</b> Report of the Chairman of the Scrutiny Committee	<b>113 - 144</b>
<b>8</b>	<b>Scrutiny Committee's Forward Work Programme</b> To consider the Committee's Forward Work Programme	
<b>9</b>	<b>Exempt/Confidential Items</b> It is recommended that under Section 100(a)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.	

## Part Two – Exempt/Confidential

**10      Unconfirmed Exempt Minutes of the Suffolk Coastal District  
Council Scrutiny Committee held on 14 March 2019**

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**Close**

A handwritten signature in dark ink, appearing to read 'Stephen Baker', with a long horizontal flourish extending to the right.

Stephen Baker, Chief Executive

### **Filming, Videoing, Photography and Audio Recording at Council Meetings**

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



### **The national Charter and Charter Plus Awards for Elected Member Development**

East Suffolk Council is committed to achieving excellence in elected member development

[www.local.gov.uk/Community-Leadership](http://www.local.gov.uk/Community-Leadership)

Minutes of a Meeting of the **Shadow Scrutiny Committee** held in the **Deben Conference Room,**  
**East Suffolk House, Melton**  
on **Monday 4 February 2019** at **6:30pm**

**Members present:** P Dunnett (Chairman), A Cackett (Vice Chairman), S Bird, S Burroughes, L Coulam, J Fisher, T Gandy, L Gooch, C Hedgley, G Lynch, S Mower, K Robinson, M Vigo di Gallidoro

**Other Members present:**

S Lawson

**Officers present:**

K Abbott (Democratic Services Business Manager), L Rogers (Finance Manager and Deputy S151 Officer), S Taylor (Chief Finance Officer)

---

**1. Apologies for Absence**

Apologies for absence were received from Councillor Deacon. Councillor Fisher acted as Substitute for Councillor Deacon.

**2. Declarations of Interest**

There were no Declarations of Interest.

**3. Minutes**

**RESOLVED**

That the Minutes of the Meeting held on 17 December 2018 be confirmed as a correct record

*Before moving to the remainder of the agenda, the Chairman wished to record his and the Shadow Committee's congratulations to Mr Taylor on his recent appointment as Chief Finance Officer.*

**4. Draft General Fund Budget & Council Tax Report 2019/20**

The Cabinet Member with responsibility for Resources (SCDC) introduced report **REP 30(SH)**. In summarising the detailed report before the Shadow Committee, the Cabinet Member stated that the Medium Term Financial Strategy (MTFS), which had been considered by the Shadow Scrutiny Committee on 15 November 2018 and Shadow Cabinet on 10 December 2018, provided a baseline forecast of income and expenditure, as well as a commentary on the overall financial climate. He added that the MTFS also provided a framework within which the Council's overall spending plans would be developed.

The Cabinet Member advised that the 2019/20 provisional Local Government Finance Settlement had been released on 13 December 2018 and, under the provisional settlement,

the Council was due to receive a Revenue Support Grant and a Rural Services Delivery Grant of £323,000 and £248,000, respectively. The Committee was informed that the Government had also announced the allocations for New Homes Bonus for 2019/20 and, for East Suffolk Council, this would be £2.408m. The updated MTFS within the report highlighted the difference between expenditure and sustainable resources.

The Chief Finance Officer provided a short presentation which included:

- The Final Local Government Finance Settlement 2019/20 had been received on 29 January 2019 and had confirmed the provisional figures released in December for the Revenue Support Grant, the Rural Services Delivery Grant, the New Homes Bonus and Council Tax referendum principles
- Revenue Support Grant (RSG) - £323,000 for 2019/20. SCDCs original negative RSG (£313,000) had been foregone. A budget assumption of no RSG from 2020/21 had been applied
- Rural Services Delivery Grant (RSDG) - £248,000 for 2019/20, an increase of £49,000. A budget assumption of funding for 2019/20 only had been applied.
- New Homes Bonus allocation 2019/20 – The provisional allocation of £541,311 plus an Affordable Homes Premium of £115,500 totalled £656,811 (an increase of £16,000 on the estimated figure). The baseline had remained at 0.4% and, from 2020 onwards, an incentivised housing growth model was anticipated.
- The presentation also provided details of New Homes Bonus legacy payments for the financial years 2019/20 to 2022/23 and of the New Homes Bonus Reserve for the same periods
- Up to 70% of the in-year New Homes Bonus was allocated to supporting the delivery of projects and initiatives in the community. These were detailed in section 4.41 of Appendix B of the report but included, for example, an Enabling Communities Budget of £7,500 per annum to each of the East Suffolk Councillors, £200,000 per annum to the Strategic Community Partnerships, and £200,000 to support free wi-fi projects in market towns. Up to 30% would be available to support the budget, if required, and any unused funds would be held in reserves.
- A 2.5% increase in Council Tax was proposed (£4.05 per household)
- The presentation provided the sources of the £21.79m in funding (Council Tax £14.43m; Business Rates £6.79m; Revenue support Grant £0.323m; Rural Services Delivery Grant £0.248m), the net budget requirement and the MTFS budget forecast
- The presentation provided an update on the budget gap (c £4m) and General Fund Reserves, including the funding of the Council's capital programme

The Chairman invited questions.

With reference to a question by a member of the Shadow Committee regarding the proposed Council Tax increase, the Chief Finance Officer referred to Appendix B2 to the report which provided the Council Tax base for 2019/20 for Band D equivalent properties compared to that of 2018/19; this information included any discounts, reliefs or premiums. In general, the Chief Finance Officer said the Council Tax base grew by approximately 1% per annum. The member also asked if an extension to an existing property resulted in an increase of Council Tax banding. The Chief Finance Officer replied that such a property would remain at its original banding until it was sold and that conditions might be applied to planning permission to clarify any potential change upon sale. The member asked how such an increase would be

implemented by the Council and the Chief Finance Officer undertook to provide this information outside of the meeting.

Another member of the Shadow Committee asked for some additional clarity on the impact on the Rural Services Delivery Grant once the 75% business rate retention system was introduced. He added that this was still being consulted upon and the criteria or worked examples were not yet available to be able to fully assess the impact.

A member of the Shadow Committee, with reference to Appendix B1 (page 36) of the report, sought additional information on the fiscal matters to be considered, namely *“the likely passporting of some Government departmental savings targets to Councils”*. The Chief Finance Officer advised this was, at the moment, identified as a potential risk and did not reflect a current or specific issue.

The Chairman referred the Shadow Committee to the proposed 2.5% increase in Council Tax which represented a reduction of 90p per household compared to budget assumptions of 3.1% increase and would result in a reduced funding source to the Council of £78,000. He sought the Committee’s views on the proposal.

A member of the Shadow Committee welcomed the saving to households. The member asked if the Council’s assets offered opportunities which might help to mitigate the reduced funding source. The Chief Finance Officer said a detailed review of existing assets had been undertaken and a new draft Asset Management Strategy was being developed. He added that the new Council’s Cabinet would be asked to consider the optimal asset base for the efficient delivery of the Council’s objectives.

Another member of the Shadow Committee asked what the County Council proposed for Council Tax; another member of the Committee, also a County Councillor, advised it had proposed the maximum allowable at 2.99% plus 1% over three years. The Chief Finance Officer said this would equate to just under £50 for the County and an increase for Suffolk Constabulary of £24.

Several members of the Shadow Committee welcomed the proposed 2.5% increase and indicated that they would not wish to see this further increased.

There being no further questions or matters for debate, the Chairman moved to the recommendations which were proposed, seconded and by majority vote

## **RESOLVED**

That, having reviewed the contents of report REP 30(SH), the Shadow Cabinet and the Shadow Council, on behalf of East Suffolk Council, be recommended to:

1. Approve the General Fund Revenue Budget as set out in this report and summarised in **Appendix B4**, and to note the budget forecast for 2020/21 and beyond;
2. Approve the Reserves and Balances movements as presented in **Appendix B5**;
3. Approve no changes be made to the Local Council Tax Reduction Scheme;

4. Adopt the existing Local Council Tax Reduction Scheme for East Suffolk;
5. Note the Council Tax Base of 86,755.14 for 2019/20; and
6. Approve a Band D Council Tax for 2019/20 of £166.32.

## 5. Capital Programme Strategy 2019/20 to 2022//23

The Cabinet Member with responsibility for Resources (SCDC) introduced the report, **REP 31(SH)**. The Cabinet Member stated that the Capital Strategy (**Appendix A**) was a new report for 2019/20, which gave a high-level overview of how capital expenditure, capital financing and treasury management activity contributed to the provision of local public services in East Suffolk, together with an overview of how associated risk was managed and the implications for future financial sustainability.

The Chief Finance Officer summarised the key aspects of the report. With regard to Treasury Management, the Committee was updated on borrowing and investment and the Chief Finance Officer assured members that it remained the policy of the current and future Councils to focus on in-District investment and maintaining borrowing levels within pre-set limits. The Committee was also asked to note Service investments, including joint commitments with the Norse Group, and the current development of a new Asset Management Strategy (as at February 2019) which would take a long-term view of the use of the Council's capital assets. It was suggested that, some six months after the Asset Management Strategy was implemented, a review of its policies for the purchase and construction of new assets, investment in existing assets, the transferring of assets to other organisations, and the disposal of surplus assets, be considered for review by the new Scrutiny Committee for East Suffolk. The Committee was also updated on the current financial liabilities, including the Pension Fund Deficit, and to note the Chief Finance Officer's statement, in accordance with the Prudence Code, that the Capital Programme Strategy was affordable, that risks had been identified and were being managed.

A member of the Committee asked about the investment in the Lake Lothing Third Crossing in Lowestoft. The Chief Finance Officer clarified that the Council's investment in the project would be the provision of the land rather than finance.

Another member of the Committee, with reference to the asset disposal of the former Suffolk Coastal District Council headquarters, asked about the risk of receiving less than the asking price. The Chief Finance Officer said that, at the present time, the site had been sold, subject to contract and planning permission. He added that as no capital receipts were anticipated the final funds realised by this asset disposal would not impact on the capital programme.

A member of the Committee referred, in particular, to two main General Fund capital projects scheduled for 2019/20, namely the East Point Pavilion development of a new restaurant/café and the Lowestoft beach hut replacement; she asked how 'fixed' these projects were or if there was a degree of flexibility. The Chief Finance Officer said these were within the Capital Programme for the new Council but would be subject to the approval of business cases; he added that the feasibility of the projects was still being assessed. The member asked about the estimated costs; the Chief Finance Officer said maximum estimates had been indicated within the Capital Programme.

Another member of the Committee asked about the potential use of the Housing Revenue Account to build new social housing for rent. The Chief Finance Officer said that, currently, the



majority of social housing was provided by housing associations; he added that, potentially, land could be decontaminated to enable residential construction through the use of grant funds.

There being no further questions or matters raised for debate, the Chairman moved to the recommendations which were proposed, seconded and by unanimous vote

**RESOLVED**

1. That, having reviewed and commented upon the Capital Strategy 2019/20 to 2022/23, the Shadow Scrutiny Committee recommended to Shadow Cabinet and Shadow Council that it be approved;
2. That the comments on the on-going development of the Asset Management Strategy (Section 3 of Appendix A) and the Commercial Investment Strategy (Section 6 of Appendix A) be noted

**6. Consideration of the East Suffolk Shadow Cabinet's Forward Plan**

In accordance with Rule 13.1(d) of the Shadow Scrutiny Committee's Rules of Procedure, the Shadow Cabinet's Forward Plan of key and exempt decisions scheduled between December 2018 and March 2019 was received.

Minutes of a Meeting of the **Scrutiny Committee** held in the **Deben Conference Room, East Suffolk House, Riduna Park, Melton** on **Thursday 14 March 2019** at **6.30pm**

**Members of the Committee present:**

P Dunnett (Chairman), M Deacon (Vice Chairman), S Bird, C Block, S Burroughes, P Coleman, S Geater, G Harding, C Hedgley, G Lynch, S Mower

**Other Councillors present:**

T Cooper, S Lawson

**Officers present:**

K Abbott (Democratic Services Business Manager), C Hartgrove (Finance Services Contractor), S Taylor (Chief Finance Officer and Section 151 Officer)

---

**1. Apologies for Absence and Substitutions**

No apologies for absence were received.

**2. Declarations of Interest**

With regard to item 7, Verbal Update on the Provision of Affordable Broadband, Councillor Block and Councillor Dunnett both declared Local Non-Pecuniary Interests as members of the Suffolk Superfast Broadband CIC.

**3. Minutes**

**RESOLVED**

That the Minutes of the Meeting held on 27 November 2018 be confirmed

**4. Exempt/Confidential item**

**RESOLVED**

That, under Section 100(a) 4 of the Local Government Act 1972 (as amended), the public be excluded from the meeting during consideration of Appendix A of report SCR 01/19 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act

**5. Review of the Commercial Investment Strategy**

The Cabinet Member with responsibility for Resources introduced the report, **SCR 01/19**, which, he said, had been provided in response to the formal request by the Scrutiny Committee at its meeting in May 2018. The report provided an explanation of how the

Commercial Investment Strategy fitted within the Councils' wider Capital Strategy and alongside the Councils' Treasury Management Strategy.

Item 5 is recorded as a separate and exempt minute.

**RESOLVED**

That, having considered the report, the Scrutiny Committee had commented upon the detail contained therein

*The Chairman re-opened the Meeting.*

**6. Annual Report of the Scrutiny Committee for 2017/18**

The Committee received the Annual Report of the Scrutiny Committee for 2017/18. The Chairman introduced the report, **SCR 02/19**, which provided a formal summary of the activities and achievements of the Scrutiny Committee during the 2017/18 Municipal Year.

**RESOLVED**

That, having received and commented upon the 2017/18 Annual Report by the Chairman of the Committee, the Committee agreed that the report be accepted

**7. Verbal update on the Provision of Affordable Broadband**

On behalf of the Member Working Group, Councillor Block provided a brief verbal update to the Committee.

The Committee was also informed by a member of the Committee, also a County Councillor, of comments at the County Council's Scrutiny Committee, and to that Council's Leader's statement regarding "accelerated delivery of fibre to premises in Suffolk" and that "a definitive map of (households) in the 2% will soon be available". The member was asked to request evidence of the achievement of both aspects.

The verbal update was noted.

The Chairman stated that as this was the last meeting of the Suffolk Coastal District Council's Scrutiny Committee he wished to record his personal thanks to the members of the Committee, past and present, for their hard work and for electing him as the Chairman. He said he had been greatly honoured to serve as the Committee's Chairman. He thanked the Committee for its support and hard work, and, in particular, wished to thank Councillor Deacon, as Vice Chairman, for his continued and valued support. The Chairman also thanked the Committee's Clerk, Mrs Abbott, for her excellent contribution in support of the work of the Committee.

The Vice Chairman said he would like to take the opportunity to thank the Chairman for his excellent stewardship of the Committee.

The Committee also wished to acknowledge Councillor Cooper, although not a member of the Committee, who had attended its meetings regularly and thanked him for his continued support and interest in the scrutiny process.

The meeting concluded at 7.45pm

Minutes of the Overview & Scrutiny Committee  
held at Riverside, Lowestoft on **Thursday, 14 March 2019 at 6.00pm**

Overview & Scrutiny Committee Members Present:

Councillors A Cackett (Chairman), J Ceresa, M Cherry, L Coulam, J Ford, L Gooch, P Light, J Murray and K Robinson.

Other Members Present:

Councillor Y Cherry (observer)

Cabinet Members Present:

Councillor M Ladd - Cabinet Member for Tourism and Economic Development.

Officers Present:

J Berry (Economic Development Manager) and S Davis (Democratic Services Officer).

---

## **1 APOLOGIES FOR ABSENCE / SUBSTITUTES**

Apologies for absence were received from Councillors D Beavan, T Gandy, K Springall, C Topping, M Vigo Di Gallidoro and N Webb.

Councillors M Cherry and P Light attended the meeting as Substitutes for Councillors T Gandy and C Topping respectively.

## **2 DECLARATIONS OF INTEREST**

Councillor Ceresa declared a Local Non Pecuniary Interest in item 5 on the grounds that she was the Deputy Cabinet Member for Tourism and Economic Development. During the course of the discussions on the same item, Councillor Ceresa also declared a Local Non Pecuniary Interest as the County Councillor for Lowestoft South and also because she was a relative of someone who owned tourist accommodation and took part in tourism promotion events such as the Leaflet Exchange.

## **3 MINUTES**

A Councillor referred to first paragraph at the top of page 12 of the minutes and stated that she believed that it referred to something she had said, however, she wished to clarify that she had meant she had been surprised people did not understand that arrangements for depreciation were in place given the situation had been going on for a decade or so. She added that the presence of so many members of the public from Southwold at the meeting indicated a lack of faith and trust in the Council.

### **RESOLVED**

That the Minutes of the Meeting held on 7 February 2019 be approved as a correct record and signed by the Chairman.

#### **4 ANNOUNCEMENTS FROM THE CHAIRMAN, RESPONSES OF THE CABINET TO ANY REPORT OF THE COMMITTEE OR REPORTS OF ANY DISCUSSIONS WITH THE CABINET**

The Chairman reported that, whilst she had no announcements to make on this occasion, as it was the last ever Waveney District Council Overview and Scrutiny Committee she wanted to state that it had been very nice to work with Members past and present over the years.

#### **5 POST IMPLEMENTATION UPDATE ON VISITOR INFORMATION POINTS**

The Cabinet Member for Tourism and Economic Development presented the report which detailed the background and existing provision of Visitor Information Points (VIPs) following the decision to close Tourist Information Centres in January 2016. He reminded the Committee that they had looked at the impact of that decision last year and had then requested a further update this year.

It was noted that there were currently 20 VIPs signed up for the 2019 season and they provided local and specific knowledge of their immediate area as well as information regarding the wider District. The Committee was reminded that the District Council had previously been paying considerable amounts of money for TIC buildings and staff but instead there was now more money to put into towns eg Southwold TIC was in the town but most people went to the Pier so now there were 5 VIPs spread around the town which generated greater footfall. The Cabinet Member stated that this was not just about cost but also about getting a better and more informed service. He also pointed out that the service had Officer support.

Reference was made to the Lowestoft Wayfinder Scheme which included new boards erected from Sparrows Nest to South Beach to help people find their way around town more easily. The Cabinet Member pointed out that this was a new digital age with most people using their mobile phones and apps to access information which had resulted in most visitors to TICs generally only wanting to pick up a rail or bus timetable. He added that he had agreed to a full review after the first year and again after each season to ensure that the VIPs were still fit for purpose.

The Cabinet Member also reported that he was the Chairman of the Suffolk Coast DMO which was one of the most successful DMOs in the country and continued to be the main source of information for visitors. He added that Waveney still made a financial contribution towards the DMO. In addition, an East Suffolk Tourism Group had been set up, which he was a member of, with the aim of highlighting tourism given it was an economic driver and generated growth. He concluded that the Local Authority could not “do nothing” but had to work with partners to support them.

The Economic Development Manager reported that one of his staff had taken ownership of the service and met with VIP organisers three times per year, before, during and after the season. They also undertook a survey in the Autumn and £5K was available to support the VIPs in addition to fixtures and fittings to enable displays of literature. Resources were also made available to have a leaflet exchange to enable VIPs to promote local attractions. The Committee was informed that, as part of the survey, businesses were asked how having the VIP in their premises had affected them and the majority had answered that it increased their footfall even if people did not always make purchases and they generally wanted to continue as VIPs. The point was made that Waveney had previously had two TICs but now had 20 mini TICs and good feedback had been received about them. The Volume and Value

Survey showed an uptake in tourism and, although it was not possible to say this was completely down to the VIPs, there had been a definite increase. The Economic Development Officer referred to the fact that regular leaflet exchange events were organised and one was being held on 19 March at 4pm at Africa Alive if any Member wished to attend.

Clarification was sought on the number of VIPs given the report stated that 2 had closed. The Economic Development Manager explained that there had previously been 22 but two businesses had completely closed which left 20 operating as VIPs. He added that most of the VIPs had been participating in the project from the start and the model had already been adopted by Mid Suffolk DC and Diss, with The Waveney Valley area considering it as an option going forwards.

The Cabinet Member stated that the Council was keen to promote The Waveney Valley as separate to the town area as tourism was a growth area and rural places needed prioritising as much as the coast.

Clarification was sought on whether the VIPs were able to provide the same level of service as the previous TICs such as information on specialist accommodation. It was noted that in some cases the VIP providers had a greater local knowledge and they also had factsheets which included information about car hire places etc. The point was made that the VIPs supported the wider economy but kept everything at a local level. Whilst this was acknowledged, it was stressed that the VIPs were only a cost effective solution if customers were getting the same level of service

A query was raised as to whether the Wayfinder signage was a Waveney or Lowestoft Town Council project. The Cabinet Member reported that it was a Waveney project as part of the Lowestoft Vision Project and the boards had been created to direct people from one area to another within walking distances. Whilst the aim of the boards was welcomed, the point was made that some were not as readable as others eg the one at the top of the High Street and a query was raised as to whether a specialist in dyslexia for example had been consulted about the colours and the font size used. The Cabinet Member stated that, whilst he did not know if a specialist had been consulted, he pointed out that there had been a huge amount of consultation about the boards at the time. He added that he was happy to look into this further if felt necessary as the only comment he had received to date was that some people did not like the pink colour. The point was made that, colour was a matter for personal taste but the wording had to be readable.

Reference was made to the fact that the report stated that VIPs had reasonable disabled access wherever possible and clarification was sought as to what this meant and how many were compliant. It was reported that, at the time all the premises were visited, they had some levels of access especially those in public buildings, however, for those VIPs in smaller private premises it was possible that they were not fully compliant for every disability.

Clarification was sought as to the distance the Information Leaflets covered and if, when Waveney joined with Suffolk Coastal, they would cover the whole East Suffolk area. The Economic Development Officer reported that the leaflets on offer were the choice of each VIP and that was partly what the Information Exchange events were for as it enabled them to choose how local they wished to be. He added that it would be up to the East Suffolk Cabinet to decide on service provision in the future. The Cabinet Member reiterated that Officer support was still available and that the Council currently provided the leaflet racks. He added that rebranding had also been provided when the VIPs were introduced eg an A-

Board so that visitors knew where the VIP was but because of the boards' size it was a bit limiting as to what could be included on it.

A query was raised as to whether Lowestoft Town Council had been involved and the Cabinet Member stated that the Town Council had not existed when the VIPs had been introduced. The Economic Development Manager pointed out that all the rural areas were involved too not just Lowestoft. The Cabinet Member commented that tourism was very important to the wider community and it was important, therefore, that the Council helped businesses to help themselves working together in partnership.

The Chairman queried whether Officers were getting any general input from other local tourism groups and she reported that there was a workshop on 22 March at 1.30 for the Blyth Valley which she would ask if the Economic Development Officer could be invited to. The Officer reported that the Economic Development Team supported various groups which fed into the Waveney Business Forums. The Chairman also referred to bus services and she suggested that VIPs should be encouraged to carry them because timetables were now only available in libraries. The point was made that Suffolk County Council had PDF versions on their website which VIPs could print out or Officers could make them available upon request.

Reference was made to the signage around Asda roundabout and it was suggested that it should be made clearer on how to get to the seafront. The Cabinet Member pointed out that this was Suffolk County Council's responsibility but it would be possible to ask them to provide better signage from the tourism angle. The Ward Member indicated that she had been working with the County Councillor to get better signage in the area but problems were being experienced in relation to Highways. It was reported that similar issues were being experienced in relation to signage for the new Crematorium at Ellough. The Chairman reported that the Halesworth Tourism Group had paid for signs themselves because the County Council would not provide funding.

**NB Councillor Ceresa declared a Local Non Pecuniary Interest at this point as the County Councillor for Lowestoft South and also because she was related to someone who owned tourist accommodation and took part in tourism promotion events such as the Leaflet Exchange.**

The point was made that Great Yarmouth had a cruise liner docking at their port and it was queried if this was ever likely to happen at Lowestoft. Members were reminded that the main issue for Lowestoft was the depth of the harbour, however, two cruise ships had docked at Southwold.

Moving forwards, the Economic Development Officer reported that a Visitor Survey would be undertaken to assess the Service at the end of the season and Officers would visit each VIP which helped build relationships. The Cabinet Member referred to each area being considered separately as to what was needed for example a VIP for Sizewell would be suitable, however, for Southwold which had far more visitors it might be more suitable to have something that was purpose built with additional facilities such as toilets.

In relation to signage to attractions, reference was made to the third crossing in Lowestoft and the Cabinet Member explained that a County Group was currently looking at signage so it would be appropriate to submit any comments to them.



It was proposed, seconded and

**RESOLVED**

That the report be noted and the proposal to continue the Waveney VIP service for the 2019 season be supported, subject to it being reviewed in order to ensure that there was a wider East Suffolk service going forwards.

**6 OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2018/19**

The Chairman asked Members to consider the draft Annual Report which had been drawn up earlier than normal because this was the last ever Waveney District Council Overview and Scrutiny Committee meeting. She added that she had really enjoyed being the Chairman of the Committee and felt honoured to present the last ever Annual Report before Waveney merged with Suffolk Coastal to form East Suffolk District Council on 1 April 2019.

The Chairman stated that she wanted to take this opportunity to acknowledge and thank everyone who had participated in the Scrutiny process during the year including Officers, Members, the community and partners. She encouraged anyone who became an East Suffolk Scrutiny Committee Member to take part in courses to ensure that the Committee was effective and referred to the fact that the Committee would also have its own budget as Waveney had.

Reference was made to a Scoping Form that had been submitted in relation to homeless people following the Beast from the East and the Chairman stated that she could not comment on any submitted before she was Chairman but the process was that they were sent to the Chairman and Vice-Chairman but the whole Committee would decide whether to accept them on to the Work Programme. She added that Officers were looking at processes to ensure that if anything was going on in a Ward that Councillors would be made aware of it.

The Committee was reminded that as today's meeting had reviewed the VIPs this had obviously not been included in the Annual Report and, therefore, it was suggested that the Report be updated and delegated authority be given to the Chairman to approve it before it was published.

**NB Councillor Rivett arrived at 7.05pm but took no part in the discussions or voting thereon.**

Reference was made to the review of Anglian Water held on 14 June 2018 and clarification was sought on whether the resolutions made by the Committee had been followed up. The Chairman stated that she knew the Youth Council had received a presentation from Anglian Water on what they could and couldn't do. She added that, if Members wanted, they could make a recommendation to the new East Suffolk Scrutiny Committee that they invite Anglian Water to give an update presentation.

In relation to garden waste, Members were reminded that information had been presented to Full Council on this and regular updates were received from Norse as well as Sentinel Leisure Trust.

Reference was made to Members receiving a follow up on any motions to Council or Committee resolutions and it was suggested that one way this could be dealt with would be by having an update section at the end of agendas.

A suggestion was made that the East Suffolk Scrutiny Committee be asked to consider reviewing Enabling Grants to see where the money was being spread geographically and to determine if it was adding value to communities.

It was moved and seconded and upon being put to the vote it was

**RESOLVED**

1 That the draft report be approved and published, subject to the Chairman being given delegated power to approve an additional section covering the items considered at this meeting to enable the document to reflect the Committee's deliberations for the entire Municipal Year.

2 That the East Suffolk Scrutiny Committee be asked to consider reviewing Enabling Grants.

A vote of thanks was expressed for the Chairman, particularly in relation to the smooth running of the Committee whilst under her chairmanship.

The meeting concluded at 7.15pm.

Chairman



## SCRUTINY COMMITTEE

Thursday 25 July 2019

### SCRUTINY COMMITTEE'S TERMS OF REFERENCE AND PROCEDURE RULES

#### EXECUTIVE SUMMARY

1. The Scrutiny Committee is appointed to discharge the functions conferred on the Council by Section 21 of the Local Government Act 2000 and other relevant regulations; these include being the Council's designated Crime and Disorder Committee for the purposes of the Police and Justice Act 2006.
2. The East Suffolk Shadow Authority, at its meeting on 17 January 2019, adopted the East Suffolk Constitution. Part 2, section C of the Constitution sets out the Scrutiny Committee's Terms of Reference and Part 3 of the Constitution sets out its Procedure Rules.
3. The Scrutiny Committee is recommended to receive, note and adopt its Terms of Reference and Procedure Rules.

Is the report Open or Exempt?	Open
-------------------------------	------

<b>Wards Affected:</b>	All
------------------------	-----

<b>Cabinet Member:</b>	Councillor Stuart Bird, Chairman of the Scrutiny Committee
------------------------	--

<b>Supporting Officer:</b>	Hilary Slater Head of Legal and Democratic Services/ Monitoring Officer <a href="mailto:Hilary.slater@eastsuffolk.gov.uk">Hilary.slater@eastsuffolk.gov.uk</a>
----------------------------	--

## **1 INTRODUCTION**

- 1.1 Effective scrutiny helps to secure the efficient delivery of public services and helps to drive improvements. It is, therefore, vital that the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits that can result are understood.
- 1.2 The Scrutiny Committee has statutory powers (Section 9F of the Local Government Act 2000 and paragraph 1 of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009) to scrutinise decisions of the Executive and to be part of the Authority's drive for improvements.
- 1.3 The Centre for Public Scrutiny, established in 2003, further promotes the value of scrutiny in modern and effective government. The Centre has set out the four principles of good public scrutiny as:
  - *To provide a critical friend "challenge" to executive policy makers and decision-makers*
  - *To enable the voice and concerns of the public*
  - *To be carried out by "independent minded governors" who lead and own the scrutiny role; and*
  - *To drive improvement in public service*
- 1.4 In addition to receiving and noting the Committee's Terms of Reference and Procedure Notes, the Committee's members will also receive bespoke training to assist them in their role.

## **2 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 2.1 Scrutiny work can add real value by, for example, helping policy making and the effective delivery of public services. The importance and legitimacy of the scrutiny function is afforded by law and it should deliver work that is of genuine value and relevance to the wider strategic objectives of the Council.

## **3 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 3.1 There are no additional implications in relation to the Terms of Reference or to the Scrutiny Procedure Rules.
- 3.2 It is equally vital for there to be understanding of what the Scrutiny Committee's role does not include, for example, it does not deal with quasi-judicial or regulatory matters such as planning or licensing, except if there were a significant system issue. The Scrutiny Committee does not deal with issues that are, or should be, resolved by the separate corporate complaints procedure or through internal systems within the Council. The Committee does not deal with vexatious or discriminatory issues or matters that are not of wider community significance. The Scrutiny Committee does not become involved where there would be duplication of existing work, or if its review would be untimely or would not lead to effective

outcomes.

#### **4 OTHER KEY ISSUES**

- 4.1 An Equality Impact Assessment is not required as this report does not relate to services or major changes in policy etc.

#### **5 CONSULTATION**

- 5.1 There has been no specific consultation relating to the Terms of Reference or to the Scrutiny Procedure Rules.

#### **6 OTHER OPTIONS CONSIDERED**

- 6.1 Not applicable

#### **7 REASON FOR RECOMMENDATION**

- 7.1 To ensure the Scrutiny Committee remains able to focus on its statutory roles and functions.

#### **RECOMMENDATION**

1. That the Scrutiny Committee receives, notes and adopts its Terms of Reference and Procedure Rules, as set out in the Council's Constitution

#### **APPENDICES**

<b>Appendix A</b>	Scrutiny Committee's Terms of Reference
<b>Appendix B</b>	Scrutiny Committee's Procedure Rules

#### **BACKGROUND PAPERS – NONE**

## 1. SCRUTINY COMMITTEE - Terms of Reference

### Form and Composition

- 1.1 The Council will appoint 13 Councillors to a Scrutiny Committee to discharge the functions conferred on the Council by Section 21 of the [Local Government Act 2000](#), and any relevant regulations. No Member of the Scrutiny Committee may be a Member of the Cabinet. Proceedings of the Scrutiny Committee shall take place in accordance with the Scrutiny Procedure Rules.
- 1.2 The Scrutiny Committee exercises overall responsibility for the finances made available to it.

### General Role of the Scrutiny Committee

- 1.3 Within its terms of reference, the Scrutiny Committee may:
  - a) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
  - b) Make reports or recommendations to the Council or the Cabinet or any policy, joint or area committee in connection with the discharge of any functions.
  - c) Consider any matter affecting the Council area.
  - d) Consider petitions which have attracted over 600 and up to 1199 signatures and make recommendations to the Council or Cabinet.
  - e) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or Cabinet Members exercising delegated powers.
  - f) Create any Task & Finish or Research Groups as required in connection with any functions that are the responsibility of the Scrutiny Committee.
  - g) Consider matters referred under s21A of the [Local Government Act 2000](#) (Councillor Call for Action).
  - h) Be the Council's designated Crime & Disorder Committee for the purposes of the [Police & Justice Act 2006](#).

### Specific Functions of the Scrutiny Committee

- 1.4 Overview
  - a) Assist the Council and the Cabinet in the development of its Budget and Policy Framework where appropriate by in-depth analysis of policy issues.
  - b) Conduct community research and other consultation in the analysis of policy issues and possible options.
  - c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
  - d) Question Members of the Cabinet or Committees or Chief Officers about their views on issues and proposals affecting the district.
  - e) Liaise with external organisations, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 1.5 Scrutiny
  - a) Review and scrutinise the decisions made by Cabinet and Cabinet Members exercising delegated powers, and the performance of Council Officers in relation to the impact of individual decisions on the performance of a Council service.
  - b) Review and scrutinise the performance of the Council and the Cabinet in relation to its policy objectives, performance targets or particular service areas.

- c) Question Members of the Cabinet or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- d) Make recommendations to the Cabinet or appropriate Committee or Council arising from the outcome of the scrutiny process.
- e) Review and scrutinise the performance of other public bodies in the Council's area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance.
- f) Question and gather evidence from any person (with their consent).

## Scrutiny Procedure Rules

### 1. ARRANGEMENTS FOR THE SCRUTINY COMMITTEE

- 1.1. The Council will have a Scrutiny Committee, consisting of thirteen Members. Section 15 of the [Local Government and Housing Act 1989](#) (duty to allocate seats to political groups) applies to the Scrutiny Committee and therefore, its membership shall be politically balanced.
- 1.2. The Scrutiny Committee may be supported in its work by task and finish groups ("Task and Finish Groups") to examine issues relevant to the work of the Committee and to report back to the Committee on its findings.
- 1.3. The Scrutiny Committee and Task & Finish Groups may invite other people to attend and, as appropriate, address the meeting. Such invitees will not have voting rights.

### 2. WHO MAY SIT ON THE SCRUTINY COMMITTEE?

- 2.1 All Councillors, except Members of the Cabinet may be a Member of the Scrutiny Committee. However, no Member may be involved in scrutinising a decision which they have been directly involved in.

### 3. MEETINGS OF THE SCRUTINY COMMITTEE

- 3.1 There shall be at least 6 meetings of the Scrutiny Committee in each municipal year. In addition, extraordinary meetings may be called by the Chairman of the Scrutiny Committee or by the Proper Officer if they consider it necessary or appropriate.

### 4. QUORUM

- 4.1 The quorum for the Scrutiny Committee shall be five and business shall not be transacted at a meeting unless there is a quorum present.

### 5. WHO CHAIRS THE SCRUTINY COMMITTEE MEETINGS?

- 5.1 The Chairman and the Vice-Chairman of the Scrutiny Committee shall be elected by the voting Members of the Committee at its first meeting after the Annual meeting of the Council.

### 6. WORK PROGRAMME

- 6.1 The Scrutiny Committee will, subject to any requests from the Council or Cabinet or as a result of a 'call-in', be responsible for setting its own work programme and in doing so it shall take account of the wishes of those Members of the Committee who are not Members of the political group or groups forming the administration of the Council.
- 6.2 If the Council or the Cabinet require the Scrutiny Committee to undertake a piece of work then the Committee shall accommodate that request and incorporate it into the Work Programme with the same level of priority that Council or Cabinet gave it.
- 6.3 In addition, the Scrutiny Committee will report annually to Council on its workings and make recommendations for future work programmes in that report.

### 7. MATTERS REFERRED BY COUNCILLORS TO THE SCRUTINY COMMITTEE

- 7.1 Any Member of the Scrutiny Committee may refer to the Committee any matter which is relevant to the functions of the Committee by giving notice to the Proper Officer of the Council.
- 7.2 Any three Members of the Council who are not Members of the Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of a relevant Scrutiny meeting.
- 7.3 Any Member of the Council may refer to the Scrutiny Committee any local government matter (as defined in 7.9) which is relevant to the functions of the



- Committee by completing a Councillor Call for Action (CCfA) Request Form and submitting it to the Chairman of the Scrutiny Committee.
- 7.4 Any Member of the authority who is not a Member of the Scrutiny Committee (being the designated Crime and Disorder Committee) may refer to the Committee any local crime and disorder matter (as defined in 7.10) by giving notice in writing to the Chairman of the Scrutiny Committee.
- 7.5 On receipt of a notice under 7.1, 7.2 7.3 or 7.4 the matter will be included on the agenda for and discussed at the next available meeting of the Committee. Notices under 7.3 or 7.4 must be served no later than 28 days before the meeting at which the matter is to be discussed.
- 7.6 In considering whether to exercise the powers under 7.3 or 7.4 the Member must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.
- 7.7 In considering whether or not to exercise any of its powers in relation to the matter referred under 7.3 or 7.4 the Committee may have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers. If the Committee decides not to exercise any of those powers in relation to the matter, it must notify the Member of the decision and the reasons for it.
- 7.8 Where the Scrutiny Committee exercises its power to make a report or recommendation to the Council or the Cabinet on any matter referred to it by a Member under 7.3 or 7.4, the Committee must provide the Member with a copy of the report or recommendation (subject to paragraph 8B below).
- 7.9 Under 7.3 a 'local government matter' in relation to a Member means a matter which relates to the discharge of any function of the Council and affects all or part of the ward for which the Member is elected or any person who lives or works in the ward, but excludes any matter:
- (a) Which is a local crime and disorder matter as defined in 7.10
  - (b) Relating to a planning decision
  - (c) Relating to a licensing decision under the Licensing Act 2003
  - (d) Relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman)
  - (e) Which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the Scrutiny Committee meeting
  - (f) Specified in an order made by the Secretary of State.
- 7.10 Under 7.4 a 'local crime and disorder matter', in relation to a Member, means a matter concerning:
- (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
  - (b) The misuse of drugs, alcohol and other substances, which affects all or part of the ward for which the Member is elected or any person who lives or works in that ward.
- 7.10 The determination of whether a matter is a 'local government matter' or a 'local crime and disorder matter' under 7.9 and 7.10 above shall be made by the Chairman of the relevant Scrutiny Committee in consultation with the Monitoring Officer.

## **8 REPORTS AND RECOMMENDATIONS OF THE SCRUTINY COMMITTEE**

- 8.1 Where the Scrutiny Committee makes a report or recommendation to the Council or the Cabinet, except in relation to a crime and disorder matter, they may publish the report or recommendations, and must by notice in writing require the Council or Cabinet:
- (a) To consider the report or recommendation.
  - (b) To respond to the Committee indicating what (if any) action the Council or Cabinet proposes to take.
  - (c) If the Committee has published the report or recommendation to publish the response.
  - (d) If the Committee provided a copy of the report or recommendation to a Member under 7.8, to provide the Member with the response.
  - (e) To do all of the above within two months of receiving the report or recommendations or (if later) the notice.
- 8.2 It is the duty of the Council or Cabinet to which a notice is given under Rule 8.1 to comply with the requirements specified in the notice.

### **8A REPORTS AND RECOMMENDATIONS – OTHER PUBLIC BODIES**

- 8A.1 The Scrutiny Committee may review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance. This rule applies where the Scrutiny Committee has carried out such a review and makes a report or recommendations to the public body.
- 8A.2 A public body is defined in the ‘Classification of Public Bodies Guidance’ issued by the Cabinet Office on 27 April 2016.
- 8A.3 The Scrutiny Committee may by notice in writing to the relevant public body (accompanied by the report/recommendations) request that the public body has regard to the report or recommendations in the exercising of their functions.

### **8B PUBLICATION OF REPORTS, RECOMMENDATIONS AND RESPONSE**

- 8B.1 Where a report or recommendation of a Scrutiny Committee or response of the Council or the Cabinet is published pursuant to section 8A above, and is provided to a Member of the Council or public body under 7.8 or 8A.3, any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8B.2 ‘Confidential information’ means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by a Court Order. The public **must** be excluded from meetings for items where confidential information would be disclosed.

### **8C. RECOMMENDATIONS TO CABINET**

- 8C1 The role and functions of the Scrutiny Committee are as set out in Part 2 of the Constitution.
- 8C2 In performing its role the Scrutiny Committee may hold enquiries and investigate the available options and may appoint advisers and assessors to assist them in this process. Members of the Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses

to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

- 8C3 Once it has formed recommendations the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet. If the proposals are consistent with the existing budgetary and/or Policy Framework, the Cabinet may make a decision on any recommendations. If any recommendation would require a departure from or a change to the existing Budget and Policy Framework then that recommendation must be referred by the Cabinet to the Council with or without a further recommendation from the Cabinet.
- 8C4 If the Scrutiny Committee cannot agree on one single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- 8C5 The agenda for each Cabinet meeting shall involve an item entitled "Issues arising from the Scrutiny Committee". Any reports of the Scrutiny Committee referred to the Cabinet shall be included and debated at this point in the agenda (unless they have been or are to be considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 8C6 Any report of the Scrutiny Committee so referred to Cabinet shall be considered (and if possible, a decision made thereon) within 2 months of the Scrutiny Committee completing that report and making any relevant recommendations applicable to that report.
- 8C7 The Chairman of the Scrutiny Committee (or their nominated representative) will be entitled to attend any meeting of the Cabinet and speak (but not vote) on any report from the Committee that is being considered by the Cabinet. (If a minority report is being considered by the Cabinet then one Member who was a party to that minority report shall be similarly entitled to attend and speak (but not vote) at the meeting of the Cabinet which considers that minority report).
- 8C8 If following careful and proper consideration by the Cabinet of any report (or reports) from the Scrutiny Committee:
  - (a) The Cabinet is unable to agree in whole or in part with any recommendations in the report (or majority report if there be also a minority report) and proposes a decision at variance in whole or in part with any recommendations.
  - Or
  - (b) The Cabinet in agreeing with any recommendations in the report (or majority report) is thereby supporting proposals that would require in whole or in part a departure from or change to the Council's existing Budgetary and/or Policy Framework.

The recommendations in the report (or majority report) of the Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration. The Proper Officer shall ensure that the item is placed in the agenda for the next Council meeting. After due consideration of the Council the decision of the Council shall be final.

## 9. ATTENDANCE BY MEMBERS, OFFICERS AND OTHERS

- 9.1 The Scrutiny Committee may also require any Member of the Cabinet, the Head of Paid Service and/or any senior Officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy;

and it is the duty of those persons to attend if so required.
- 9.2 Where any Member or Officer is required to attend under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting at which they is required to attend. The notice will state the nature of the item on which they is required to attend and whether any papers are required to be produced for the Committee.
- 9.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place, within a maximum of fourteen days from the date of the original request.
- 9.4 In this situation the meetings are to be conducted in accordance with the following principles:
  - (i) the investigation shall be conducted fairly and all Members of the Committee shall be given the opportunity to ask questions of attendees, and to contribute and speak
  - (ii) those assisting the Committee by giving evidence shall be treated with respect and courtesy
  - (iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis
  - (ii) any Chief Officer, shall be entitled to accompany a member(s) of their staff to a meeting where they are giving evidence.
- 9.5 The Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

## **10. RIGHTS OF & SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- 10.1 In addition to their rights as Councillors, Members of the Scrutiny Committee have the additional rights to documents, and to notice of meetings as set out in the [Access to Information Procedure Rules](#) in this Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **11. CALL-IN**

- 11.1 When a decision is made by the Cabinet, a committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or a Key Decision is made by an Officer, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made (this being 'the date of publication' for the purposes of paragraphs 11.3 and 11.4 below).

- 11.2 All Members of the Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 11.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the date of publication of the decision, unless it is 'called in' by the Scrutiny Committee.
- 11.4 Within five working days of the date of publication of a decision any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may 'call-in' the matter for review of the decision by the Scrutiny Committee.
- 11.5 On receipt of a 'call-in' request, the Chairman of the Scrutiny Committee will determine the most appropriate arrangements for consideration of the matter. The relevant Cabinet Member(s), all the signatories to the 'call-in', the relevant Strategic Director(s), Head(s) of Service and report author of the 'call-in' will immediately be notified of the 'call-in' arrangements. All action to implement the decision which is the subject of the 'call-in' shall be suspended.
- 11.8 Following the meeting of the Scrutiny Committee to consider the call-in, all Members of the Council, relevant Officers and stakeholder will be notified as soon as possible of the outcome of the meeting (including any recommendations from the Committee).
- 11.9 Having considered the 'call in' the Scrutiny Committee may refer the decision back to the Cabinet for reconsideration, setting out in writing the nature of its concerns.
- 11.10 If so referred the Cabinet shall then reconsider the decision within 10 working days, amending the decision or not, before proposing a final decision. The Chairman or any other Member of the Scrutiny Committee shall be entitled to attend the Cabinet meeting and speak to the matter, but not vote.
- 11.11 If the Cabinet's proposed final decision is consistent with the views of the Scrutiny Committee then that decision, once taken, is released for immediate implementation and cannot be subject to further 'call-in'.
- 11.12 If the Cabinet is unable to agree in whole or in part with the conclusions of any recommendations of the Scrutiny Committee, the original Scrutiny report and the Cabinet report shall stand referred to the next available meeting of the Council for further consideration and decision. In reaching a decision the Council shall pay careful regard to the extent to which in whole or in part the proposed decision accords with the Council's existing budgetary and/or Policy Framework. The decision of the Council shall be final.

## **12. CALL-IN AND URGENCY**

- 12.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public, shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both

that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.

- 12.2 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. (This procedure shall not prevent the principle of the decision being subject to review even though, because of urgency it may have been implemented.)
- 12.3 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **13. THE PARTY WHIP IN RELATION TO THE SCRUTINY COMMITTEE**

- 13.1 For the purposes of this section, the phrase 'party whip' means 'any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor should speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should they speak or vote in a particular manner.'
- 13.2 The Council will adopt the convention that there will be no application of any party whip on any Member of the Scrutiny Committee when sitting on this Committee.



## SCRUTINY COMMITTEE

Thursday 25 July 2019

### EAST SUFFOLK FOOD AND HEALTH AND SAFETY SERVICE PLAN 2019/2020

#### EXECUTIVE SUMMARY

1. The Council is required to produce a Food and Health and Safety Service Plan in the format prescribed by the Food Standards Agency (FSA) in its Framework Agreement on Local Authority Law Enforcement and as required by the Health and Safety Executive (HSE), as set out in the National Local Authority Enforcement Code – Health & Safety at Work England, Scotland and Wales.
2. The Service Plan must be submitted for member approval and must be reviewed to identify the Council's performance against the Service Plan, any variance from the plan and areas for improvement in the service.
3. This year's Service Plan includes information on the Council's performance in meeting targets, set out in the Service Plan for 2018/19, and recommends to Council the approval of a Food and Health and Safety Service Plan for 2019/20.

Is the report Open or Exempt?	Open
-------------------------------	------

<b>Wards Affected:</b>	All
------------------------	-----

<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member for Community Health
<b>Supporting Officer:</b>	Phil Gore, Head of Environmental Services and Port Health <a href="mailto:Phil.gore@eastsoffolk.gov.uk">Phil.gore@eastsoffolk.gov.uk</a>

## **1 INTRODUCTION**

- 1.1 The Food Standards Agency (FSA) Framework Agreement and Health and Safety Executive (HSE) National Local Authority Enforcement Code require the Council to review its performance against the 2018/19 Food and Health and Safety Service Plan, identify any variance from the plan and areas for service improvement.
- 1.2 As well as reviewing past performance the Council is also required to approve a new Food and Health and Safety Service Plan for 2019/20 (Appendix A).

## **2 REVIEW OF SERVICE PLAN 2018/19**

- 2.1 The Council's performance in meeting targets identified within the 2018/19 Service Plan, and any variance, is contained in paragraphs 7.1, 13.1 and 19.1 of this year's Service Plan, which is attached as Appendix A to this report.
- 2.2 Members' attention is also drawn to the key achievements delivered in 2018/19, which are set out in paragraphs 7.2, 13.2 and 19.2
- 2.3 Areas for service improvement are set out in paragraphs 8, 14 and 20.
- 2.4 The Council's performance in 2018/19 shows a small reduction in the percentage of food businesses broadly compliant with food safety requirements but the overall figure remains high and above the national average. The number of food businesses rated 0 or 1 under the Food Hygiene Rating Scheme (urgent or major improvement necessary) has decreased but there has also been a small reduction in the number of 5 rated premises (very good). Given the overall high levels of compliance, achieving further sustained improvement is challenging and some small fluctuations up and down are to be expected.
- 2.5 As in previous years the team's performance in meeting the intervention programme remains very strong. This has been achieved along with the additional work necessary to prepare for the creation of a single authority and following the departure of two long-serving members of staff who retired in 2018/19.
- 2.6 In 2017 members asked for some comparative national data to benchmark the Council's performance against. At the time of drafting this report the FSA were still to publish national performance data for 2018/19 and so the national performance data in the following table is derived from the 2017/18 information published on the FSA website.



	<b>East Suffolk Performance 2018/19</b> (compared with 2017/18)	<b>National Performance 2017/18</b> (compared with 2016/17)
% food businesses Broadly Compliant	97%	90%
% Businesses Registered but Not Rated	1.6% (down from 2.1%)	90% LAs have less than 10% of businesses registered but unrated
% Change in Full-Time Equivalents dealing with food hygiene	0% (no change in establishment but some posts remained vacant due to recruitment difficulties)	-1.0%
% Food Hygiene Interventions achieved	97.0%	87%
% Change in Hygiene Complaints	+28.9%	-2.5%
% Change in food sampling	-38%	-10%

### **3 FOOD STANDARDS AGENCY REGULATING OUR FUTURE PROGRAMME**

- 3.1 The FSA's Register a Food Business digital service, which went live in September 2018, is continuing to connect local authorities to the service. The service captures registration data from food business operators and provides guidance to support food businesses and help them understand their responsibilities for producing food that is safe and described correctly.
- 3.2 The new service is being tested with early adopting local authorities and East Suffolk Council has recently signed up for the service and will provide feedback to inform the future development of the system.
- 3.3 The service has been developed by the FSA with food business operators in mind and will enable central oversight by the agency of all food businesses registered in the UK. At present food business registration is coordinated and controlled by individual local authorities.
- 3.4 National Inspection Strategies (NIS) are also being developed by the FSA and Primary Authorities and their partner food businesses which have multiple outlets in a number of local authority areas are working together to develop National Inspection Strategies for those businesses. The FSA intend to 'go live' with two NIS for multi-site retailers soon. These will be the first NIS covering food hygiene so they will be treated as extended trials / pathfinders and will evolve as necessary. The FSA also plan further consultation on how the NIS will work alongside the National Food Hygiene Rating Scheme.

#### **4 EAT OUT AND TAKE OUT EAT WELL HEALTHIER FOOD AWARDS**

- 4.1 In 2018 east Suffolk councils worked with the Public Health Team and other Suffolk local authorities on the launch of the Take out Eat Well scheme which builds on the success of the Eat out Eat Well Scheme both of which are designed to encourage and reward food businesses that provide healthy food choices on their menu.
- 4.2 The Council continues to promote both schemes through its website, through publicity on social media and during inspections. East Suffolk currently has 12 award winning takeaway premises and 43 premises holding an award in the Eat out Eat Well scheme. The schemes encourage food businesses to offer customers food which is low in fat, sugar and salt content with fruit and vegetables widely available on their menu and offering some main meals which are high in starchy carbohydrates.

#### **5 PORT HEALTH SERVICE**

- 5.1 The Port Health Team has continued to work with government departments, the FSA, Defra, Port of Felixstowe, ferry operators and importers to plan for the consequences of a no deal Brexit. This has involved further development of the PHILIS (Port Health Interactive Live Information System) online module as a possible national contingency for Traces, the European import declaration system. Officers have also provided input into various Brexit related steering groups and have sat on the IPAFFS (the UK import / export system) project delivery group which has overseen the development of a new UK declaration system.
- 5.2 2018/19 has also seen a major restructuring of the Management Team at Port Health helping the service to achieve a more businesses structured approach. The management restructure was a recommendation arising from an external review of the service and has now been fully implemented with some excellent new appointments. The team are currently working on the next phase of the review which recommended the implementation of a competency framework and the My Conversation staff appraisal scheme.

#### **6 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 6.1 One of the Council's three priorities within the East Suffolk Business Plan is economic growth and recognition that a strong local economy is essential for vibrant local communities. Given the importance of local food production, preparation and sale to local tourism, the food and safety service provides essential advice, guidance, training and regulation to ensure that local food businesses provide safe food and can prosper.
- 6.2 One of the critical success factors underpinning the Vision in the Business Plan is enabling people to take responsibility for their own mental and physical health and well-being, helping them to live active and healthy lives, while remaining safe within their homes and communities. To achieve this the service is not only focussing on the safety of food on offer in the district but is supporting wider public health objectives designed to tackle obesity by

encouraging food businesses to offer healthy food options. The service has been working closely with the other Suffolk local authorities and the Health & Wellbeing Board on the Eat out Eat Well and the Take Out Eat Well healthier food award schemes.

## **7 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 7.1 There are no new financial implications for the Council from the proposals within this year's Service Plan. Targets and service improvements will be met from budgets already approved for the delivery of the services in 2019/20.

## **8 CONSULTATION**

- 8.1 The Scrutiny Committee is being consulted on the Service Plan before consideration by Council at its meeting on 25 September 2019.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 The FSA Framework Agreement and HSE National Local Authority Enforcement Code set out in detail the requirements of local authority Food Safety and Health and Safety Service Plans and the framework and guidance has been used in the drafting of the Service Plan attached to this report. No other options were considered.

## **10 REASON FOR RECOMMENDATION**

- 10.1 The Council is required under the FSA Framework Agreement and HSE National Local Authority Enforcement Code to approve a Food and Health and Safety Service Plan for 2019/20 and review its performance in 2018/19.

### **RECOMMENDATIONS**

1. That Food Safety and Health and Safety performance against the Service Plan for 2018/19 be noted
2. That, having considered and commented upon the Service Plan for 2019/20, the Scrutiny Committee recommend it for approval by Full Council at its meeting on 25 September 2019.

### **APPENDICES**

#### **Appendix A**

East Suffolk Food and Health and Safety Service Plan 2019/20

Date	Available From
April 2010	FSA Framework Agreement <a href="http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf">http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf</a>
May 2013	National Local Authority Enforcement Code <a href="http://www.hse.gov.uk/lau/publications/national-la-code.pdf">http://www.hse.gov.uk/lau/publications/national-la-code.pdf</a>



# **East Suffolk Food and Health and Safety Service Plan**

## **2019/20**

**Approved by**

**Scrutiny on XX/XX/XXXX  
Cabinet on XX/XX/XXXX  
East Suffolk Council on XX/XX/XXXX**

**EAST SUFFOLK COUNCIL**  
**EAST SUFFOLK FOOD AND HEALTH AND SAFETY SERVICE PLAN 2019/2020**

**1. SERVICE AIMS AND OBJECTIVES**

**1.1 Aims and Objectives**

**1.1.1 Food and Safety Service**

To ensure that all food businesses comply with the relevant standards, are hygienic and have adequately trained staff.

To ensure that food is fit for human consumption and that any outbreaks of food poisoning and other infectious diseases are controlled.

To secure and maintain a safe and healthy environment, for employees and members of the public, in those establishments for which we have an enforcement responsibility.

**1.1.2 Port Health Service**

The protection of public and animal health at the border by:

- Ensuring the control of infectious diseases into the United Kingdom via the Port of Felixstowe.
- Ensuring that all vessels within the Port Health District comply with international and United Kingdom health requirements, and are maintained in a hygienic condition.
- Operating the Border Inspection Post at the Port of Felixstowe and enforcing the Trade in Animals and Related Products Regulations 2011.
- Operating the Designated Point of Entry for products not of animal origin and enforcing of The Official Feed and Food Controls (England) Regulations 2009, The Contaminants in Food (England) Regulations 2013 and relevant European Union (EU) legislation at Felixstowe.
- Controlling melamine and Polyamide kitchenware from China in accordance with The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011.

- Ensuring the safety of products not of animal origin imported through Harwich International Port, Harwich Navyard and Mistley Quay in accordance with the Agreement made between Tendring District Council and East Suffolk Council.
- Delivering the port health service at the Port of Ipswich in accordance with the agreement made between Ipswich Borough Council and East Suffolk Council.
- Ensure the safety of high risk animal feed imported through Felixstowe in accordance with the agreement made between Suffolk County Council and East Suffolk Council.
- Support and further developing of the Port Health Interactive Live Information System (PHILIS).

## 1.2 Links to Council Objectives and Plans

In April 2019 the new East Suffolk Council was launched. One of its early priorities will be to agree a new Business Plan for the new Council. Until then the existing East Suffolk Business Plan 2015 -2023<sup>1</sup> remains in place.

The Business Plan sets out the vision of the council and its commitment to improving the quality of life for everyone living in, working in, and visiting east Suffolk and encapsulates how the Council seeks to achieve this.

The Plan has three key strands:

- Economic growth
- Enabling communities
- Financial self sufficiency.

For each of these strands the Plan sets out critical success factors and for community health this is:

Enabling people to take responsibility for their own mental and physical health and well-being, helping them to live active and healthy lives, while remaining safe within their homes and communities.

Sitting beneath the critical success factors are a range of actions to help deliver the vision in the Plan. These include:

- Develop and launch 'Eat Out Eat Well', a healthy food award scheme, to encourage food businesses in Suffolk to offer healthy food choices. This has been completed but work continues to promote the scheme and encourage more food businesses to provide healthy food options on their menu. The scheme has recently been extended to take-away food businesses.

---

<sup>1</sup> <http://www.eastsuffolk.gov.uk/assets/Your-Council/Business-Plan/East-Suffolk-Business-Plan.PDF>

- Continue to work, with partners, to ensure east Suffolk remains a safe place for our communities.
- Further improve the efficiency, effectiveness and marketing of the Council owned Port Health service software. During 2017/18 work on adapting the software for use at Heathrow Animal Reception Centre has been completed and the software successfully launched.
- Complete a pilot project to inform HMRC's One Government at the Border programme for the control of the movement of goods. This pilot has been completed and government departments are now focusing on a successful exit from the EU.

- 1.3 All of these actions have been delivered and this will be reflected in the new Council's Business Plan which will identify new actions to support the revised Plan when published later this year.
- 1.4 Corporate Team Service Plans for Food and Safety Services and Port Health have been agreed for 2019/20 and are posted on the Council's intranet and are updated throughout the year. The Council's performance against the East Suffolk Business Plan will be reported to both Cabinets on a quarterly basis and will be published separately in the Council's Annual Reports.
- 1.5 Budget Plans have also been prepared for each service area matching resources to anticipated workloads. These are set out in East Suffolk's Budget Book 2019/20<sup>2</sup>.
- 1.6 Regular performance review meetings are held between Heads of Service, their Cabinet Member and the team to monitor performance against targets and to assist in identifying areas for improvement within the service.

## 2. BACKGROUND

### 2.1 Profile of the Local Authority

The profile of East Suffolk is set out in the published East Suffolk Economic Growth Plan, 2018-2023<sup>3</sup>. The plan sets out:

- East Suffolk – in numbers
- Profile of East Suffolk
- Summary SWOT analysis
- Strategic context for the refreshed Growth Plan
- East Suffolk Economic Growth Plan, 2018-23: Vision and Strategy
- Key sectors
- Place-based and regeneration priorities

---

<sup>2</sup> <https://www.eastsuffolk.gov.uk/assets/Your-Council/Financial-Information/Budgets/East-Suffolk-Budget-Book-2019-20.pdf>

<sup>3</sup> <http://www.eastsuffolk.gov.uk/assets/Business/East-Suffolk-Growth-Plan.pdf>



- Delivering the Plan
- Measuring progress and KPIs
- Annex A: Looking back – and projecting forward.

## 2.2 Organisational Structure

### 2.2.1 The Council

On 1 April 2019 East Suffolk Council came into being and on 2 May elections were held. The new Council has 55 members, and the Conservative Group holds the majority of seats. The Council operates a Leader and Cabinet structure and the Cabinet Member with responsibility for food safety matters is Councillor Mary Rudd.

The Council comprises of 11 Service Areas:

- Legal and Democratic Services
- Planning and Coastal Management Services
- ICT Services
- Economic Development and Regeneration Services
- Environmental Services and Port Health
- Financial Services
- Housing Operations and Landlord Services
- Operations
- Communities
- Customer Services and
- Audit Partnership.

We work in partnership with Norfolk County Council to provide operational functions such as property maintenance, refuse collection and grounds maintenance.

Each Service Area has a Head of Service, Phil Gore being the Head of Environmental Services and Port Health.

The Corporate Management Team comprises the Chief Executive, two Strategic Directors and 11 Heads of Service. The Chief Executive, Stephen Baker, has overall responsibility for the efficient management and execution of the Council's functions. See Appendix 1 for further information on the management structure.

### 2.2.2 Service Area for Environmental Services and Port Health

The Service Area for Environmental Services and Port Health comprises six teams:

- Food and Safety
- Port Health
- Environmental Protection

- Environmental Sustainability
- Emergency Planning and
- Corporate Health & Safety.

The Food and Safety, Port Health and Corporate Health & Safety Teams contribute to the Council's aims through activities that include:

- food safety
- imported food controls
- food hygiene regulation and promotion
- health and safety regulation and promotion
- the monitoring and control of infectious diseases including food poisoning
- the management of health, safety and welfare within the Council and
- joint working with others on environmental sustainability.

The Port Health Team is responsible for protecting public and animal health by monitoring the standards of safety of all products of animal origin, non-animal origin products and plastic kitchenware imported into the European Union and the United Kingdom at the Port of Felixstowe and for ensuring the control of hygiene and infectious disease on board vessels. The food and safety service undertakes port health work as Lowestoft Port Health Authority.

The structures of the Food and Safety, Port Health and Corporate Health & Safety Teams are provided in Appendix 2.

The Food and Safety Manager, one Port Health Technical Lead and Port Health Manager have been appointed as Lead Officers for food hygiene and food safety matters, in accordance with the Food Safety Act Food Law Code of Practice. A letter of appointment is contained in Appendix 3.

The Clinical Microbiology Laboratory, Ipswich Hospital and Public Health England (PHE), Colindale Food, Water and Environmental Laboratory (United Kingdom Accreditation Service (UKAS) Testing Laboratory No. 1734) provide specialist services in food microbiology and pathology. The laboratory services provided by PHE have been formalised in Service Level Agreements. The Council has appointed a number of Public Analysts to provide specialist advice on food composition, labelling, and chemical and physical contaminants of food. Public Analysts are listed in Appendix 4. Port Health has regular meetings with our Public Analysts to exchange information about forthcoming requirements and developments and to keep procedures and performance under review. Port Health identified which Public Analyst is used based on a number of factors including the ability to undertake the required analysis, the service delivery timelines and costs.

The Food and Environment Research Agency (FERA) analyse antimicrobial residue samples submitted by the Authority. Samples of fishmeal which are checked for the presence of

mammalian bone are submitted to the Veterinary Laboratories Agency at Luddington which is now part of the Animal and Plant Health Agency (APHA\*) as advised by the Department of Environment, Food and Rural Affairs (DEFRA).

The review of the legislation covering foodstuffs at risk of contamination from mycotoxins and pesticides and the introduction of the high risk product legislation has seen an increase in the number of non animal origin samples taken and submitted to the Public Analysts.

We are a member of Campden BRI and as such have access to technical support on food and safety related matters.

## 2.3 Compliance and Enforcement Policy

We readopted our Compliance and Enforcement Policy in April 2019 covering all of the regulatory services delivered by the Council including the food safety, health and safety and port health services.

The policy reflects changes brought about by the Regulators' Code which establishes how non-economic regulators should interact with those they are regulating. The code requires regulators to:

- carry out their activities in a transparent way that helps those they regulate to comply and grow
- design simple and straightforward ways to engage with and hear the views of those they regulate
- base their regulatory activities on risk and share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities.

Officers, including those with responsibility for the enforcement of food and health and safety laws, must have regard to the policy when making enforcement decisions.

## 3. **FOOD SAFETY SERVICE**

### 3.1 Scope of the Food Safety Service

East Suffolk's Food and Safety Team carry out all functions relating to food safety eg:

- carry out interventions, inspections and other visits at food establishments
- contribute to the national Food Hygiene Rating Scheme
- provide advice to food business operators including help on implementing the FSA's Safer Food, Better Business food safety management system
- make checks on inland imported food control at retail and catering establishments etc.

- register and where appropriate, approve food establishments
- issue Export Health Certificates and Food Safety Premises Endorsements for Export
  - investigate complaints concerning food, food establishments and food handling practices
- investigate cases of suspected and confirmed food poisoning
  - deliver a food safety education programme, including the level 2 Award in Food Safety in Catering and
  - the Lowestoft Port Health Authority service carries out all functions relating to food safety at ports eg inspect ships and issue Ship Sanitation Control Certificates.

### 3.2 Demands on the Food Safety Service

The numbers of food establishments approved/registered under food safety legislation in East Suffolk is 2,518. A profile of registered/approved food establishments classified in accordance with the FSA's main use codes is given in table 1.

Table 1. Profiles of registered/approved food establishments in East Suffolk. Source: Suffolk Coastal and Waveney aggregated LAEMS returns 2018/19.

FSA Category	Number of establishments in East Suffolk
Primary producers	16
Manufacturers and Packers	99
Importers/Exporters	7
Distributors/transporters	18
Retailers	610
Restaurants and caterers	1,768
Total	2,518

There are 34 food establishments in East Suffolk that are approved/conditionally approved under EU Regulation 853/2004 producing fish, meat and dairy products etc. We have wholesale fish businesses, together with a variety of other fish-related businesses eg smokehouses and two shellfish producers with harvesting and depuration facilities. We also have a dairy that pasteurises milk and produces cream, yogurt and ice cream. Two establishments supply raw cows' drinking milk. We are the originating authority for a large frozen food manufacturer and we also have food businesses that manufacture and export yeast for the bakery industry, mill rice, and one that manufactures sauces and condiments.

Our visitor economy offers a diverse range of tourism experiences. Events attracting several thousands of people are held, these include the Suffolk Show at Trinity Park and the Latitude Festival that takes place at Henham Park. The Food and Safety Team works with the event organisers and others during the planning and delivery of the festival to ensure that the food stored, prepared and served is safe to eat and complies with food safety laws.

The Food and Safety Team perform out of hours inspections where this is necessary eg large outdoor events and Sunday/farmers' markets. Food businesses that are open for business at

night, at weekends or in the early hours of the morning may be identified for occasional inspection at these times.

Lowestoft Port Health Authority (as established by The Lowestoft Port Health Order 1981 No. 88) inspects ships under the International Health Regulations 2006 to ensure ships are controlling health risks. We issue Ship Sanitation Control Certificates and charge fees for this service. Port Health Authorities are Category 1 Responders under the Civil Contingencies Act 2004.

The following estimate is based on recent demand and expected future circumstances:

Ships sanitation inspections anticipated in 2019/20:			
	Number of inspections	Time per inspection (hours)	Total time (hours)
Lowestoft Port Health Authority	36	2.5	90
Suffolk Coastal Port Health Authority	See part 15 of this service plan		

We have a diverse range of food businesses operated by and/or associated with ethnic minorities. This includes Chinese, Bangladeshi, Turkish, Greek, Thai, Portuguese and Polish. The majority of food businesses run by these groups are takeaways, restaurants and retail shops. The food and safety service makes use of FSA translated. Additional translation services may be used where there is a legal requirement to do so, or where it is necessary to help ensure that Food Business Operators (FBOs) understand where action needs to be taken to protect against serious risk to public health, or to assist in efficient and effective service delivery. Additional translation services are rarely needed.

Letters sent to FBOs or customers known to have a poor understanding of English may include sentences in appropriate languages/alphabets advising the recipient of the legal importance of the letter and the need to obtain a full translation. Ship Sanitation and Vessel Food Hygiene Inspections carried out by Lowestoft Port Health Authority frequently involve working with crew and staff from all parts of the world, with the inevitable difficulties associated with a limited understanding of English.

Several food businesses cater specifically for people who are vulnerable eg as a result of age or disability. This is taken into account by appropriate risk scoring criteria used in the risk rating of such premises to determine interventions.

If the UK leaves the EU without a deal, the UK will be treated as a third country and our exports of animals and animal products to the EU will need to be accompanied by Export Health Certificates (EHCs). Those EHCs will be requested from APHA\* by the exporter and they will need to be signed by Official Veterinarians and, for fish and fish products and composite products of animal origin (POAO) only; officials in local authorities. Local

authorities with enforcement responsibilities in establishments wishing to export fish and fish products or composite products to the EU can expect an increase in the demand for EHCs. Whilst local authorities do not have a statutory obligation to provide this export health certification, we are well placed to support local businesses and may elect to expand their service as mitigation against the impact of EU exit. The demand for EHCs could be up to 1,530 EHCs per calendar year. Fees for issuing EHCs are set on a cost recovery basis and published in the Council's discretionary Fees and Charges.

#### **4. SERVICE DELIVERY – FOOD SAFETY**

##### **4.1 Interventions at Food Establishments**

The Food and Safety Team aim to ensure that food in the districts is fit for human consumption and those outbreaks of food poisoning and other infectious diseases are controlled. To achieve this inspections and other interventions are carried out at food establishments using a risk based approach in accordance with the Food Law Code of Practice. Specialist computer software is used to record all food business establishments. These records are updated daily and are used to administer the programme of risk based inspections and other interventions.

Food establishments are risk rated using criteria set out in the Food Law Code of Practice. Establishments receive a risk rating comprised of two sets of criteria:

- the nature of their business eg risk associated with the type of food handled, processing methods, number and vulnerability of customers and
- the standard of food safety achieved and compliance with food safety law.

Hence establishments may be rated as higher risk either because of the high risk nature of their business or because of the lower standards of food safety or both. Establishments receive an overall risk rating ranging from A (highest risk) to E (lowest risk).

Unrated establishments include new businesses that are waiting for an inspection to be carried out eg they may have registered but are not ready to start trading. Examples include new businesses starting up and existing trading businesses where a new food business has registered to take over in the future. New food businesses should give at least 28 days' notice before starting food operations.

Establishments in the outside category include premises such as primary producers that do not form part of our risk based intervention programme. The procedure for handling food registrations, including the initial action to be taken where businesses should be registered but are not, is set down in working procedures.

Profiles of the food establishments in East Suffolk by risk rating categories A to E are shown below in table 2. The proportion of broadly compliant premises, this means businesses that had compliance levels at the time of the last inspection equivalent to a FHRS rating of 3, 4 or 5, is shown for each risk rating category A to E.

Table 2. Profiles of food establishments in East Suffolk according to risk. Source: Suffolk Coastal and Waveney aggregated LAEMS returns 2018/19.

	A	B	C	D	E	Un-rated	Out-side	Total
Total in category	7	46	385	968	995	41	76	2,518
Broadly compliant in category (number)	2	25	347	963	995	-	-	2,332
Broadly compliant (% rounded)	29%	54%	90%	99%	100%	-	-	-

The minimum intervention frequency as required by the Food Law Code of Practice and the estimated time per intervention for each risk category are set out below in table 3.

The range of available interventions for food establishments includes inspections, monitoring, surveillance, verification, audit, sampling, education, advice, coaching, information and intelligence gathering. The regulatory burden is minimised by selecting the most appropriate intervention appropriate for the risk category of the establishment. Alternative enforcement strategies include the use of questionnaires for appropriate lower risk category E food business establishments.

Table 3. Food Law Code of Practice minimum intervention frequency and locally estimated time per intervention for each risk category.

Category	Minimum intervention frequency	Estimated time per intervention (hours)
A	6 months	5
B	12 months	5
C	18 months	3.5
D	24 months	2
E	Alternative enforcement every 3 years	1
Unrated	-	2

The numbers of food interventions due in 2019/20 by risk category in East Suffolk are shown below in table 4.

Table 4. Number of food interventions due and time taken by risk category in 2019/20.  
Source: Uniform reporting

Category	Interventions (number)	Estimated time per intervention (hours)	Total time for interventions (number x hours)
A	7 (x2)	5	70
B	45	5	225
C	209	3.5	731.5
D	488	2	976
E	359	1	359
Unrated (estimate)	110 <sup>4</sup>	2	220
Total		-	2581.5

The food interventions at predominantly lower risk premises that were not completed in 2018/19 will be picked up during 2019/20 and are shown below in table 5. These are often as a result of access issues with seasonal businesses or because resources were focused on higher risk premises.

Table 5. Number of food interventions due in 2018/19 to be carried forward into 2019/20.  
Source: East Suffolk's aggregated LAEMS returns 2018/19.

Category	Interventions (number)	Estimated time per intervention (hours)	Total time for interventions (number x hours)
A	0	5	0
B	0	5	0
C	4	3.5	14
D	15	2	30
E	17	1	17
Unrated	41	2	82
Total	77	-	143

Interventions are undertaken following documented procedures. The date of a primary inspection may be brought forward eg in response to a complaint, a new food registration, material change in the business, receipt of information from the FSA, an outbreak, or seasonal business that may be closed at the time of the next date due etc. Other interventions are carried out at other times eg in response to customer complaints, alleged cases of food poisoning, food alerts, sampling, revisits and requests for advice.

---

<sup>4</sup> Estimate based on interventions of unrated businesses carried out in 2018/19.



Most food businesses that supply food direct to the public receive a rating under the Food Hygiene Rating Scheme (FHRS). These ratings range from 0 (urgent improvement necessary) to 5 (very good). Businesses that receive a rating of 0, 1 or 2 have a poor level of compliance with food safety and hygiene law ie they are poor compliers. Businesses that are broadly compliant with these laws will receive at least a rating of 3 and the businesses that reach at least the minimum standards of food safety law will receive the top rating of a 5. Interventions will be brought forward for poor compliant businesses ie even if the next minimum inspection frequency date is after 31 March 2020. These interventions aim to achieve better and sustained compliance rates at poor compliant businesses. Revisits of poor compliant businesses due in 2019/20 will also be carried out. An estimate of the number of these types of interventions expected in 2019/20 and the estimated time to complete is shown in table 6.

Table 6. Estimated interventions at poor compliers and approved premises in 2019/20.

Task	Interventions (number)	Estimated time per business (hours)	Total time for interventions (number x hours)
Interventions at poor compliers	47	6	282
Approved premises	34	15	510
Total			792

The estimated number of interventions at poor compliers is based on the number of businesses with a FHRS of 0, 1 or 2 as at April 2019.

The Trading Standards Department of Suffolk County Council has responsibility for food standards matters. Liaison arrangements are in place through the Suffolk Food Liaison Group to develop joint work arrangements and to help ensure that matters of joint interest, such as food labelling, imported food, Animal By-Products and allergens are discussed. Joint visits with Trading Standards Officers are made where appropriate. Copies of all food registrations received are forwarded to Suffolk County Council's Trading Standards Department.

#### 4.2 Food/hygiene of premises complaints

Officers investigate food complaints in accordance with documented procedures and, where necessary, liaise with Primary, Originating and Home Authorities during the course of investigations. In determining an appropriate course of action, the Food and Safety Team takes into consideration any reports received from the Primary, Home or Originating Authorities, and the food business identified as the cause of the complaint, and will have regard to the Council's Compliance and Enforcement Policy.

Food/hygiene of premises complaints anticipated in 2019/20: Estimate based on 2018/19 complaints.

Number of complaints	Time per complaint (hours)	Total time (hours)
330	2	660

#### 4.3 Food Sampling Policy

We recognise the contribution sampling can make to the protection of public health and the food law enforcement functions of the Authorities. We are committed to providing the resources necessary to carry out a sampling programme. Authorised Officers are responsible for undertaking our food sampling functions and we have a food sampling programme for microbiological and algal toxin purposes. The food sampling is prioritised to concentrate upon one or more of the following criteria:

- foods which are produced within East Suffolk
- the risk ratings of the premises
- any local, regional or national coordinated sampling surveys or programmes.

The majority of samples taken are done so for the purpose of monitoring, surveillance and intelligence gathering. Samples are taken in compliance with the relevant Code of Practice and consideration of our Compliance and Enforcement Policy. Official laboratories as designated by the FSA will be used for samples obtained during the sampling programme. The Public Health England Laboratory, London, Eurofins trading as Public Analyst Scientific Services, the Council's Public Analyst, CEFAS laboratories at Lowestoft and Weymouth and other accredited laboratories are used for the analysis of samples.

Samples may be taken during manufacturing/production processes, for the purposes of ensuring food safety and for ensuring the effectiveness of the critical controls in the process. Sampling may include swabs taken from surfaces where they are sent to an official control/accredited laboratory. The manufacturer will be notified of the result of any such sample analysis or examination.

We do not currently act as a Home Authority or Primary Authority for any food business. Where sampling identifies a problem with food manufactured outside the districts, the relevant primary, home or originating authority will be notified, and a copy of the certificate of analysis or examination forwarded to them.

Food sampling will not normally be undertaken as a constituent part of food safety intervention. It may take place if, during the intervention, the authorised officer identifies a particular problem that needs further investigation.

Samples of food received as a food complaint may require microbiological examination, chemical analysis or expert identification.

Where a particular premise or food produced in the districts is implicated with a case or cases of food borne disease, food samples may be taken and submitted for examination, for the purpose of identifying any likely source of infection, and controlling any risk to public health.

Food samples may be taken and submitted as part of a special investigation eg in response to a food hazard warning, or to other intelligence received about potential food safety and quality issues.

Samples anticipated in 2019/20		
Number of samples	Time per sample (hours)	Total time (hours)
60	3	180

The sampling of shellfish and river water in commercial shellfish production areas is carried out in consultation with the FSA and CEFAS for the purpose of maintaining the necessary EU classifications for those areas and for monitoring the risk of algal toxins. Shellfish and river water is sampled from shellfish beds in the River Deben and Butley Creek and their associated depuration plants. Samples of shellfish flesh and water are sent to CEFAS laboratories in Weymouth and Lowestoft. It is anticipated that the main shellfish sampling and follow up action will require up to two working days per month. The majority of the sampling work at these producers is undertaken by the Student Environmental Health Officer.

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

The Food and Safety Team will assess and respond accordingly to reports of communicable diseases, including food-associated illness. The investigation of outbreaks of food poisoning is conducted in liaison with the Consultant in Communicable Disease Control (CCDC) having regard to the PHE East of England Public Health Response to Notifiable Gastrointestinal Infections (July 2015). Certain infections requiring particular information will be collected as a matter of urgency and passed to the Anglia Health Protection Team, PHE in accordance with the East of England Standard Approach to Investigating Gastro-Intestinal Disease Cases.

Responses to reports of communicable diseases, including food-associated illness are undertaken following documented procedures.

Gastrointestinal disease case notifications anticipated requiring follow up in 2019/20:		
Number of cases*	Time per case (hours)	Total time (hours)
70	2.5	175

\*Excluding *Campylobacter*.

Joint civil contingency and emergency stand-by arrangements exist to respond to suspected or confirmed outbreaks of infectious disease or food poisoning with either the potential to cause serious harm or death to any person, or debilitating illness or disease to significant numbers of people, or illness or disease to particularly vulnerable populations.

#### 4.5 Food Safety Incidents

Arrangements are in place to receive FSA Food Alerts for Action and take specified action on behalf of consumers.

Food alerts for action anticipated in 2019/20		
Number of alerts	Time per alert (hours)	Total time (hours)
4	14	56

#### 4.6 Primary Authority and Home Authority Schemes

The Regulatory Enforcement and Sanctions Act 2008 introduced into law the principle of the Primary Authority (PA). All local authorities are required by law, when considering enforcement action against a business with multiple outlets, to follow advice agreed between the business and its PA. The purpose of these requirements is to achieve greater consistency in enforcement action in large, multi-outlet businesses.

We support PA and Home Authority (HA) schemes. Where PA partnerships are registered with the Office for Product Safety & Standards (OPS&S), an officer will contact the PA to ensure that proposed actions are not contrary to appropriate advice that the PA has previously issued.

#### 4.7 Advice to Business

We endeavour to build on their existing liaison arrangements with businesses, both to improve existing consultation arrangements, and to encourage and facilitate business growth. The team provides advice to businesses eg:

- the provision of proformas to assist businesses in complying with the law
- directing enquiries to relevant sources of competent and reliable advice eg FSA website
- provision of advice to businesses during interventions, via our own website, over the telephone and via partners etc. and
- responding to requests for advice from businesses and members of the public.

Requests for food safety advice/assistance anticipated in 2019/20:		
Number of requests	Time per request (hours)	Total time (hours)
375	1.5	562.5

Our website gives information on setting up a new business, online channels for food business registration/application for food establishment approval, an online training course

booking and payment system and online forms to submit complaints and notifications. It has other information such as allergens and Safer Food Better Business packs with links to the FSA's website for more information.

Food Registrations/changes to registrations anticipated in 2019/20:		
Number of registrations/changes	Time per registration (hours)	Total time (hours)
360	1	360

#### 4.8 Economic Challenge

We are conscious of the need to help deliver conditions for business success whilst meeting our aims and objectives. We are particularly aware of the benefits of listening to the needs of businesses and will continue to:

- provide information and advice
- signpost sources of information
- provide local low cost training
- monitor and respond as appropriate to regular feedback from questionnaires
- deal with applications to trade in a prompt manner eg food business registration applications and applications for the approval of food business establishments
- take account of and respond to national and local influences
- regularly review our procedures.

We have supported the work of engaged Suffolk and Norfolk regulatory services working with the Norfolk and Suffolk Local Enterprise Partnership (LEP) to develop stronger links to help improve the effective and efficient delivery of regulatory services via the New Anglia Better Business for All (BBfA) partnership.

There continues to be a significant number of enquiries received from people seeking advice who are exploring the setting up of their own small business from home eg home catering. Although these tend to be low risk activities they do involve some time in tailoring appropriate advice.

The ministerial Food Law Code of Practice requires that all food establishments should receive an initial inspection. This should normally take place within 28 days of registration or from when the Authority becomes aware that the establishment is in operation. This reflects the importance of ensuring new food establishments are complying with food law.

#### 4.9 Liaison with other Organisations

We have extensive liaison in place with a wide range of other organisations. For food safety matters these include:

- Food Standards Agency

- Suffolk Food Liaison Group
- Eastern Region Sampling Group
- East of England Port Health Network
- Association of Port Health Authorities
- CCDC and the East of England Health Protection Team, PHE
- Food, Water and Environmental (FW&E) Laboratory, PHE
- DEFRA
- The Thames Estuary, Essex and Suffolk Shellfish Liaison Group
- Liaison with HM Revenue and Customs nationally and locally in relation to imported food controls and smuggled products of animal origin
- Liaison with Planning and Building Control Teams
- Campden BRI - an independent membership-based organisation carrying out research and development for the food and drinks industry
- Associated British Ports
- Maritime and Coastguard Agency
- Trading Standards/Environmental Health Departments nationally as required
- Care Quality Commission
- Suffolk Adult Safeguarding Board
- New Anglia Better Business for All partnership
- Marine Management Organisation
- Public Health, Suffolk County Council.

#### 4.10 Food Safety Promotion

We promote food safety using materials made available by the FSA that are intended for businesses or the public. Examples include helping business operators meet regulations on food hygiene through promoting and supporting the FSA's Safer Food, Better Business packs together with the use of FSA material via social media eg Food Safety Week.

The team has a programme to deliver the Level 2 Award in Food Safety in Catering.

## 5. RESOURCES

### 5.1 Financial Allocation

Details of budgetary provisions are included in East Suffolk's Budget Book 2019/20<sup>5</sup>. Our corporately managed legal services provide support to service areas. There is also financial provision made to enable the use of external legal services, where appropriate.

---

<sup>5</sup> <http://www.eastsuffolk.gov.uk/assets/Your-Council/Financial-Information/Budgets/East-Suffolk-Budget-Book-2019-20.pdf>

## 5.2 Staffing Allocation

### 5.2.1 Head of Service

The Head of Environmental Services and Port Health is Phil Gore who provides a 0.45 FTE towards achieving the Food and Health and Safety Service Plan.

### 5.2.2 Food and Safety Team

The Food and Safety Team has full time equivalents available for food safety related work as follows in table 7.

Table 7. FTE food safety

Professional staff	Support staff
Food safety 7.07 FTE	0.98 FTE

The resource allocation set out in table 7 above is sufficient to complete the estimated programme of work outlined in the service plan for 2018/19 and set out in table 8. Additional unplanned work may require reprioritisation within the plan.

Table 8. Summary of food work programme: East Suffolk professional staff time allocation

Tasks	Time allocation (hours)
Lowestoft Port Health Authority Ships inspections	90
Food interventions due 2019/20	2,581.5
Food interventions carried over from 2018/19	143
Poor compliers	282
Approved premises	510
Complaints	660
Sampling	180
Gastrointestinal cases investigations	175
Food alerts	56
Advice/assistance	562.5
Food registrations	360
Revisits, report writing, myConversations, procedure updating, officer training and development, lead officer roles, peer review, CPD, team meetings, student training, Eat Out Eat Well and Take Out Eat Well awards, food export/health certificates, FOIs and EIRs, media enquiries, data protection requests, further enforcement and advisory work, teaching courses, and website updates etc.	4,996
Total	10,596

### 5.2.3 Staff Development Plan

Our People Development Strategy has the development of our workforce at its heart. Evidence requirements are around good understanding of objectives and drivers, meeting skills needs, reviewing the learning.

The Council has agreed a set of values and behaviours and has adopted a staff performance and development scheme called myConversation. The values are about a collective, positive attitude; about working together as one team, every day and how we aspire to behave collectively. The five values are proud, dynamic, truthful, good value and united. These values have been embedded as an important part of staff culture and development. As part of the myConversation scheme, officers formally discuss their performance and development with their line manager every few weeks. Progress with the plan is reviewed so any issues can be raised. Relevant training areas are identified to ensure the requirements for authorised officers are met.

Relevant training areas are identified to ensure the requirements for authorised officers in accordance with the Food Law Code of Practice are met.

The Food and Safety Team ensures that all enforcement officers are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers are expected to have access to the equivalent of at least 10 hours of core food CPD and 10 hours of other professional matters ie CPD that will support an officer's profession. A combination of both internal and external training helps officers to achieve this aim.

The Council supports a well established student EHO training programme. The appointment of the student is coordinated by an officer from the Food and Safety Team who also manages and oversees the student's training programme.

## 6. **QUALITY ASSESSMENT**

### 6.1 Quality Assessment

The Food and Safety Team has a range of documented procedures which are subject to monitoring and review. A countywide common procedure template, aligned to the current Food Law Code of Practice, has been adopted.

### 6.3 Inter Authority Audits and Peer Review

The principle of inter authority audits (IAA) is fully supported. The Food and Safety Team has undertaken inter authority inspection and quality and monitoring. Peer review takes place amongst the team eg discussions during team meetings and joint visits.

### 6.4 Internal Monitoring Arrangements



The Food and Safety Team has the following arrangements in place to assist in the quality assessment of the work carried out:

- documented work procedures (under a process of continuous review)
- samples of post-inspection reports, letters and notices are checked
- a sample number of inspections, either by shadowing or a follow-up visit or file review at team meetings
- one to one meetings.

The contents of statutory notices are discussed and agreed, where appropriate, with the appropriate manager or colleague before service.

#### 6.5 Customer Satisfaction Surveys and Complaint Procedures

Customer satisfaction is collected on training courses and business satisfaction is collected via online surveys. A statistical summary of the results of these surveys is shown in Appendix 5.

The Council's complaint procedures are published on our website. A summary of complaints received in 2018/19 is produced in Appendix 6.

The FSA introduced an Independent Business Appeals Panel in response to the government's small food manufacturers review (part of the Focus on Enforcement Campaign). The Independent Business Appeal Panel considers complaints or appeals against advice given by local authorities in England about food safety and food standards that a food business operator thinks is incorrect or goes beyond what is legally required. No cases relating to our service have been taken to the Independent Business Appeal Panel to date.

#### 6.6 Team Meetings

The Food and Safety Team schedules monthly meetings to discuss all matters relating to operational issues of the service, including issues relating to competency and consistency. The meetings are used to review procedures and provide an opportunity to promote, explore and produce benefits of partnership working.

#### 6.7 Bench Marking

The Food Standards Agency (FSA) publishes on their website the food safety enforcement activity carried out by all local authorities in the UK. This information is collated from the Local Authority Enforcement Monitoring System (LAEMS) statistical returns provided by local authorities and provides a resource to bench mark performance with other local authorities. The FSA also reports this performance data to Government and Europe.

Monitoring performance against the standards set out in the Food and Health and Safety Service Plan is via management meetings and annually to full Council.

## 7. REVIEW – FOOD SAFETY

### 7.1 Identification of any Variation from the Service Plan – Food Safety

The Food and Safety Team continue to work hard and perform well during another year of significant challenges.

All officers are authorised over a range of legislation that includes the food safety activities set out in parts 4 to 8 of this service plan and the occupational health and safety activities set out in parts 9 to 14. Officers and support staff work flexibly across both of these types of activities so the proportion of time spent on food safety compared with health and safety varies according to workloads and priorities.

Factors that adversely affected the team's capacity to deliver the service in 2018/19 were predominantly unplanned and not routine.

- Three long standing and experienced officers, one following long term sickness absence, retired during 2018/19. A fourth experienced officer resigned to pursue other interests. We have actively tried to fill the vacancies but, along with other LAs in the East of England, there is a shortage of applicants. A combination of contractors, flexible working and additional hours were used to help cover the resource gap caused by unfilled vacancies.

These factors put pressure on staff but the team responded well to ensure that consumers were protected by adopting a risk based approach to prioritise work.

The Food and Health and Safety Service Plan 2018/19 was largely completed with regards to food safety.

- We liaised with Suffolk County Council (SCC) with the aim of reviewing our database of childminders and follow up with information/advice and check compliance as necessary. However, SCC did not share data they hold on childminders with us. Childminders receive information on food safety from other agencies and typically have low risks associated with food handling.
- We planned to adopt a new KPI: % East Suffolk food businesses improved or remained the same in the FHRS but were unable to because of the migration to a FHRS database for East Suffolk.

### 7.2 The food safety key achievements in 2018/19 worthy of note are:

- Appointed and coached the team's first corporately funded Food and Safety Apprentice. The apprentice has become well established and is carrying out core roles to support Environmental Technical Support Officers and authorised officers.

- Adopted and reported on the KPI: % East Suffolk food businesses rated 3-5 FHRS. Target: 95%. End of year actual: 98%.
- As part of a corporately led project we continued to explore improving mobile working options.
- Reviewed, revised and updated many document templates that we use to include changes ready for East Suffolk Council.
- Took samples of shellfish/river water as part of the statutory shellfish harvesting classification programme and algal bio-toxin monitoring programme. This work was largely undertaken by the student EHO as part of practical training.
- Delivered the food hygiene training programme with 42 candidates attending the full day Level 2 Award in Food Safety in Catering. Three candidates failed, two took the examination again and one passed. Customer satisfaction surveys show that 97% of delegates rate training courses with the top rating of 'good' and 3% rated them 'average'.
- Over 97% of businesses who responded to an online survey following an intervention said that they were treated fairly.
- We published new e-forms on our website to replace paper based forms. The new forms improve our business processes eg by reducing steps involved in processing payments, reduces the risk of accounting errors, and eliminates the risk of returned cheques. It also makes it easier for customers to:
  - Apply and pay for Export Health Certificates and Food Safety Premises Endorsements for Export
  - Complete and return a food alternative enforcement questionnaire
  - Apply for a food business establishment approval
  - Apply for a food business establishment registration
  - Submit a Food Hygiene Rating Scheme 'Right to reply'
  - Submit a Food Hygiene Rating Scheme Appeal
  - Submit and pay for a Food Hygiene Rating Scheme: Request for a re-visit
  - Request live bivalve molluscs or shellfish registration documents and
  - Apply and pay for Lowestoft Port Health Authority Ships Sanitation Inspections.
- We continued working with other Suffolk local authorities to encourage businesses to sign up to the Suffolk Health and Wellbeing Board supported Eat Out Eat Well (EOEW) award. To qualify for the award, businesses must show their commitment to providing healthier choices; this includes keeping fat, sugar and salt to a minimum, making fruit and vegetables widely available and basing main meals on starchy carbohydrates. There are three levels of award: bronze, silver and gold. The level awarded is based on an

assessment that takes into account the type of food on offer, cooking methods, and how businesses promote healthy choices to their customers. As at June 2019 there were 43 businesses with an EOEW in East Suffolk award: 10 gold, 25 silver and eight bronze.

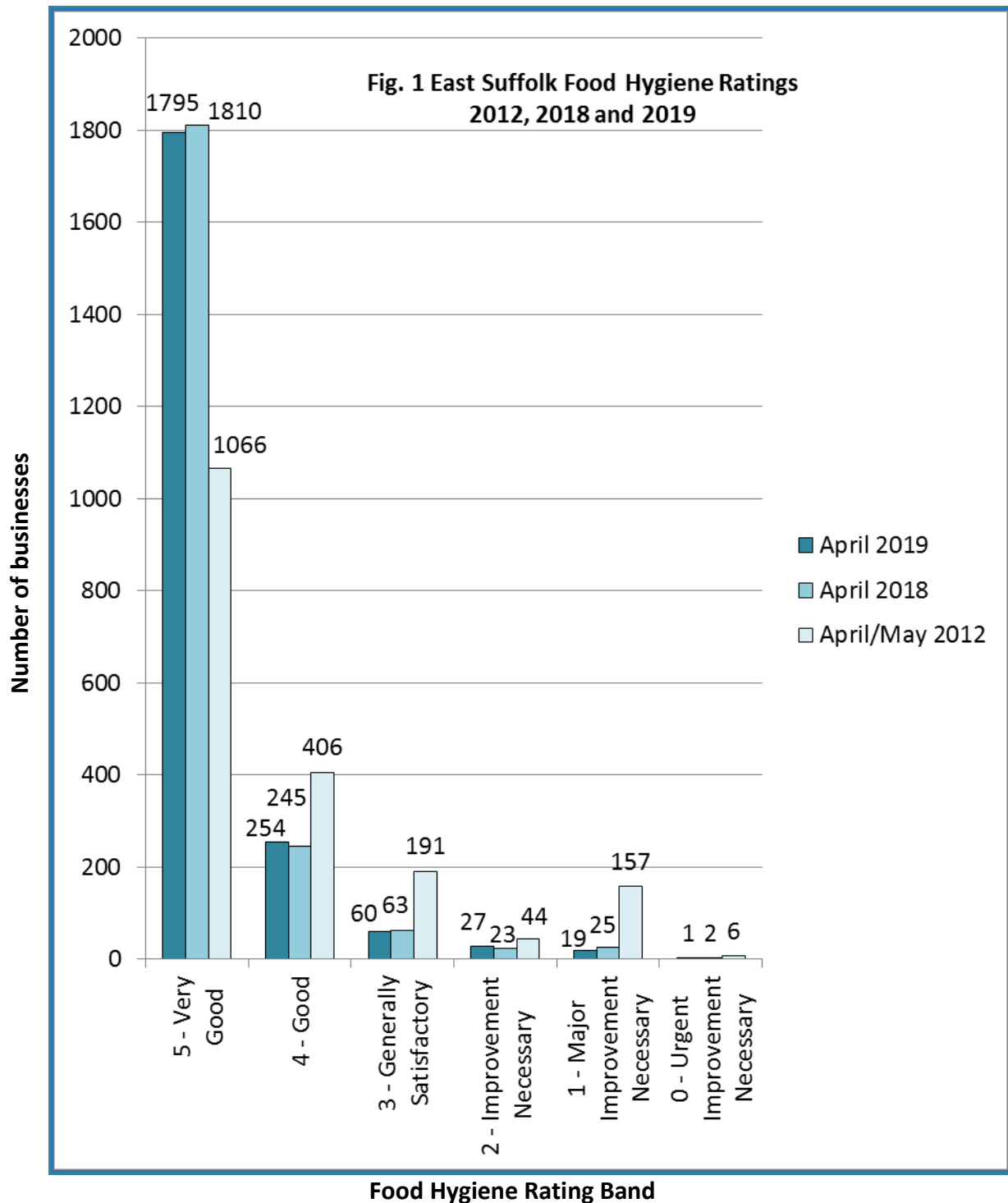
- Suffolk's Take Out Eat Well award was launched in 2018. 12 businesses in East Suffolk have this award. Action point in the East Suffolk Business Plan 2015 – 2023.
- Lowestoft Port Health Authority issued 36 Ship Sanitation Control Certificates/Ship Sanitation Control Exemption Certificates. These certificates are routinely issued to ships engaged in international journeys to identify and record all areas of ship-borne public health risks together with any required control measures to be applied. The certificates carry a six month period of validity and can only be renewed at a port authorised to issue such renewals.
- Produced a Port of Lowestoft Public Health Emergency Contingency Plan.
- Arranged with the FSA to submit our 2018/19 Local Authority Enforcement Monitoring System (LAEMS) return as a joint East Suffolk set. A summary of the interventions, enforcement actions and compliance data is shown in table 9 below (2017/18 data provided for comparison). Higher risk establishments were prioritised for inspection. Outstanding interventions will be rolled over to 2019/20.

Table 9. Summary of food interventions, enforcement actions and compliance data for East Suffolk. Source: LAEMS return for 2018/19.

LAEMS Criteria		East Suffolk	
		2018/19	2017/18
Total % of interventions achieved by premises category. Interventions include: inspections and audits, verification and surveillance, sampling visits, advice and education visits, and information/intelligence gathering.	A	100% (23 interventions)	100% (35 interventions)
	B	100% (82 interventions)	100% (94 interventions)
	C	98.72% (308 interventions)	99.36% (314 interventions)
	D	97.47% (577 interventions)	97.95% (586 interventions)
	E	94.85% (313 interventions)	97.93% (387 interventions)
	Unrated	107 interventions	199 interventions
% Broadly compliant. All categories (excluding unrated and outside)		97.13%	97.6%
% Broadly compliant. All categories (including unrated)		95.5%	95.47%
No. of establishments subject to:			
– Written warnings		543	621
– Improvement notices		1	3
– Emergency Prohibition Notices		0	0
– Prohibition Orders		0	0
– Voluntary closures		4	0
– Seizure, detention and surrender of food		2	2
– Remedial Action Notices		1	2
– Prosecutions		0	0
– Simple cautions		0	0
– Suspension/ revocation of approval		0	0
Samples taken		39	63
Complaint investigations - food		49	38
Complaint investigations – hygiene of premises		279	262

- Arranged with the Food Standards Agency (FSA) to publish Food Hygiene Ratings Scheme (FHRS) ratings as East Suffolk.
- The Food Hygiene Rating scheme (FHRS) helps people choose where to eat out or shop for food by giving information about hygiene standards in places supplying food direct to the public. It also recognises businesses that achieve good standards of food safety and hygiene. Each food business is given a food hygiene rating on a scale from 0 to 5 when it is inspected by a local authority officer. The top rating is '5' – this means the hygiene standards are very good. A business that meets the legal minimum standard will achieve a 5. The bottom is '0' – this means urgent improvement is required. Food businesses are given a sticker that they can put on their window/door. All ratings are published on the FSA's website. The distribution of ratings is shown in Figure 1 below. Over the seven years up to April 2019, 729 more businesses in East Suffolk achieved a top FHRS rating of 5 compared to 2012.
- In conjunction with our Communication Team we continued to use Twitter to regularly highlight businesses that achieve a top FHRS rating of 5.
- By the end of 2018/19, 2,109 food businesses in East Suffolk, almost 98% of the food businesses in scope, had a FHRS rating of 3-5. A risk based approach will continue to be applied to poor complying businesses. Compliance by businesses that have a history of poor performance is often subject to fluctuation because standards sometimes drop after intervention. The FHRS provides businesses with an incentive to maintain improvements. The mandatory display of ratings, as in Wales and Northern Ireland, would provide a further incentive.

Fig 1. Distribution of Food Hygiene Ratings in East Suffolk 2012<sup>6</sup>, 2018 and 2019.



<sup>6</sup> 2012 baseline year when the scheme was introduced locally.

- In order to ensure that the FHRS is fair to businesses, it has been designed to include a number of safeguards. These are: an appeal procedure; a right to reply; and an opportunity to request a re-visit when improvements have been made in order to be re-assessed for a new rating. Information about these safeguards is provided to food businesses when they are told of their rating and it is also available on the Council and FSA websites.

Table 10. Food Hygiene Rating Scheme Revisit Requests, Right to Reply and Appeals received 2018/19.

FHRS safeguard	Number
Revisit requests	40
Right to Reply	1
Appeals - upheld	0
Appeals - not upheld	0
Appeals - over 21 days	0

- We registered 361 new food business operators/recorded changes to registrations as detailed below.

East Suffolk	
2018/19	2017/18
361	408

- We responded to 375 food safety advice/assistance service requests.

East Suffolk	
2018/19	2017/18
375	406

- Infections requiring particular information to be collected were promptly followed up and passed to the Public Health England (PHE) Anglia Health Protection Team, in accordance with the East of England Standard Approach to Investigating Gastro-Intestinal Disease Cases. A national records system is used to help identify common factors and detect links to cases and outbreaks at an early stage. Cases are confirmed when a stool sample is provided by someone suffering from food poisoning symptoms and is sent to a laboratory by a GP or other health professional. Not all people suspected of having food poisoning contact their GP or provide a stool sample for testing. Therefore, the exact numbers of cases of food poisoning are not known and there is under reporting. Tables 11 and 12 below show cases of infections.



Table 11. Gastrointestinal disease cases in East Suffolk April 2018 to March 2019 and April 2017 to March 2018. Source East of England Health Protection Team, Public Health England Centre.

Disease	2018/19	2017/18
E coli O157 VTEC	<10	<10
Salmonellosis	24	22
Campylobacteriosis	287	227
Cryptosporidiosis	19	35
Giardiasis	20	14
Shigella dysentery	<10	<10

Table 12. Gastrointestinal disease cases in East Suffolk April 2018 to March 2019 and April 2017 to March 2018, rate per 100,000 population\*. Source East of England Health Protection Team, Public Health England Centre.

Disease	2018/19	2017/18
E coli O157 VTEC	0.4	0.8
Salmonellosis	9.7	8.9
Campylobacteriosis	116.2	91.9
Cryptosporidiosis	7.7	14.2
Giardiasis	8.1	5.7
Shigella dysentery	1.6	0.4
Total	143.8	121.9

\* ONS mid-year estimates 2017

## 8. AREAS FOR IMPROVEMENT – FOOD SAFETY

### 8.1 In 2019/20 the Food and Safety Team plan to:

- Utilise laptop/tablet technology on site to facilitate more effective communication following interventions and to record observations, photographs etc. at the time of the visit.
- Volunteer to adopt the FSA's new register a food business digital service. This service has been developed to make it easier for food business operators to register and receive relevant information and guidance and will also enable local authorities to capture consistent and high-quality registration data.
- Continue supporting the local New Anglia Better Business for All programme which will include the New Anglia Compliance Partnership website.

- Work with Public Health Suffolk to promote the Eat Out, Eat Well and Take Out, Eat Well healthy eating awards as part of the Council's presence at the Suffolk Show and supporting the theme of the investments we are putting into the future of the District.

## 9. HEALTH AND SAFETY SERVICE

### 9.1.1 Scope of the Health and Safety Service

We carry out interventions relating to health and safety matters in those premises for which it has enforcement responsibility eg retail, leisure, catering and hospitality, care homes (employee related only), retail and wholesale distribution warehousing etc.

- proactive inspection will be used to target the high risk activities in sectors specified by HSE in the National Local Authority Enforcement Code or where intelligence suggests risks are not being effectively managed
- engagement with event organisers in partnership with other agencies via the Safety Advisory Group to address public safety at events
- investigation of complaints concerning work premises and practices
- investigation of accidents and dangerous occurrences reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- health and safety education programme, including Level 2 Award in Health and Safety in the Workplace
- Sunday trading laws
- consultee as a responsible authority under the Licensing Act 2003
- registration of skin piercing activities.

### 9.10 Demands on the Health and Safety Service

East Suffolk attracts many tourists particularly during the summer months. Events attracting several thousands of people are held, these have included the Suffolk Show at Trinity Park and the Latitude Festival that takes place at Henham Park. The Food and Safety Team works with the event organisers and others during the planning and delivery to ensure that persons involved in the events and the members of the public that attend them are protected from risks to their health or safety.

## 10. SERVICE DELIVERY – HEALTH AND SAFETY

### 10.1 Health and Safety Premises Inspection and other Interventions

The responsibility for the enforcement of the Health and Safety at Work Act etc. 1974 and relevant statutory provisions is governed by the Health and Safety (Enforcing Authority) Regulations 1998 that allocate enforcement to either the Health and Safety Executive or Local Authority according to the main work activity. Since 1974 local authorities have been

responsible for enforcement of the health and safety laws in places such as shops, retail and wholesale warehouses, offices, catering, restaurants, bars, hotels, care homes (without nursing care), leisure and cultural services such as golf courses, horse riding establishments and motor sports together with consumer services such as undertakers and workshops fitting tyres and exhausts.

The Health and Safety Executive is responsible for the remainder of activities eg factories, building sites, farms, vehicle repair workshops, railways, power stations, care homes providing nursing care, docks, fairgrounds, schools, colleges and Council run services.

Under a Memorandum of Understanding (MoU) the Care Quality Commission (CQC) now have responsibility for the regulation of health and safety in registered care homes that principally affects the service user under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Local Authorities still have powers under the Health and Safety at Work etc. Act 1974 in relation to the health and safety of employees. The MoU is currently being reviewed following concerns raised by Local Authorities that the level of protection under health and safety law has been diminished as CQC appear to have more limited powers in the case of a imminent serious health or safety risks.

In May 2013 HSE published the National Local Authority Enforcement Code. The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Each year the HSE hosts national update sessions to cascade the priorities for regulation for the following year. One of the Food and Safety Team officers chairs the Norfolk and Suffolk Health and Safety Liaison Group and attends this session. The HSE also publish a list of activities in types of premises that are deemed suitable for proactive intervention. The HSE use national accident data, labour force surveys and intelligence from Local Authorities to shape the annual list to ensure that resources are focused in the businesses that present the greatest risk.

HELA Circular LAC 67/2 (rev 8) provides a nationally consistent framework for guiding the Local Authority as to the appropriate interventions based on risk and efficacy where local authorities regulate health and safety. There are no predetermined inspection frequencies as it is expected that the LA will follow the Code and use intelligence such as reported incidents or complaints to decide whether a proactive inspection is justified. We are committed to improving health and safety outcomes where there is greatest risk and will reserve proactive planned inspections for those premises that present a comparatively high risk. Alternative interventions such as awareness raising campaigns and invitations to particular sectors to engage with the management of health and safety will be incorporated into the workplan.

Intelligence will also be sought via the Norfolk and Suffolk Health and Safety Liaison Group which is chaired by the Senior Environmental Health Officer. The group holds quarterly meetings, with one of these meetings reserved for training, with an objective to share

information and successful project plans. These groups are attended by the HSE's Enforcement Liaison Officers for Norfolk and Suffolk (ELO) or their representative.

The Food and Safety Team have used the LA National Code and local intelligence to identify the following priorities for intervention:

National Priorities:

- Fatalities and significant injuries resulting from being struck by vehicles in high volume warehousing or distribution
- fatalities and significant injuries resulting from falls from height, amputation and crushing injuries in industrial retail or wholesale premises eg steel stockholders, builders/timber merchants
- falls from height, unstable loads and manual handling in high volume warehousing or distribution
- crowd management and injuries or fatalities to the public at large scale public gatherings eg cultural events, sports, festivals and live music
- buried pipework and bulk storage of Liquefied Petroleum Gas (LPG) used in food premises and natural gas safety in catering premises will continue to be assessed when the premises are visited for food safety purposes
- manual handling in residential care homes
- gas safety in catering establishments.

Local Priorities:

- risk of drowning in leisure pools
- promoting the safe use of inflatable play equipment eg bouncy castles.

How these national and local priorities will be addressed within the Council's intervention plan:

- Health and safety in warehousing is a national priority and has been chosen as a priority for all Norfolk and Suffolk authorities. The Norfolk and Suffolk Health and Safety Liaison Group's annual training day in June 2019 is focussed on warehousing activities.
- In 2017 the Health and Safety Executive issued revised guidance on the safe management of swimming pools. There have been two deaths in leisure pools in Norfolk and Suffolk recently and more near miss incidents and a successful prosecution of both a pool owner and their health and safety consultant in Norfolk following a near drowning incident. The revised guidance advises that more effective controls are necessary in relation to supervision and life saving at small leisure pools. In 2018/19 the Food and Safety Team brought this new publication to the attention of pool operators and advised them to ensure that the risks of drowning are

adequately controlled. In the summer of 2019 all leisure pools in East Suffolk, including those operated on behalf of the Council under contracts with Sentinel Leisure Trust and Places for People, will be visited and assessed on their management of the risks of drowning. The HSE's Enforcement Management Model will be used to determine the appropriate enforcement action to be taken if any pool operators are found to be failing to control the risk of drowning.

- Inflatable play equipment (bouncy castles) – following a child's death in Norfolk when playing on an inflatable trampoline and a recent high profile investigation and subsequent prosecution following a child's death in Essex the Food and Safety Team will be promoting the safe use of inflatable play equipment and ensuring that commercial operators have the appropriate safety documentation, including inspection reports, for the equipment and are able to monitor wind conditions on site.
- Musculoskeletal disorders associated with moving people in the health and social care sector. Nationally there is evidence that employees in the residential care sector are suffering from musculoskeletal injuries as a result of manual handling practices. There is a hierarchy of controls that should be in place that means individuals should not be put at risk and the best way to achieve this is to carry out suitable risk assessments and to use the appropriate equipment to reduce the forces needed to move people and to respect the dignity of the individual being moved. The Food and Safety Team will be investigating any reports of musculoskeletal injuries sustained by employees in the health and social care sector where the LA is the enforcing authority.
- Falls from height - falls from height, including where the person only falls a few feet, are known to cause significant injury and death. Working at height will be included in the selection criteria used to determine whether the Food and Safety Team will respond to injuries and complaints.
- Gas safety in catering businesses – gas safety is a national high priority due to the extreme risks that it poses. Gas safety will be assessed when officers from the Food and Safety Team are visiting catering premises for food safety purposes.

## 10.2 Investigation of complaints about work activities and workplaces

In addition to planned interventions the Food and Safety team will respond to complaints made by employees or other interested parties about either the place of work or work activities that they believe will affect their health or safety. Officers will use previous history and other intelligence to prioritise complaints.

Health and safety related complaints anticipated in 2019/20:	
Number of complaints	
	155

### 10.3 Investigation of Accidents and Dangerous Occurrences

The Food and Safety Team will have regard to the national Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) Circular 22/13 (rev1) Incident Selection Criteria Guidance to deliver a common proportionate, transparent and targeted approach for the selection and investigation of accidents and incidents. When deciding which incidents to investigate and the level of resource to be allocated to the investigation, account will be taken of the:

- severity and scale of potential or actual harm
- seriousness of any potential breach of the law
- duty holder's known past health and safety performance
- enforcement priorities
- practicality of achieving results
- wider relevance of the event, including serious public concern
- national guidance on targeting interventions.

The Care Quality Commission (CQC) have responsibility for investigating injuries and ill health suffered by service users in registered care settings although the provider is still required to notify the relevant health and safety enforcing authority. Such incidents are passed to CQC by Food and Safety Team officers as soon as they are initially received.

It is anticipated that there will be the following numbers of Reporting of Injuries Diseases and Dangerous Occurrences Regulations reports in 2019/20:

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations reports anticipated in 2019/20:	
Number of reports	
148	

### 10.3 Notification of Asbestos Removal

Notifications of asbestos removal anticipated in 2019/20:	
Number of reports	
1	

### 10.5 Registration, Licensing and Planning consultations

The Council's Food and Safety Team is involved in the registration process for skin piercing activities eg tattooing under the Local Government (Miscellaneous) Provisions Act 1982. The team is also a responsible authority under the Licensing Act 2003 and is consulted on licensing applications.

## 10.6 Primary Authority and Home Authority Schemes

In April 2009, the Regulatory Enforcement and Sanctions Act 2008 introduced into law the principle of the Primary Authority (PA). All local authorities are now required by law, when considering enforcement action against a business with multiple outlets, to follow advice agreed between the business and its PA. The purpose is to achieve greater consistency in enforcement action in large, multi-outlet businesses.

We support the Primary Authority (PA) scheme managed by the Office for Product Safety and Standards. Where PA partnerships are registered the team will contact the PA to ensure that proposed actions are not contrary to appropriate advice that the PA has previously issued. We do not have a PA agreement with any company in their districts.

## 10.7 Advice to Business

The Food and Safety Team endeavour to build on their existing liaison arrangements with businesses, both to improve existing consultation arrangements, and to encourage and facilitate business growth. The team provides free advice to businesses and responds to requests for advice from businesses, members of the public and other partner agencies.

The Food and Safety Team contributes updates to the Council's website pages and Twitter feeds. These give general health and safety information together with links to the HSE's website for more information.

## 10.7 Economic Challenge

The Food and Safety Team endeavour to build on their existing liaison arrangements with businesses, both to improve existing consultation arrangements, and to encourage and facilitate business growth. The team provides advice to businesses eg

- provide free information and advice
- provide signposts to sources of free information
- provide local low cost training
- monitor and respond as appropriate to regular feedback from questionnaires
- process imported food controls promptly
- deal with applications to trade in a prompt manner eg food establishment approvals/skin piercing/general food establishment registrations
- respond to national influences and
- regularly review our procedures.

We have supported the work of engaged Suffolk and Norfolk regulatory services working with the Norfolk and Suffolk Local Enterprise Partnership (LEP) to develop stronger links to help improve the effective and efficient delivery of regulatory services via the New Anglia Better Business for All (BBfA) partnership.

## 10.8 Liaison with other Organisations

There are benefits to be gained by working in close partnership with the Health and Safety Executive and other local authorities. The Food and Safety Team has demonstrated commitment to this by having already undertaken or have plans to liaise with the Health and Safety Executive eg via meetings, other communication and initiatives involving:

- our Health and Safety Executive partnership inspectors at district level
- the Norfolk and Suffolk Health and Safety Liaison Group at county level
- the Health and Safety Policy Forum at national level.

We have also been involved in the co-ordination and conduct of joint visits and campaigns with Health and Safety Executive inspectors and participated in initiatives involving the Health and Safety Executive and neighbouring local authorities.

The Food and Safety Team has extensive liaison in place with a wide range of other organisations on health and safety matters:

- Norfolk and Suffolk Health and Safety Liaison Group
- CIEH
- LGA Practitioner Forum on Health and Safety
- HSE eg staff at the local offices, Local Authority Unit
- Planning and Building Control
- Trading Standards Officers at Suffolk County Council
- Clinical Commissioning Groups
- Suffolk Fire and Rescue Service
- Other LAs directly and through EHCnet
- Public Health England
- Licensing Team (Licensing Act 2003)
- Waveney Safety and Environment Group
- Care Quality Commission
- Suffolk County Council Adult and Child Safeguarding Teams
- Suffolk County Council Trading Standards Team
- Highways England
- Suffolk Resilience Forum
- Suffolk Joint Emergency Planning Team
- HSE/LA Eastern Region Partnership Forum
- Suffolk Police
- Maritime Coastguard Agency
- Home Office Security Industry Authority
- East of England Ambulance NHS Trust and
- New Anglia Better Business for All partnership.



## 10.9 Flexible Warranting and local agreements

All of the Suffolk local authorities have signed an agreement under section 113 of the Local Government Act 1972. The agreement provides mutual aid between the participating local authorities by enabling suitably qualified, experienced and competent officers to carry out relevant enforcement functions across the local authorities in the event of:

- a major incident such as a significant human or animal health outbreak or a serious incident in a workplace where considerable additional resources are required
- an emergency where the enforcing authority does not have a suitably authorised officer available when required
- in response to an incident where an officer from another local authority has particular skills, experience or expertise.

## 11. RESOURCES

### 11.1 Financial Allocation

Details of budgetary provision are included in East Suffolk's Budget Book 2019/20.<sup>7</sup>

We maintain our own legal services to provide support to service areas. There is also financial provision made to enable the use of external legal services, where appropriate.

### 11.2 Staffing Allocation

#### 11.2.1 Head of Service

The Head of Environmental Services and Port Health is Phil Gore who provides a 0.45 FTE towards achieving the Food and Health and Safety Service Plan.

#### 11.2.1 Food and Safety Team

The Food and Safety Team has full time equivalents available for health and safety regulatory work as follows:

Table 13. FTE health and safety.

Professional staff	Support staff
Health and safety 1.2 FTE	0.64 FTE

The resource allocation set out in table 13 is sufficient to complete the estimated programme of work outlined in the service plan for 2019/20. However, any additional unplanned work may require reprioritisation within the plan.

---

<sup>7</sup> <http://www.eastsuffolk.gov.uk/assets/Your-Council/Financial-Information/Budgets/East-Suffolk-Budget-Book-2019-20.pdf>

### 11.3 Staff Development Plan

Our People Development Strategy has the development of our workforce at its heart. Evidence requirements are around good understanding of objectives and drivers, meeting skills needs, reviewing the learning.

The Council has agreed a set of values and behaviours and has adopted a staff performance and development scheme called MyConversations, harmonised their staff appraisal schemes and have published their agreed values and behaviours. The values are about a collective, positive attitude; about working together as one team every day and how we aspire to behave collectively. The five values are proud, dynamic, truthful, good value and united. These values have been embedded as an important part of staff culture and development. As part of the myConversation scheme, officers formally discuss their performance and development with their line manager every few weeks. Progress with the plan is reviewed so any issues can be raised. Relevant training areas are identified to ensure the requirements for authorised officers are met.

To maintain competence, enforcement officers attend training courses run by various organisations including the HSE. The Food and Safety Team will continue to access both local and national training initiatives to ensure that all of its enforcement officers are well trained and competent. Officers will also use the online Guidance for Regulators – Information Point that is part of the Regulators’ Development website.

In past years, individual team members were allocated project areas to research and then provide a training workshop on that subject to help officers increase their own in depth knowledge of a subject and then share their experiences with other officers.

A well established programme helps to provide practical training to student EHOs. Arrangements are in place for Suffolk Coastal Port Health Authority to fund the annual appointment of a student EHO to receive practical training. The appointment of the student is coordinated by an officer from the Food and Safety Team who also manages and oversees the student’s training programme.

## 12. **QUALITY ASSESSMENT**

### 12.1 Quality Assessment

The Food and Safety Team has a range of documented procedures which are subject to monitoring and review.

### 12.2 Inter Authority Audits and Peer Review

The principle of inter authority audits (IAA) is fully supported. The Food and Safety Team has undertaken inter authority inspection and quality and monitoring. Peer review takes place amongst the team eg discussions during team meetings and joint visits. In 2018 the Norfolk

and Suffolk Health and Safety Liaison Group hosted and facilitated a peer review consistency exercise on effective regulation for health and safety Inspectors from Suffolk, Norfolk, Essex and the Health and Safety Executive. The health and safety regulatory service is also subject to peer review with Local Authorities in Suffolk and Norfolk via the Norfolk and Suffolk Health and Safety Liaison Group.

### 12.3 Internal Monitoring Arrangements

The Food and Safety Team has the following arrangements in place to assist in the quality assessment of the work carried out:

- documented work procedures (under a process of continuous review)
- samples of post-inspection reports, letters and notices are checked
- a sample number of inspections, either by shadowing or a follow-up visit or file reviews and
- one to one meetings.

The contents of statutory notices are discussed and agreed, where appropriate, with the relevant manager or colleague before service or, in the case of an immediate prohibition notice, soon after.

### 12.4 Customer Satisfaction Surveys and Complaint Procedures

Customer satisfaction is collected on training courses and business satisfaction is collected via online surveys. A statistical summary of the results of these surveys is shown in Appendix 5.

We publish complaint procedures and customer service standards on our website. A summary of complaints received in 2018/19 is produced in Appendix 6.

In 2012 the Government established an independent panel to consider challenges to health and safety regulatory advice. The panel looks into issues raised by business where they believe a HSE or local authority health and safety inspector has given advice that is incorrect or disproportionate. The panel will not look at issues where other independent appeals processes exist, such as for enforcement notices or prosecutions. Ministers asked for the panel to be established following a recommendation in the Löfstedt report, which proposed that the Government introduced a challenge mechanism that allows for cases of incorrect, over-application of health and safety legislation to be addressed. No cases relating to our service have been taken to the panel to date.

## 12.5 Team Meetings

The Food and Safety Team holds meetings to discuss all matters relating to the service, including issues relating to competency and consistency. Officers are encouraged to summarise interesting cases and highlight learning points at the regular meetings.

## 12.6 Bench Marking

We complete the annual LAE1 return to the HSE that can form the basis of national benchmarking. The Norfolk and Suffolk Health and Safety Liaison Group is a forum to exchange approaches in the way that local authorities and the HSE work.

Monitoring performance against the standards set out in the Food and Health and Safety Service Plan will be via management meetings and annually to full Council.

# 13. REVIEW – HEALTH AND SAFETY

## 13.1 Identification of any Variation from the Service Plans - Health and Safety

See also para 7.1 above.

We are continuing to work through a period of significant change to existing working practices and face up to the challenges facing local authorities and reduced staff resources in recent years.

Three long standing and experienced officers retired during 2018/19. A fourth experienced officer resigned to pursue other interests. Two of those posts were filled by officers without recent experience of health and safety enforcement. The Council is actively trying to fill the remaining vacancies but, along with other LAs in the East of England, there is a shortage of applicants with the required competencies as a health and safety regulator. Flexible warranting with neighbouring LAs gives some resilience.

The Food and Safety Team were not engaged in any health and safety enforcement projects in 2018/19 which accounts for the reduction in proactive inspections. However the team has focused on training and increasing regulatory competence and will be targeting health and safety in swimming pools (following recent fatalities and near misses in the Eastern Region), warehousing and MSDs in the movement and handling of persons in residential care.

These factors put pressure on staff but the team responded well to ensure that consumers were protected.

### 13.2 The health and safety key achievements in 2018/19 worthy of note are:

- Public safety, in particular crowd safety, has been identified by HSE as a priority and there has been a growth in East Suffolk in commercial and community events that might pose a risk to those who attend them. The multi agency Safety Advisory Group (SAG) routinely meets on a monthly basis and is made up of representatives from local authorities, the emergency services and other relevant bodies and is chaired by a member of the Food and Safety Team. SAGs review event applications to ensure that the emergency services will be prepared in the event of an emergency and advise the organisers on public safety.
- The increasing number of events self-referring to SAG shows that event organisers welcome the opportunity to gain knowledge and assistance in running a safe event. The larger events such as Latitude Festival and the Suffolk Show will always require a multi agency review by SAG due to the nature of the events. The inquiry into the events at Hillsborough 25 years ago has highlighted the need for all involved to understand how their actions might affect others and SAG is a useful forum for this.
- The East Suffolk Safety Advisory Group (SAG) reviewed 60 events in 2018/19, held meetings with the organisers of 18 of those events and was involved in daily site meetings at the Suffolk Show, Latitude Festival and the OVO Women's Tour international cycle race. The SAG is becoming increasingly important as an intelligence sharing forum as public events are increasing in numbers and diversity across the district. Many event organisers are not established businesses and despite having attended such events they have shown they have little appreciation of health and safety risks associated with running an event.
- In 2018/19 the Senior Environmental Health Officer in the Food and Safety Team chaired the county wide Suffolk Event Safety Advisory Group when the OVO Women's Tour cycle event that had stages of the race in Suffolk was reviewed. The Senior Environmental Health Officer also contributed to a training initiative on behalf of the Suffolk Resilience Forum for environmental health, building control, licensing, police, fire and emergency planning personnel who were new to the SAG process.
- Supported the progress of the New Anglia Better Business for All (BBfA) partnership. BBfA is a Government supported partnership approach to creating the conditions to support growth. Providing more effective business support to facilitate the growth of Small and Medium-sized Enterprises is an Action point in the East Suffolk Business Plan 2015 – 2023.
- Reviewed work procedures based on Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circulars eg incident selection criteria and targeting local authority interventions etc.

- The Food and Safety Team supported two Business Showcase events hosted by the Council's Economic Development and Regeneration Team and gave health and safety advice to business representatives that attended.
- The Food and Safety Team was represented at the Norfolk and Suffolk Health and Safety Liaison Group which is chaired by the Senior Environmental Health Officer from the Food and Safety Team. Six of the seven Suffolk LAs work in partnership which has reduced the number of officers at the county liaison group and is less effective for peer review and benchmarking so Suffolk and Norfolk have joined together and will share best practice.
- Buried pipework and bulk storage of LPG serving food premises was assessed when the relevant premises were visited for food hygiene purposes; this initiative will be continued in 2019/20.
- Submitted annual data return to the HSE relating to occupational health and safety (LAE1 Local Authority Health and Safety Return). A summary is shown in table 14 below.

Table 14. LAE1 Local Authority Health and Safety Return summary 2018/19.

LAE1 Criteria	East Suffolk
Proactive inspections	6
Non-inspection interventions	15
Any other targeted contact (not face to face) to educate, advise or engage duty holders	38
Reactive visits	60
Revisits following earlier intervention	3
Improvement Notices	1
Deferred Prohibition Notices	0
Immediate Prohibition Notices	0
Simple cautions	0
Prosecutions resulting in conviction	0

- Acted as responsible authority under the Licensing Act 2003 for public safety.
- Received, considered and responded where necessary to licensing consultations and processed skin piercing registrations:

Task	Number
Temporary Event Notifications	762
Other licensing consultations	111
Skin piercing registrations processed	35

- We published a new and local e-form on our website to enable online registration and payment for skin piercing, tattooing, electrolysis, acupuncture or semi-permanent makeup. The new form improves our business processes eg by reducing steps involved in processing payments, reduces the risk of accounting errors, and eliminates the risk of returned cheques.
- 149 events were notified to the Food and Safety Team. SAG considered 60 events at 18 meetings with the organisers and a further 34 event management plans were reviewed by SAG members as a virtual SAG.

## **14. AREAS FOR IMPROVEMENT – HEALTH AND SAFETY**

14.1 In 2019/20 the Food and Safety Team plan to:

- Utilise laptop/tablet technology on site to facilitate more effective communication following interventions and to record observations, photographs etc. at the time of the visit.
- Recruit qualified officers to replace those who retired in 2018 which will enable the Food and Safety Team to undertake more health and safety interventions than in 2018/19.
- Continue supporting the local New Anglia Better Business for All programme which will include the New Anglia Compliance Partnership website.
- Harmonise skin piercing byelaws for East Suffolk.

## 15. SUFFOLK COASTAL PORT HEALTH AUTHORITY

### 15.1 Scope of the Port Health Service – Suffolk Coastal Port Health Authority (SCPHA)

The Port Health Service has responsibility for all food safety and food standards matters relating to imported foods and materials in contact with food. The service includes the following:

- operation of Felixstowe Border Inspection Post (products of animal origin)
- imported food control (non-animal origin products) at Felixstowe, Harwich International Port, Harwich Navyard and Mistley Quay
- checking catch certificates for specified products to ensure the legitimacy of the products caught and to prevent the Illegal Unreported and Unregulated activities of fishing vessels
- enforcement of The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011 at Felixstowe, Harwich International Port and Ipswich
- imported food control, vessel inspection, and control of infectious disease at the Port of Ipswich
- control of feed covered by EU 669/2009 and EU 884/2014 at the Port of Felixstowe
- inspection of vessels to ensure compliance with international and United Kingdom health requirements
- food hygiene inspections of vessels within the dock
- control of infectious disease
- verification of organic produce at point of importation
- undertaking monitoring programmes.

Suffolk County Council is responsible for all food standards matters within the District, outside of the Port of Felixstowe and is responsible for non-animal origin (NAO) animal feed arriving at the Port. A contract has been negotiated that sees SCPHA deliver the day to day statutory controls on high risk feed and we are continuing to work with Trading Standards to ensure an effective monitoring procedure for other animal feed imported through Felixstowe.

### 15.2 Demands on the Port Health Service

The Port Health Service has a number of competing demands which it has to balance in order to remain effective and efficient. These demands can be identified as:

- Commercial Activity
- Legislative Framework
- Organisational / Business Development
- BREXIT
- Other.



### 15.3 Commercial Activity

The Port of Felixstowe is the UK's busiest container port and one of the largest in Europe. It provides some of the deepest water close to the open sea of any European port.

The Port of Felixstowe is a primarily container port handling more than four million TEUs per year and welcoming over 3,000 ships each year including the largest container ships afloat today. Over 40% of the UK's import and export trade passes through the Port of Felixstowe. Around 17 shipping lines operate from Felixstowe offering approximately 33 services a week to and from 700 ports around the world.

As well as being the UK's largest container port, Felixstowe is also a key gateway for roll-on/roll-off trade with Europe. Demand on the service to Rotterdam has been growing steadily for a number of years. In early 2019 the Port of Felixstowe and leading Danish ferry operator DFDS agreed to increase roll-on/roll-off (ro/ro) capacity by over 40%; investment will be made in a new linkspan, tractor units and additional trailer parking facilities for unaccompanied ro/ro traffic.

The Port continues to expand its rail services with the launch of a new daily GB Railfreight service to the Midlands. The ongoing improvements to the Felixstowe branch line will further support the development of rail.

The Port has developed additional container yard behind 8/9 berth to generate additional container storage and handling facilities. This will allow for the optimisation of container handling operations between the berth and the yard to further enhance the service offered to customers. The yard has added 18,000 TEUs of stacking capacity to the 130,000 TEU already available.

The Port continues to invest and innovate. The ongoing work to heighten the cranes on Trinity berth continues – once completed the Port will be able to accommodate 3 mega vessels at the same time. The introduction of remotely operated cranes functionality and trials of remote controlled plant on 8/9 berth all contribute to maintaining the Port of Felixstowe as the UK's premier port.

The increasing size of vessels and frequency of arrivals at Felixstowe continues to deliver significant challenges for our resource planning. The arrival of larger vessels possibly two or even three at a time gives rise to peaks in workload volume. When this is coupled with the service expectations of our customers and the desire of HM Government (HMG) to ensure flow and trade across borders there is a real challenge for the Port Health service, especially as our role is bound by a comprehensive legislative framework.

As SCPHA works closely with the examination facilities on the Port, the effects of the changes made by the Port can be felt by Port Health.

#### 15.4 Legislative Framework

The legislative framework within which we operate generally continues to evolve incrementally with regular amendments to the products subject to import control measures.

However, a significant change is expected in late 2019 as Regulation 882/2004 is replaced by the new Regulation (EU 2017/625) otherwise known as the Official Control Regulations (OCR). This amalgamates controls across sectors such as plant and animal health, consolidates port approval status into one covering all commodities for which the port has approval – Border Control Point (BCP) and merges the current CVED and Common Entry Document (CED) documents into one document; the Common Harmonised Entry Document (CHED) for use for all products requiring statutory controls.

The provisions of Council Directive 97/78 have been incorporated into the new Regulation and the Directive will be repealed. Currently we are awaiting the subsidiary implementing legislation which will provide the details of how this will affect our day to day work. These implementing regulations are expected in late 2019.

It is anticipated that risk based checks, in particular those relating to physical examination, will be implemented which may lead to a reduction in the number of physical checks being carried out. Once the detail is known we will need to review our procedures and working methods to ensure they are in-line with the requirements. The move to a risk based approach is welcomed as this will reduce the number of compliance monitoring checks, freeing up resource to target the identification of and intervention on non-compliant trade.

A change in the import requirements for composite products (food containing processed animal products combined with vegetable material) has been recently published and the implications of the legislation are under review. There are likely to be procedural changes required, however the implementation date is not until 2021.

The six monthly reviews of the High Risk Products in the Annex to Commission Decision 669/2009 continue. Some advance notice of the likely changes to the list has been available, allowing us to prepare for the changes and ensure information is available for our customers.

Any change to the legislation requires consideration as to how SCPHA implements the requirements and consideration of how that change is best communicated to our staff, service users and the organisations we work alongside. The failure to implement legislative requirements in a timely, fair and effective manner carries a significant reputational risk.

#### 15.5 Organisational / Business Development

The review of the Port Health Service has seen the introduction of a revised management / leadership structure. The process of embedding this into Port Health is currently ongoing. The new structure (see Appendix 2) will facilitate the focus on three key areas: People,

Organisation and Technical. This is the first stage of a series of initiatives to enhance the effectiveness and efficiency of the Port Health service.

PHILIS, the IT system developed by SCPHA, and currently licensed to London, Mersey and Southampton and Heathrow Animal Reception Centre (HARC) won the LGC Award for Innovation in March 2018, recognising the significant impact it has had on delivering effective services within Local Government.

Interest in the PHILIS system continues with other Port Health Authorities making enquires about implementation in their locations and a number of online demonstrations to the interested parties have been undertaken. Implementation of PHILIS into Dover PHA is currently ongoing.

The SCPHA ICT team has been actively involved in the development of IT systems to ensure effective port health systems in a post BREXIT environment – not only developing contingency systems for Felixstowe, and our PHILIS customers, but also engaging with BREXIT IT initiatives undertaken by DEFRA and the FSA. This has included representations to the project management board for the future UK Consignment Notification system – IPAFFS (Imports of Products, Animals, Food and Feed System).

The Port Health service continues to embrace technological change and pioneer the use of innovative solutions. It is engaged in National initiatives that are investigating use of artificial intelligence, machine learning, virtual reality and other processes to facilitate the border control process.

## 15.6 BREXIT

The preparations for exiting the EU have and continue to place significant demands on the service. A number of Government led projects and initiatives have been instigated to identify impacts and contingency measures across the range of exit options. SCPHA has been engaged with the Border Delivery Group and other HMG departments to advise and shape the discussion in relation to Port Health, not just in Felixstowe but also in the wider sense. SCPHA has, and continues to host, many visits from HMG departments who value the opportunity to see how port health is successfully and effectively delivered in the UK's premier container port. SCPHA has built relationships with numerous HMG departments, and this has facilitated an insight into the potential challenges ahead.

As part of the early engagement activity, SCPHA hosted a delegation from the NVWA – the body that delivers Port Health across the Netherlands – including the Port of Rotterdam, one of the key Northern European ports. There is significant trade between Felixstowe / Harwich and the Netherlands.

At a local level, BREXIT presents the potential for significant change. The extent and timing of any change is dependent on the outcome of the ongoing negotiations. The uncertainty

around the future requirements, coupled with the HMG priority to maintain trade across the border, has required the development of a wide range of contingency measures.

The Port of Felixstowe and Harwich were identified by the Border Delivery Group (BDG) as ports with a high risk of potential change due to BREXIT. As part of this high risk categorisation SCPHA was awarded extra funding in order to prepare for BREXIT. In addition SCPHA has been successful in bidding for additional FSA funding to assist with the engagement and BREXIT preparations it has undertaken. A further bid to the FSA for 2019/20 has been made and is currently awaiting determination.

#### 15.7 Other Service Demands

Whilst the BREXIT decision is awaited, HMG has been looking to the future with the Smarter Risking project and the Infrastructure projects; SCPHA is engaged with both of these HMG initiatives to provide expert opinion, practical information and guidance to help shape future arrangements.

Animal and Plant Health Agency (APHA\*) continue to conduct audits on Products of Animal Origin controls. We receive one visit per year which will alternate between focusing on the facilities and veterinary checks procedures. Liaison visits will not be undertaken unless audit findings necessitate this. To ensure / assure our internal processes we continue to undertake our own in house verification checks; our revised structure with a compliance manager and two technical leads (subject matter experts) will further enhance the veracity of these checks and facilitate their delivery. We expect audits under the terms of our Contracts from Tendring District Council, Ipswich Borough Council and Suffolk County Council.

The Food Standards Agency has not made funding available for additional monitoring of non-animal origin products for this year. The FSA's Food Fraud Team is targeting products of interest and providing funding on a case by case basis to look at these consignments. SCPHA has recognised the importance of continued monitoring of non-animal origin products to identify any products which may need to be considered for inclusion in the High Risk Product Legislation and so requiring additional checks. We undertake our own sampling plan to ensure full monitoring is undertaken of products imported through Felixstowe. Our monitoring and investigative work helps to inform and shape future UK policy.

A new contract has been negotiated between ourselves and Tendring District Council for the continuation of the delivery of the port health service at Harwich International Port, Harwich Navyard and Mistletoe Quay. Consideration has been given to changes the exit from Europe may bring to Harwich International Port and the new contract is written to the satisfaction of both Councils to allow each some flexibility within the contract.

We will continue to monitor any changes which affect our role as a Category 1 responder under the Civil Contingencies Act 2004.

We continue to undertake routine monitoring and testing of products which pass through our district. All our laboratories are linked into the UKFSS Network. This has been a nationally promoted system supported by the FSA which contains details of samples taken and their results. Submission of sample information here can be done automatically through PHILIS. The future of the UKFSS Network is unclear as the system is no longer fully supported.

## **16. SERVICE DELIVERY – PORT HEALTH**

### **16.1 Port Health Service**

Suffolk Coastal Port Health Authority's (SCPHA) Mission;  
Protection of Public and Animal Health

SCPHA Vision:

To be a Port Health Authority where people are at the forefront of delivering an EU leading service

SCPHA Service delivery principles:  
Effective and Efficient

SCPHA Challenge

Is 'this' in the best interests of Port Health

Through the implementation of the relevant legislative requirements, SCPHA has undertaken an extensive range of monitoring, documentary, identity, and physical checks, sampling activity and enforcement action. Table 15 below is the Local Authority Enforcement Monitoring (LAEMs) report for 2018/19.

Table 15. Key activities during 2018/19

Products at Point of Entry into the UK SCPHA 2018/19		Products of Animal Origin	Products Not of Animal Origin
1	Number of Food Consignments Entering the Port	21,246	201,689
2	Percentage of Manifests Checked	100%	100%
3	Number of Food Consignments Checked at Port (Documentary Checks)	21,246	50,639
3a	Number of Food Consignments Checked at Port (Identity Checks)	21,246	1,387
3b	Number of Food Consignments Checked at Port (Physical Checks)	7,884	1,261
4	Number of Food Consignments Checked at External Temporary Storage Facility (Documentary Checks)	N/A	N/A
4a	Number of Food Consignments Checked at External Temporary Storage Facility (Identity Checks)	N/A	N/A
4b	Number of Food Consignments Checked at External Temporary Storage Facility (Physical Checks)	N/A	N/A
5	Number of Food Consignments Rejected	195	101
6	Reason for Rejection		
	a) Microbiological Contamination	2	6
	b) Other Contamination	1	62
	c) Composition	0	5
	d) Labelling	15	0
	e) Other	177	28
7	Number of rejected consignments subject to:		
	a) Destruction	112	34
	b) Special treatment or processing	0	1
	c) Re-dispatch	83	37
	d) Re-directed for use other than human consumption	0	14
Continued...			

Table 15. Key activities during 2018/19 - continued		Products of Animal Origin	Products Not of Animal Origin
Imported Food Enforcement Activity at Point of Entry and Inland - Samples			
8	Number of Imported Food Samples Taken for Microbiological Examination	116	88
8a	Number of Samples Recorded in (8) Found to be Unsatisfactory	3	6
9	Number of Samples Taken for Chemical/Compositional Analysis	676	1,032
9a	Number of Samples Recorded in (9) Found to be Unsatisfactory	6	71
10	Other Samples Taken (Radiation monitoring)	0	5
10a	Number of Samples Recorded in (10) Found to be Unsatisfactory	0	0
Imported Food Enforcement Activity at Point of Entry and Inland - Formal Enforcement			
11	Number of notices served for Products of Non-Animal Origin		96
12	Number of notices served for Products of Animal Origin	195	
13	Number of Seizures	0	0
14	Number of Voluntary Surrenders	0	1
15	Number of Simple Cautions	0	0
16	Number of Prosecutions	0	0

In addition to the statutory samples of NAO required to be taken, SCPHA has recognised the demands of controlling imported foods of non-animal origin and undertakes a risk based sampling programme. A Food Sampling Policy and associated risk targeting helps us to determine where to focus our sampling activity. Where financial resources allow, enhanced sampling programmes are undertaken when potential problems are identified with a product or range of products. The Food Standards Agency has developed an early warning system for products not of animal origin. The Rapid Alert System for Food and Feed information is being analysed to look at the frequency of notifications for particular hazards. This information can then be used to target products for sampling and analysis. We are currently using this information to target consignments for sampling.

TRACES, through the reinforced check process, continues to facilitate the checking of the next 10 consignments across Europe where an infringement has been found. Further consignments of the same product which fall outside of the 10 consignments and which must be sampled have to remain on the port to await satisfactory results of the 10<sup>th</sup> consignment sampled. Alternatively the importer may choose to have these consignments sampled at their expense; these can then be released on satisfactory results for that

consignment. The national controls on products where an infringement has been identified remain in place.

We have continued to operate our own routine monitoring programme for POAOs received at Felixstowe. This is based on the types of products imported through Felixstowe and is informed by priorities set by the FSA as part of the National Control Plan.

The statutory sampling of NAO products continues with changes to the six monthly lists being accommodated through our internal procedures and delivered through administrative changes to the PHILIS system which allow seamless movements between the old and new lists at the appropriate time. Enhanced sampling of NAO products deemed to be high risk but which fall outside the statutory controls is on-going through our monitoring programme.

Rapid Alerts are monitored to check whether any of the products found to be unsatisfactory elsewhere are imported through Felixstowe. Work done by the FSA on consolidating such information is also assisting to identify sampling priorities. The submission and completion of CED documents for NAO products on TRACES means that rapid alerts for such products are now also being completed on TRACES. Recent revisions of existing Emergency control legislation have incorporated a pre-notification requirement on TRACES for those products so we are able to control and release more consignments via the TRACES system.

Emerging issues are Novel Foods, this complex area is one which is likely to expand in the coming years as greater awareness of issues surrounding these 'foods' becomes more widely available. Legislation covering Novel Foods updates the definition of what constitutes a Novel Food and streamlines the application process. It is anticipated the changes will help reduce the burdens on EU and third country business seeking to place novel food products on the market and facilitate consumer access to new food innovations which have been risk assessed and whose proposed use is considered safe. We will monitor what impact these changes have on our service.

Charges for water sampling and examination for legionella and standard drinking water parameters, where such sampling is requested by the master or agent of the vessel, remain. The charges cover the examination cost and the time taken to draw the samples. We will continue to undertake water sampling free of charge where such sampling is undertaken due to public health concerns about conditions on board the vessel.

All samples submitted for examination by the Port Health Team will be tested by the Public Health England, London, Colindale Food, Water and Environmental Laboratory, and all samples or complaints submitted for analysis will be tested by one of the Council's appointed Public Analysts. CEFAS are undertaking the analysis of food and feed samples from Japan.



## 16.2 Primary Authority Schemes

SCPHA has not been approached by any importer organisations to set up a Primary Authority Scheme and is not seeking to engage in any.

## 16.3 Advice to Business

We have continued to update our website with all new and any relevant changes to legislation or procedures so Felixstowe importers and agents have the most up to date information and details as to how the clearance process will be affected by the changes and what practical actions they need to take to ensure swift clearance. Links to the relevant information on our website appear on standard faxes sent out to importers and agents, allowing them to obtain further background information about any request/information we have sent to them. A specific BREXIT area has been added to help guide our service users to the relevant information sources.

The Agents' Forum meetings - a three-way partnership with the Port of Felixstowe Inspection Facilities, major agents and ourselves have continued. The meetings allow discussion around each others' developments, legislation and its impact, and the efficiencies of the Port Health service.

## 16.4 Economic Challenge

Under the existing arrangements SCPHA recovers the cost of its activities through the charges levied. Foremost amongst the challenges of the future is to ensure that these or similar arrangements are maintained. Significant representations have been made to HMG with regard to arrangements in a post BREXIT environment.

SCPHA has to be in a position to react to the changing legislative framework, HMG guidance and requirements and the demands of the trade, both in terms of Port developments or service user expectations. Variability of these often competing demands does present a number of economic challenges in terms of resourcing, facilities and developing new income streams.

The BREXIT consideration adds another complicating dimension to these challenges however SCPHA is relatively well placed to accommodate change. It has, through a considered and informed approach, maintained a high quality service and is looking to maximise opportunities that will come with change.

SCPHA continues to attempt to identify new income streams, be that through the application of legislative or cost recovery methods, through to identifying ways in which income can be generated from alternative or non-legislative requirements – such as expanding the PHILIS user base.

## 16.5 Liaison with other Organisations

The Port Health Team have extensive liaison in place with a wide range of other organisations: (excludes BREXIT specific groups)

### HMG Departments/ Agencies

- FSA Import and Export Division
- FSA Contaminants Division
- Animal and Plant Health Agency
- DEFRA – Organic Imports Section
- DEFRA - International Trade Division
- Marine Management Organisation
- Maritime and Coastguard Agency
- Health Protection Team and Public Health England
- State Veterinary Service
- Other Enforcement Authorities:  
HMRC, Border Force, PHSI, HMI, Forestry Commission, MHRA

### Ports & Port Health Departments

- Liverpool Port Health Authority
- London Port Health Authority
- Port of Felixstowe
- Port of Ipswich
- Harwich International Port
- Harwich Navyard
- Heathrow Animal Reception Centre
- Associated British Ports

### Other Bodies and Groups

- Suffolk Food Liaison Group
- CIEH East of England Region
- Haven Ports Welfare Committee
- Local Government Association
- Major Port Forum
- EETSA Agricultural Focus Group
- National Animal Feed Ports Panel
- National Trading Standards Board
- Campden BRI
- Felixstowe Port Users Association
- Mistley Quay and Forwarding

- Public Health England/Port Health Liaison Group
- Trading Standards/Environmental Health Departments nationally as required
  - World Health Organisation (Facilitator for the Ports and Shipping Group of PAGNet is a member of the port health team)
  - SHIPSAN Act project - *the project aims at developing and establishing an EU integrated strategy for safeguarding the health of travelers and crew of passenger ships and for preventing the international and trans-national spread of diseases through ships.*

## 17. RESOURCES

### 17.1 Financial Allocation

Details of budgetary provision are included in East Suffolk Budget Book 2018/19<sup>8</sup>.

The Council maintains its own Legal Section to provide support to service areas. There is also financial provision made to enable the use of external legal services, where appropriate.

The provisions within the legislation base enables SCPHA to levy a charge for the undertaking of Port Health control checks. In addition, the licensing of the PHILIS system provides an income stream that enables support / maintenance and further development of the system.

SCPHA continues to seek other funding streams and has secured additional funding from BREXIT preparatory funds and support for non mandatory sampling activities. We continue to monitor new legislative proposals to determine if or how we can ensure cost recovery for services we provide.

The Port Health Service places no financial demands on the wider East Suffolk budget.

### 17.2 Staffing Allocation

#### 17.2.1 Head of Service

The Head of Environmental Services and Port Health is Phil Gore who provides a 0.45 FTE towards achieving the Food and Health and Safety Service Plan.

#### 17.2.2 Port Health Team

The Port Health review has changed the organisational structure within the management team. The new management structure consists of a Port Health Manager, a Compliance Manager, a Business Manager and an Operational Manager. Three Operational posts and

---

<sup>8</sup> <http://www.eastsuffolk.gov.uk/assets/Your-Council/Financial-Information/Budgets/East-Suffolk-Budget-Book-2019-20.pdf>

one Business Support Team Leader post have also been created. The ICT Team Leader has been retained. To provide expert subject matter advice two Technical Leads have also been created.

Appendix 2 provides a graphical representation.

### 17.3 Staff Development

The Port Health review recommended the adoption of the myConversation process, this will bring SCPHA into line with the East Suffolk policy and negate the existing appraisal process. The MyConversation process does require adaption to make it suitable for use within Port Health and this process is well underway.

Future work to support and enhance the staff development process is planned with investigation of competency frameworks and career pathways. It is envisaged that this will be supported by a learning and development framework and a performance framework.

These are significant pieces of work which will move SCPHA into a continuous assessment and improvement cycle, enhancing our staff development.

We continue to engage with the Setting the Standard management development programme and all newly appointed Team Leaders and Management Team members will undertake this course.

Alongside initiatives from East Suffolk, Port Health continues to identify training that encourages personal awareness and development of wellbeing skills – topics that have been covered include: Diversity, mental health (individual and support skills for managers), stress, relaxation techniques and wellbeing training.

Within the workplace health and safety awareness is vital, all staff are required to undertake the Port of Felixstowe safety induction course and complete, on an annual basis, the organisational health and safety awareness refreshers that are disseminated through Nautilus, the SCPHA intranet.

As part of ensuring the maintenance of professional registration we support and facilitate staff in the acquisition of the required levels of CPD. This varies between groupings and type of registration.

Member CIEH	20 hrs
Chartered MCIEH	30 hrs
MRCVS	105 hrs over 3 years

A proportion of each of the hours required (10 hrs) must be food related.

Training to ensure competency in NAO feed sampling for those undertaking the work on behalf of Suffolk County Council is ongoing and this is currently being reviewed in light of the new Code of Practice.

Despite the limited number of places available for the UK we have been successful in obtaining a number of places on the EU's Better Training for Safer Food programmes. These free training courses provide a significant amount of relevant CPD. This programme may be curtailed or become a 'pay to attend' course following the UK's exit from the EU.

Relevant training areas are identified from a wide range of sources to ensure the requirements for Food Enforcement Officers in accordance with the Food Law Code of Practice are met.

## **18. QUALITY ASSESSMENT**

### **18.1 Quality Assessment**

A number of arrangements are in place to ensure the quality of the services provided by the Port Health service.

### **18.2 BSI ISO 9001**

SCPHA has successfully transitioned from the ISO 9001:2008 standard to the ISO 9001:2015 standard.

The new standard covers leadership and ensuring the management systems form part of the strategic direction of the business and increases the use of risk assessment in determining outcomes. Changes have been made to our ISO system to ensure it meets the requirements of the 2015 standard. Further in-house training has been done with the new auditors to familiarise them with our auditing process.

One of the new requirements is to ensure a level of understanding of our Quality Management System and the consequences of not following it within the organisation. To achieve this, feedback is being given at Team Meetings.

### **18.4 Internal Monitoring Arrangements**

The Port Health Team currently has the following arrangements in place to assist in the quality assessment of the work carried out:

- written work procedures (under a process of continuous review)
- Technical Leads check all notices and rapid alerts prior to them being served
- ongoing internal monitoring of processed consignments
- verification checks on POAOs
- NAO/quick job monitoring

- team meetings of the technical groupings
- one to one meetings.

A selection of files and correspondence will be monitored during the course of the year.

Nautilus remains our intranet system to provide a single point of contact for relevant legislation and procedures used within Port Health. New information is being entered into Nautilus as it arises and existing information is being reviewed and migrated onto Nautilus on a rolling programme. Nautilus allows for version control of documents, and can be used for online training and assessment of staff understanding of new procedures; this will assist with staff monitoring should we develop the system in this way.

#### 18.5 Customer Satisfaction Survey

Our regular Agents' forum meetings have allowed our customers to raise any issues with us directly. The face to face nature of this interaction allows for discussion around any issues and then an outcome to be agreed for delivery. Progress on any agreed outcomes will be reported on at the next meeting or sooner by alternative methods as appropriate. A facility exists on the website to automatically provide feedback on our service by e-mail; this comes into our main inbox so it can be dealt with promptly.

Feedback at our BSI audit suggested that information about customer satisfaction could be recorded through our day to day interactions with customers and the feedback they give us. The feedback received is evaluated and an appropriate action agreed and delivered. Such information and the actions undertaken in response, along with consequences if any suggestions are not taken on board, is now recorded on Nautilus.

#### 18.6 Team Meetings

The Team meeting structure is being revised to ensure it aligns with the new organisational structure. Management Team holds regular meetings to discuss all matters relating to the People, Organisational and Technical issues. Each grouping within the port health service has its own regular meeting with agendas set in the main by meeting participants with management input into each meeting.

#### 18.7 Multi Annual National Control Plan

The FSA's updated Multi Annual National Control Plan<sup>9</sup> has been extended to 2023 and provides a strategic overview to the provision of official controls.

The intention is to develop a flexible risk based plan that links closely with individual BIP sampling plans and which will not create any unnecessary additional costs for the industry. The centrally administered residue monitoring programme has now ceased.

---

<sup>9</sup> [www.food.gov.uk/business-guidance/multi-annual-national-control-plan](http://www.food.gov.uk/business-guidance/multi-annual-national-control-plan)

Monitoring performance against the standards set out in the Food and Health and Safety Service Plan will be via management meetings and annually to full Council.

#### 18.8 Complaint Procedures

The Council publishes its complaint procedures and customer service standards on its website. A summary of complaints received in 2018/19 is produced in Appendix 6.

### 19. REVIEW – PORT HEALTH

#### 19.1 Identification of any Variation from the Service Plans - Port Health

The key targets from the 2018/19 Service Plan have been mainly completed. There are a number of projects in progress which will continue into 2019/20. The delays experienced to some projects have been due to supplier or process issues outside of our direct control. The major project outstanding is the actions required following exiting the EU, we are awaiting the decision as to the type of BREXIT we will be enacting.

#### 19.2 The Port Health key achievements in 2018/19 worthy of note are:

- The external review of Port Health was completed, and its recommendations accepted by Port Health management team. A business case was drafted, presented and accepted by SMT, and implementation of Phase 1 has now been completed. This reorganisation has created a revised management structure to support and facilitate the service in the future.
- Significant engagement in BREXIT related forums. This has enhanced the profile of SCPHA and encouraged Government Departments to use SCPHA as one of their key consultees.
- In conjunction with the FSA, development of a consignment notification system to be used should a BREXIT contingency scenario be declared.
- Continued work with the Food Standards Agency Food Fraud Team to assist with surveillance work on commodities that they have highlighted an interest in.
- Protection of public and animal health via our work with imports from West Africa. A number of prohibited products which posed a substantial risk were identified and these were removed from the food chain in a way which ensured the risk was contained and public and animal health protected.
- Worked in partnership with Suffolk County Council to deliver the statutory controls on feed and the routine monitoring and sampling of imported feed.

- Support to the FSA to provide:
  - Expert port health staff resource at Birmingham International airport to facilitate a multi-agency investigatory work on air freight.
  - Expert port health staff resource at Coventry Postal Hub to facilitate a multi-agency investigatory work on issues arising from the growth of online shopping.
  - Expert port health staff resource to shape and develop the FSA imported food training manual. This work included drafting guidance, developing training materials and delivery of the training.
- Support to the MMO to develop and present an IUU training course at 5 locations around the UK.
- Support to the WHO in the form of a short term secondment by SCPHA officer specialising in Ship/Port Hygiene.
- Installation of the Chronologic workforce management system which brings together in an electronic solution a number of resource activities which are currently being managed by spreadsheets. The application is currently being customised to our requirements and tested by staff usage to ensure it is delivering the expected output before we fully move over to managing our resources through that as the sole system.
- A rebranding of SCPHA to coincide with the establishment of East Suffolk Council. Creating a new brand identity that compliments the East Suffolk identity.
- Hosted a number of visits by officials wishing to see our operations first hand:
  - A delegation from the Food Safety & Standards Authority of India hosted by the Food Standards Agency have visited to look at our processes and procedure for undertaking checks
  - A delegation from the Netherlands NVWA visited to understand the Port environment from a post BREXIT perspective. A reciprocal visit was attended
  - Hosted the Director General DEFRA in the investigation of BREXIT impacts in a high volume container port environment and the use of IT systems
  - Hosted a visit from PD Ports as part of their investigation into facilities and systems required in a BIP/DPE
  - Hosted representatives from the Irish Government
  - Hosted representatives from the Australian High Commission
  - Hosted representatives from the US Embassy / USDA
  - We have assisted colleagues from Norfolk Trading Standards with information and practical activity to demonstrate how we undertake feed controls at Felixstowe



- The number of visits by individual importers, agents and shipping lines who wish to forge a better working relationship with us has increased. We welcome such visits as it allows us to explain the nature of our checks in detail and point them to the areas of information available for them to use and it allows us to get a greater understanding of the difficulties involved for them. We have delivered a workshop for one customer, following their request for this. This allowed us to impart knowledge about our requirements to members of their team. This hopefully will provide benefits for both organisations.

## 20. AREAS FOR IMPROVEMENT – PORT HEALTH

Suffolk Coastal Port Health Authority continues to be held in high regard nationally and internationally. We are the 'go-to' Port Health Authority due to our people, how we are organised and the breadth and depth of our technical knowledge. However, we cannot be complacent and we recognise that there is always room for improvement and development but that such changes need to be balanced with the efficient delivery of the 'day job' so need to be incremental and measured. Areas we intend to work on in 2018/19 are:

- Examining the requirements for public and animal health control at the border in a post BREXIT UK. However in the absence of the UK's exit agreement, which is not expected until later in 2019, a number of options have been considered. SCPHA is relatively well placed to accommodate change. However, it should be noted that some of the potential outcomes could present significant challenges to SCPHA in the short-medium term – but we await the details of the UK's exit agreement and the UK's policy position and will undertake preparation work to ensure we remain well placed to accommodate the changes.
- Continuing the work on implementing the recommendations from the external review of our service. This will ensure the service is ready for future opportunities and challenges and:
  - More effectively manage resources to match workload
  - Ensure that we have the capacity and skills to support our people, deliver our organisational responsibilities and maintain our technical knowledge/capability
  - Ensure that we are ready to take advantage of future opportunities
- Continue the implementation of internal ICT hardware and systems. Bringing online Focus and Sunrise systems (workforce management and helpdesk respectively). This will help with our organisational resourcing.
- Further ongoing improvements to PHILIS including the provisional work on Version 2. The maintenance of PHILIS Online as a contingency to enable electronic declaration of consignments post Brexit if access to TRACES is lost.

- The review and revision of organisational policies and processes to ensure alignment with East Suffolk, but fit for SCPHA.

## Annex

### GLOSSARY OF TERMS

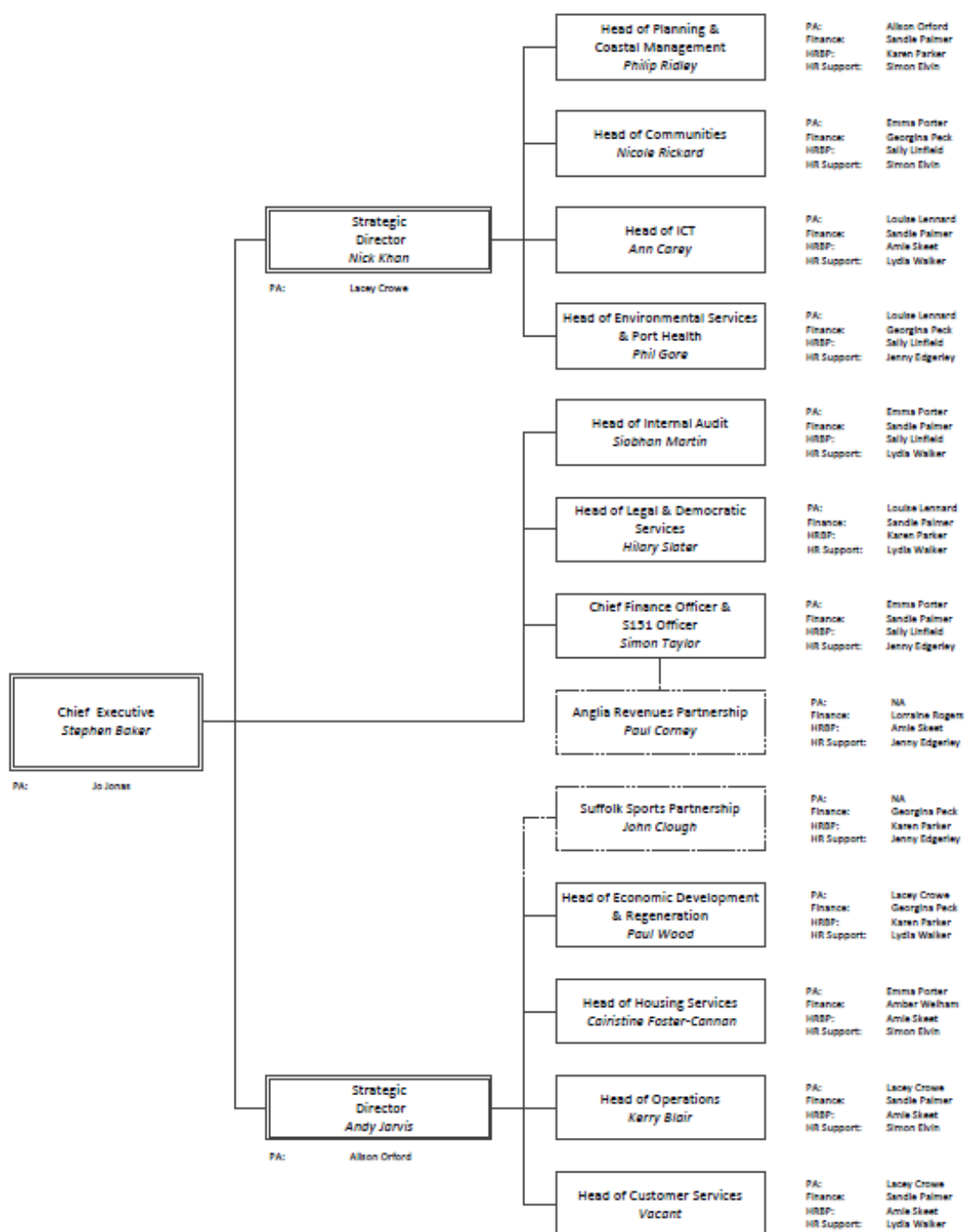
APHA	-	Association of Port Health Authorities
APHA *	-	Animal and Plant Health Agency
ABP	-	Associated British Ports
ALVS	-	Automatic License Verification System
BCP	-	Border Control Point
BIS	-	Department for Business Innovation and Skills
BSE	-	Bovine Spongiform Encephalopathy
BSI	-	British Standard Institute
BTP	-	British Transport Police
CCDC	-	Consultant in Communicable Disease Control
Campden BRI	-	Campden BRI <i>is an independent membership-based organisation carrying out research and development for the food and drinks industry</i>
CEFAS	-	The Centre for Environment, Fisheries and Aquaculture Science
CIEH	-	Chartered Institute of Environmental Health
CED	-	Common Entry Document
CHED	-	Common Harmonised Entry Document
CHIEF	-	Customs Handling of Import and Export Freight
CMT	-	Corporate Management Team
CORE	-	Consistently Optimised REsilient project
CPS	-	Crown Prosecution Service
CQC	-	Care Quality Commission
CVED	-	Common Veterinary Entry Document
DEFRA	-	Department of Environment, Food and Rural Affairs
DExEU	-	Department for Exiting the European Union
DTI	-	Department of Trade and Industry (now Department for Business, Innovation and Skills)
<i>E. coli</i> O157	-	<i>Escherichia coli</i> O157
EC	-	European Commission
EDMS	-	Electronic document management system
EETSA	-	East of England Trading Standards Association
EHO	-	Environmental Health Officer
ELO	-	Enforcement Liaison Officer of the Health and Safety Executive
EMM	-	Enforcement Management Model
EHORB/EHRB	-	Environmental Health Officers' Registration Board/Environmental Health Registration Board
EOEW	-	Eat Out Eat Well
EPLaN	-	Eastern Ports Liaison Network
ERTS	-	Enhanced Remote Transit Sheds
EU	-	European Union
FERA	-	Food and Environment Research Agency
FSA	-	Food Standards Agency
FSA 1990	-	Food Safety Act 1990

FTE	-	Full-time equivalent
FPUA	-	Felixstowe Port Users Association
FVO	-	Food and Veterinary Office (Audit Branch of the EU)
GM	-	Genetically Modified
HACCP	-	Hazard Analysis and Critical Control Points
HAP	-	Home Authority Principle
HARC	-	Heathrow Animal Reception Centre
HELA-		Health and Safety Executive/Local Authorities Enforcement Liaison Committee
HPA	-	Health Protection Agency
HPU	-	Health Protection Unit
HSE	-	Health and Safety Executive
HMRC	-	Her Majesty's Revenue and Customs
IMS	-	Information Management System
IAA	-	Inter-Authority Audit
ISO	-	International Organisation for Standardisation
IUU	-	Illegal Unregulated and Unreported
KPI	-	Key Performance Indicator
LAEMS	-	Local Authority Enforcement Monitoring System
LAC	-	Local Authority Circular
LAU	-	Local Authority Unit
LGA	-	Local Government Association
LGR	-	Local Government Regulation
LPG	-	Liquefied Petroleum Gas
MSD	-	Musculoskeletal Disorders
MCA	-	Maritime and Coastguard Agency
MCP	-	Maritime Cargo Processing plc
NAO	-	Non Animal Origin product
FHRS	-	Food Hygiene Rating Scheme
OFFC	-	Official Feed and Food Controls
OPS&S	-	Office for Product Safety & Standards
PASS	-	Public Analyst Scientific Services
PDD	-	Plastic Declaration Document
PHSO	-	Port Health Support Officer
PHE	-	Public Health England
PHILIS	-	Port Health Interactive Live Information System
PHMT	-	Port Health Management Team
POAO	-	Product of Animal Origin
PT	-	Phage type
RASFF	-	Rapid Alert System for Food and Feed
RDNA	-	Regulators' Development Needs Analysis
REHIS	-	Royal Environmental Health Institute of Scotland
RIDDOR	-	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
SCPHA	-	Suffolk Coastal Port Health Authority
SFBB	-	Safer Food, Better Business

SLIC	-	Senior Labour Inspectors' Committee
SVS	-	State Veterinary Service
TEU	-	Twenty-foot Equivalent Units
TOEW		Take Out Eat Well
TRACES	-	Trade Control and Expert System
TRACES NT		Trade Control and Expert System New Technology
UKAS	-	United Kingdom Accreditation Service
UKFSS	-	United Kingdom Food Surveillance System

**Appendix 1**  
East Suffolk  
Management Structure

## East Suffolk Council Senior Management Team



Updated 12 June 2019

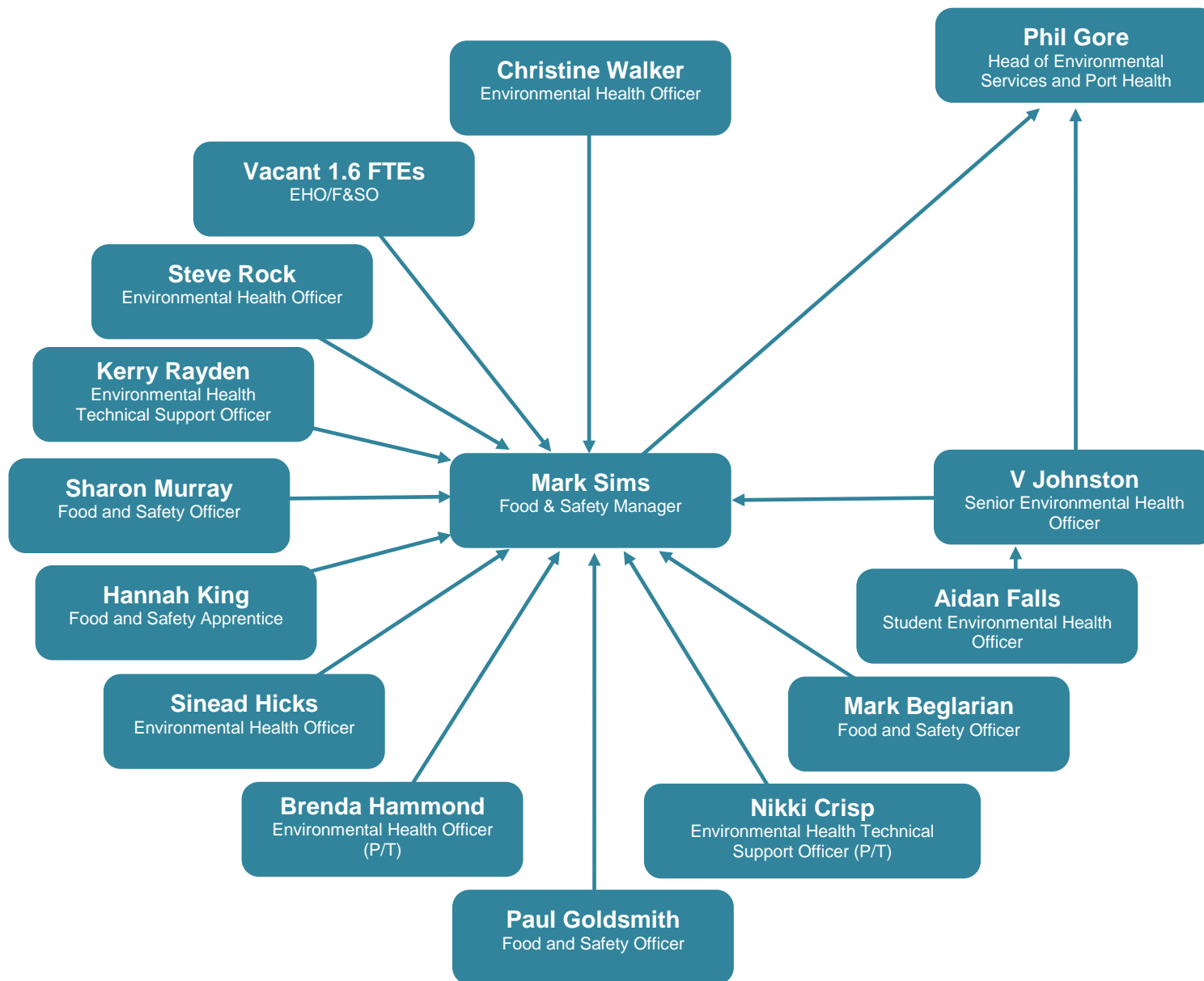
## **Appendix 2**

Team structure -  
Food and Safety Team

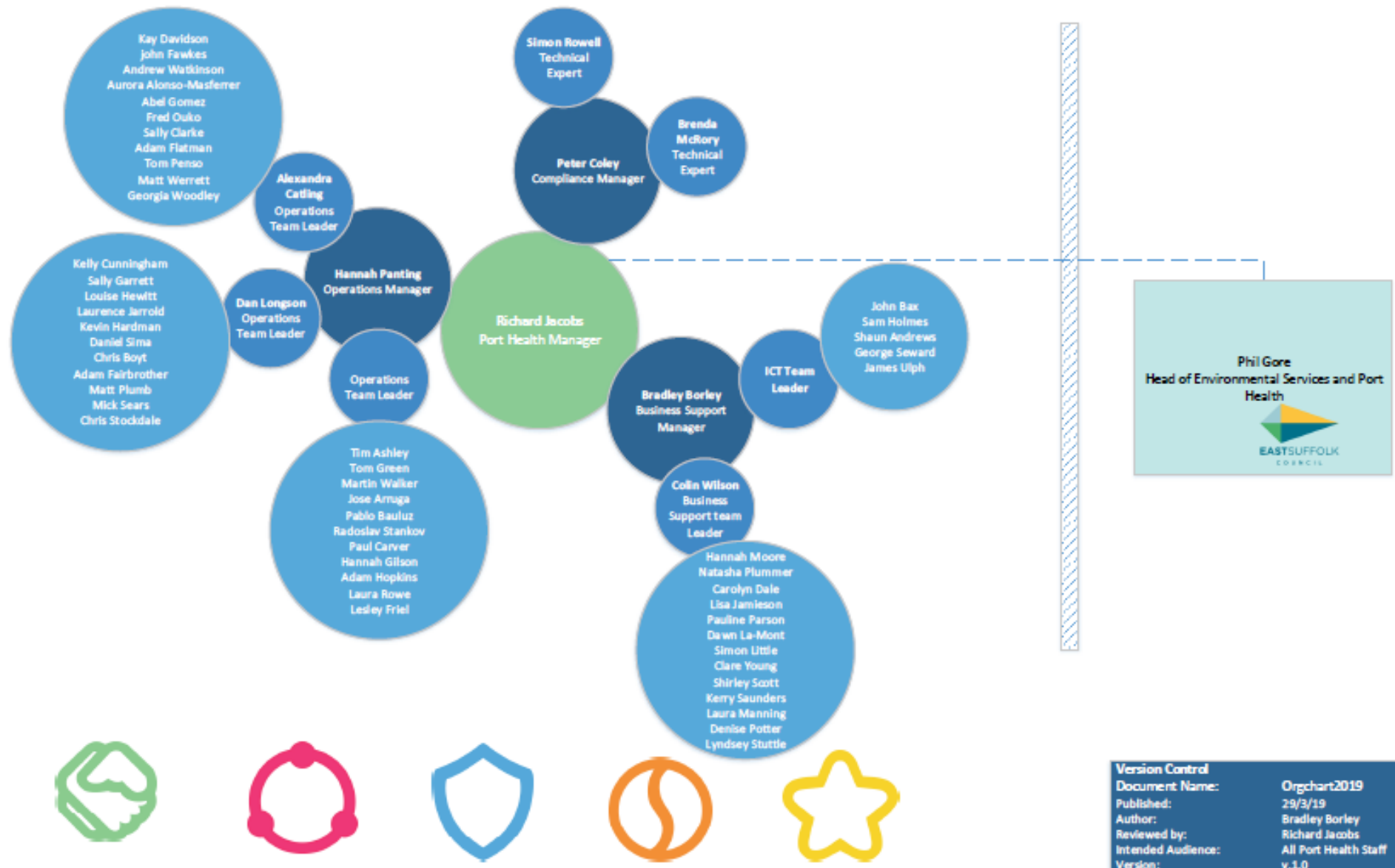
Team structure -  
Port Health Team



## Food and Safety Team Structure April 2019



# Organisational Chart April 2019



Version Control	
Document Name:	Orgchart2019
Published:	29/3/19
Author:	Bradley Borley
Reviewed by:	Richard Jacobs
Intended Audience:	All Port Health Staff
Version:	v.1.0

**MT     *Management Team***

PH Manager	Operations	Business	Compliance	Head of Service
Richard Jacobs	Hannah Panting	Bradley Borley	Pete Coley	Phil Gore

**TE     *Technical Experts***

TE : NAO / IUU	TE: PoAO
Brenda McRory	Simon Rowell

**TL     *Team Leaders***

Operational	Operational	Operational	Business support	ICT
Alex Catling	Dan Longson	Steven Dearsley	Colin Wilson	Paul Clack

**TG     *Technical Groups***

ICA	OVS	PHSO	PHO	ICT
Natasha Plummer	Pablo Bauluz	Hannah Gilson	Sally Garrett	John Bax
Clare Young	Daniel Sima	Tom Penso	Kelly Cunningham	James Ulph
Lisa Jamieson	Kevin Hardman	Adam Hopkins	Laurence Jarrold	Shaun Andrews
Pauline Parsons	Aurora Alonso-Masferrer	Georgia Woodley	Tim Ashley	Samuel Holmes
Simon Little	Frederick Ouko	Mick Sears	John Fawkes	George Seward
Hannah Moore	Jose Arruga	Adam Flatman	Martin Walker	
Denise Potter	Radoslav Stankov	Chris Stockdale	Andrew Watkinson	
Laura Manning	Abel Gomez	Matthew Plumb	Louise Hewitt	
Carolyn Dale		Lesley Friel	Tom Green	
Dawn La Mont		Sally Clarke	Kay Davidson	
Josh Amass		Paul Carver		
Shirley Scott		Adam Fairbrother		
Kerry Saunders		Chris Boyt		
Julie Barker		Laura Rowe		
Lyndsey Stuttle		Matt Werrett		

# Appendix 3

## Letter of Appointment



Food Standards Agency  
Floors 6 and 7 Clive House  
70 Petty France  
LONDON  
SW1H 9EX

Your ref:  
Our ref: PG/LL/FSA/230519  
Date: 23 May 2019  
Please ask for: Phil Gore  
Customer Services: 03330 162 000  
Direct dial: 01394 444286  
Email: phil.gore@eastssuffolk.gov.uk

Dear Sir/Madam

Food Law Code of Practice (England) 2017  
Lead Officers Food Hygiene & Safety

In accordance with paragraph 2.4.1.5 of the Food Law Code of Practice (England), I am writing to advise you of some minor changes to the Lead Officer roles for food hygiene and safety at East Suffolk Council (formerly Suffolk Coastal & Waveney District Councils).

East Suffolk Council  
The lead officer for food hygiene and food safety is:

Mark Sims, Food & Safety Manager - Email: mark.sims@eastssuffolk.gov.uk, telephone: 01394 444356

Suffolk Coastal Port Health Authority  
The lead officers for food hygiene and food safety are:

Richard Jacobs, Port Health Manager – Email: richard.jacobs@scpha.gov.uk, telephone: 01394 613330

Brenda McRory, Technical Manager – Email: brenda.mcrory@scpha.gov.uk, telephone: 01394 613330

Yours sincerely

Phil Gore | Head of Environmental Services & Port Health  
East Suffolk Council

---

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT  
DX: 41400 Woodbridge

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ  
DX: 41220 Lowestoft

## Appendix 4

### Public Analysts

<b>Kent Scientific Services</b> <b>Kent County Council</b> <b>8 Abbey Wood Road</b> <b>Kings Hill</b> <b>West Malling</b> <b>Kent</b> <b>ME19 4YT</b>	Mr Jonathon David Griffin BSc (Hons) MChemA CChem MRSC DMS Ms Carol Gibbons BSc (Hons) MSc MChemA FIFST MRSC CSci
<b>Hampshire Scientific Services</b> <b>Hampshire County Council</b> <b>Hyde Park Road</b> <b>Southsea</b> <b>Hampshire</b> <b>PO5 4LL</b>	Mr Shayne Gordon John Dyer MChemA CChem MRSC DMS Ms Jennifer Ann Darrington Green BSc (Hons) MSc MChemA MRSC Ms Rachel Ann New BSc(Hons) MChemA CChem MRSC CSci
<b>Public Analyst Scientific Services Ltd</b> <b>Woodthorne</b> <b>Wergs Road</b> <b>Wolverhampton</b> <b>WV6 8TQ</b>	Ms Elizabeth Moran MSc MChemA MRSC Mr Kevin Wardle BSc CChem MChemA FRSC MIFST Mr Duncan Arthur MA MChemA CChem MRSC Mr Nigel Payne MSc, MChemA CChem MRSC Ms Joanne Hubbard BSc MChemA CChem FRSC Emma Downie MChem MChemA Michelle Evans BSc MChemA
<b>Lancashire County Scientific Services</b> <b>Pedders Way</b> <b>Ashton-on-Ribble</b> <b>Preston</b> <b>Lancashire</b> <b>PR2 2TX</b>	Mr Peter L. Mayes MChemA., MBA., CChem. FRSC Mrs Bharathi Reddy BSc (Hons), MChemA, CChem, MRSC

## Appendix 5

### Food and Safety

### Customer Satisfaction Summary

Course Evaluation (34 responses)			
	Good 😊	Average 😐	Poor 😞
How satisfied were you with the course overall?	97%	3%	0%

Business satisfaction (72 responses)					
	Strongly agree	Agree	Neither agree/ disagree	Disagree	Disagree strongly
I felt my business was fairly treated.	75%	22%	0%	1%	1%
I felt the contact was helpful.	69%	26%	3%	1%	0%
Communication was clear.	67%	26%	4%	4%	0%

## Appendix 6

### Summary of Corporate Complaints

Complaints statistics 1 April 2018 to 31 March 2019				
	Total complaints	Justified	Unjustified	To be determined
Food and Safety	2	0	2	0
Suffolk Coastal Port Health Authority	6	3	3	0
<b>Totals</b>	<b>8</b>	<b>3</b>	<b>5</b>	<b>0</b>



## SCRUTINY COMMITTEE

Thursday 25 July 2019

### APPOINTMENTS TO OUTSIDE BODIES FOR 2019/20 (SCRUTINY FUNCTIONS)

#### EXECUTIVE SUMMARY

The Scrutiny Committee is asked to consider the appointments to Outside Bodies (Executive) for the 2019/20 Municipal Year, as outlined at Appendix A of this report.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Some Outside Body appointments are of a strategic nature, whilst others are directly related to a particular area or Ward.
<b>Cabinet Member:</b>	Councillor Steve Gallant – Leader of the Council
<b>Supporting Officer:</b>	Hilary Slater Head of Legal and Democratic Services 01394 444336 <a href="mailto:hilary.slater@eastsuffolk.gov.uk">hilary.slater@eastsuffolk.gov.uk</a>



## **1 INTRODUCTION**

- 1.1 The Council, at its meeting on 22 May 2019, considered representation on Outside Bodies and decided that the Scrutiny Committee would collectively appoint to the two Outside Bodies shown at Appendix A to this report.
- 1.2 The appointment of Councillors to Outside Bodies provides support to the organisation concerned, enables Councillors to fulfil their community leadership roles, and enables appropriate monitoring of performance/budgets in line with best practice.
- 1.3 Appointments made to Outside Bodies should be sensitive to the need to represent, as far as possible, the diverse nature of the local community.

## **2 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 2.1 Councillors appointed to Outside Bodies are able to work with and alongside local communities, helping to empower them in terms of addressing local issues to achieve sustainable solutions.
- 2.2 Councillors appointed to Outside Bodies will also work with local communities to deliver a strong and sustainable local economy and help them to feel engaged, valued, and empowered to improve the quality of life for everyone living and working in the District.

## **3 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 3.1 Those Councillors formally appointed to external organisations as the Council's representative can claim expenses in accordance with the Members' Allowance Scheme. These costs can be met from existing resources.
- 3.2 Councillors appointed to Outside Bodies have the opportunity to positively impact on the effectiveness of the organisation and the wider community.
- 3.3 Appointments to Outside Bodies may be made under the general power in Section 2 of the Local Government Act 2000 – to do anything which is likely to promote the economic, social, or environmental wellbeing of the area, unless specifically prohibited.
- 3.4 Details of the Council's representation on Outside Bodies are included on the Council's website.

## **4 OTHER KEY ISSUES**

- 4.1 None. The Council needs to appoint to Outside Bodies in order to carry out its business effectively and enables Members the opportunity to carry out their community leadership role.

## **5 CONSULTATION**

- 5.1 Key partners have been consulted where appropriate.

## **6 OTHER OPTIONS CONSIDERED**

- 6.1 None – the Council needs to engage and work with external organisations, including the Outside Bodies listed at Appendix A, to continue to deliver the priorities identified in the East Suffolk Business Plan.

## **7 REASON FOR RECOMMENDATIONS**

- 7.1 To consider appropriate representation on Outside Bodies as deemed relevant to the Council's community and business interests.

### **RECOMMENDATIONS**

1. That Councillors be appointed to those Outside Bodies outlined in Appendix A for the 2019/20 Municipal Year.
2. That, unless otherwise stated, the Leader of the Council be authorised to fill any outstanding vacancies left unfilled by the Scrutiny Committee and that arise throughout the 2019/20 Municipal Year.

### **APPENDICES**

<b>Appendix A</b>	List of Outside Bodies for 2019/20 (Scrutiny Functions)
-------------------	---

**BACKGROUND PAPERS** – None.





### APPOINTMENT TO OUTSIDE BODIES 2019/20 (SCRUTINY FUNCTIONS)

OUTSIDE BODY	NUMBER OF MEETINGS PER YEAR	NUMBER OF MEMBERS TO BE APPOINTED	MEMBERS APPOINTED	ANY ADDITIONAL INFORMATION, including usual meeting venue where known
Suffolk County Council Joint Flood Risk Management Scrutiny Panel		1		Endeavour House, Russell Road, Ipswich
Suffolk County Council Health Scrutiny Committee	4 per annum	1		Endeavour House, Russell Road, Ipswich



## SCRUTINY COMMITTEE

Thursday 25 July 2019

### REVIEW OF THE SCRUTINY COMMITTEE'S FORMS AND GUIDES

#### EXECUTIVE SUMMARY

1. A regular review of the various practical guides on the work of the Scrutiny Committee and also of the forms which support the governance to enable decisions of the Executive, portfolio holders or authorised Officers to be called-in, if and as appropriate, is considered to be good practice and helps to ensure such documents remain up-to-date and relevant.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	All
<b>Cabinet Member:</b>	Councillor Stuart Bird, Chairman of the Scrutiny Committee
<b>Supporting Officer:</b>	Hilary Slater Head of Legal & Democratic Services <a href="mailto:Hilary.slater@eastssuffolk.gov.uk">Hilary.slater@eastssuffolk.gov.uk</a>

## **1 INTRODUCTION**

- 1.1 A regular review of the various practical guides on the work of the Scrutiny Committee and also of the forms which support the governance to enable decisions of the Executive, portfolio holders or authorised Officers to be called-in, if and as appropriate, is considered to be good practice and helps to ensure such documents remain up-to-date and relevant.
- 1.2 The documentation which the Scrutiny Committee is asked to consider is:
- The Scrutiny Handbook (a practical guide for members of the Scrutiny Committee). The Handbook includes guidance on the call-in process (which provides the platform for the soundness and reasonableness of decisions to be assessed) and guidance on Councillor Call for Action (CCfA) Procedures.
  - The related call-in form
  - The related CCfA form
  - The Guide for External Witnesses (who may be called to attend a meeting of the Scrutiny Committee)
  - A scoping form (for use when suggesting potential topics for the Scrutiny Committee to consider within its work programme)

## **2 FINANCIAL AND GOVERNANCE IMPLICATIONS**

- 2.1 A key element of the Scrutiny Committee's role is to work in conjunction with, but independently of, Cabinet to ensure the Cabinet is constructively challenged for its actions through the promotion of open and transparent decision-making and democratic accountability. The Scrutiny Committee also has a role in ensuring the Council's policy and budgetary framework is worked to.

## **3 OTHER OPTIONS CONSIDERED**

- 3.1 No other options were appropriate.

## **4 REASON FOR RECOMMENDATION**

- 4.1 To facilitate a refresh of key scrutiny-related documentation used in support of democratic accountability.

### **RECOMMENDATION**

That, having reviewed the refreshed documentation attached as appendices A – E to this report, these be approved and adopted by the Scrutiny Committee

### **APPENDICES**

<b>Appendix A</b>	The Scrutiny Handbook
<b>Appendix B</b>	The Guide for External Witnesses

<b>Appendix C</b>	The call-in form
<b>Appendix D</b>	The Councillor Call for Action form
<b>Appendix E</b>	Scoping form for suggested reviews

**BACKGROUND PAPERS** Please note that copies of background papers have not been published on the Council's website [www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk) but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	NONE	



Revised July 2019



# The Scrutiny Handbook

## Contents

---

	Page
Foreword	2
Scrutiny Explained	3
Roles & Responsibilities	4
Partner & Public Involvement	5
The Scrutiny Committee	6
Planning the Work of Scrutiny	9
Conducting a Scrutiny Review	9
Call In: a brief guide	11
“Councillor Call for Action”	12



## Foreword

This Handbook has been produced for the Elected Members and Officers of East Suffolk Council as a practical guide to the Council's Scrutiny function. It may also be useful to anyone with an interest in the work of the Scrutiny Committee at East Suffolk.

Scrutiny has a vital role to play. In brief, it works in conjunction with (but independently of) Cabinet to ensure that Cabinet is publicly held to account for its actions – promoting open and transparent decision making and democratic accountability. It also has a role in ensuring that the Council's policy and budgetary framework is respected, and to help realise the key aims of the Council's Corporate Business Plan.

Broadly speaking, the Scrutiny Committee can review Council policy and performance and monitor Executive decisions. It can make recommendations on service delivery, set up working groups to conduct in-depth investigations into selected aspects of the Council's work, and can 'call-in' Executive decisions. It is important to note, however, that the Scrutiny Committee is an influencing body and not a decision-making body. The role of Scrutiny is therefore that of a 'critical friend' – checking and challenging decisions in a robust, constructive and purposeful way.

Scrutiny is an evolving process and, in recognition of that, this Handbook has been produced based on guidelines for good practice rather than as a rigid direction of how Scrutiny should be carried out.

In short, Scrutiny is a positive activity which contributes to the delivery of efficient and effective services that meet the needs and aspirations of local communities.

**Councillor Stuart Bird**  
**Chairman, Scrutiny Committee**

## Scrutiny Explained

**Scrutiny is** about constructive criticism and open, transparent decision making in local government. It acts as a counterbalance and complements the decision-making powers of the Executive.

The Scrutiny process provides an opportunity for elected members to examine the various functions of the Council, to ask questions about how decisions have been made, and to consider whether service improvements can be put in place. It facilitates debate about priorities, the budget, the business plan of the Council, and the Council's vision for the District. Scrutiny also enables Members to champion issues of public concern.

In addition, Scrutiny reinforces the Council's leadership role in promoting the well-being of the local community because it enables reviews of services provided by other public bodies to be carried out.

**Scrutiny is not** a process for dealing with individual complaints or concerns. The Council has a separate corporate complaints procedure as well as systems within its Service Teams to deal with concerns and queries about individual cases.

### Internal scrutiny

Any Council decision, and indeed any aspect of the Council, can be scrutinised (except for regulatory Committees regarding licensing or planning applications). However, the only decisions that can be "called-in" are Cabinet and Executive Member decisions and any Officer 'key' decisions. A brief guide to call-in is provided later in this Guide.

### External scrutiny

Under Part 1 of the Local Government Act 2000, Councils were given the power to do *"anything they consider likely to promote or improve the economic, social or environmental well being of the area"*. This legislation enables Scrutiny to consider the actions of other organisations, operating within the Council's District, that deliver public services and to ask these to explain their activities.

### The role of Scrutiny, in summary, is

- To provide a 'critical friend' challenge to the Executive as well as external authorities and agencies.
- To reflect the voice and concerns of the public and its communities.
- To enable elected members to take leadership of Scrutiny.
- To make a positive impact on the delivery of public services.

## Roles and Responsibilities

A variety of people are involved in Scrutiny and they have a range of roles and responsibilities. These are outlined below but specific role descriptions for members of the Scrutiny Committee are also included in **Part 2, Section F of the Council's Constitution**

### Scrutiny Chairman\*

- Provides leadership, ensuring that the Scrutiny Committee is Member-led and owns its work programme.
- Keeps an eye on the bigger picture, reviewing the outcomes and impact of Scrutiny and ensuring it is adding value.
- Presents a positive image of the Scrutiny process.
- Develops a positive relationship with the Executive, Cabinet Members and officers.
- Encourages contributions from all Scrutiny Committee Members.
- Ensures that Scrutiny meetings are conducted in an atmosphere of respect.

*\* At East Suffolk, the Chairman will be a member of the Administration Group on the Council and the Vice-chairman will be a member of an Opposition Group.*

### Scrutiny Members

- Contribute to Scrutiny Committee meetings.
- Collect and assess evidence to produce effective recommendations.
- Act with authority, fairness and impartiality.
- Follow up the recommendations they make.
- Are committed to the development of Scrutiny.

### Democratic Services Officer

- Supports Committee Members on Scrutiny topics.
- Supports the development of work programmes.
- Ensures that Scrutiny is undertaken within a mainstreamed approach and contributes to service improvements.
- Tracks review recommendations and feedback responses.

### Council's Officers

- Support the work and development of Scrutiny.
- Attend meetings as required.
- Produce reports as necessary.

## Partner and Public Involvement

A primary aim of Scrutiny is to improve the quality of life for the local community, and so the views of people who live and work in the District are of vital importance.

Partners and the public can, for example, contribute specific expertise to topics being investigated, from the perspective of either a service provider or as a recipient of the service.

Scrutiny work can also provide Members with the opportunity to engage with groups within the community who may not otherwise readily get involved in the work of the Council.

The involvement of partners and the public can add value to Scrutiny and strengthen the links between the Council and its stakeholders. Consequently, when embarking on an investigation, the Scrutiny Committee should be outward-looking and consider how partners and the public might best be involved.

### **How can partners and the public become involved?**

Involvement may take several forms. One of these is a formal 'co-option' to the Scrutiny Committee which might help to ensure that certain stakeholders are represented, also, it may be valuable to involve partners and the public on a less formal basis in investigations to which they feel they can contribute.

Approaches which may be considered include the following:

- Inviting representatives of groups to participate in a review for its duration.
- Inviting people with expert knowledge, or representatives of groups, to give evidence to reviews.
- Inviting the public to submit their views in writing.

There is, of course, a limit to the amount of work that the Scrutiny Committee can undertake at any one time and some matters suggested may also be outside the remit of the Scrutiny function. Therefore, as a guide, the Scrutiny Committee generally investigates issues that affect the whole district, localities, groups of people or a range of services.

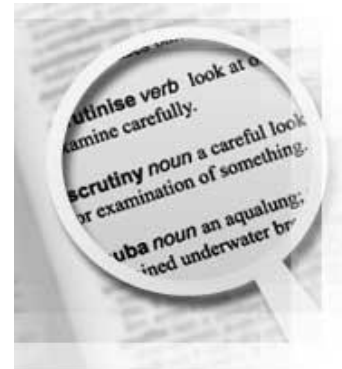
### **What cannot be reviewed?**

Scrutiny does not get involved in minor matters or individual concerns which are not of wider community significance. These should instead be pursued through the appropriate service area, Ward Councillor or with the Cabinet Member responsible for the matter in question. Nor does Scrutiny deal with individual complaints, which should be addressed through the Council's complaints procedure.

## The Scrutiny Committee

### What does a Scrutiny Committee do?

The Scrutiny Committee can carry out investigative reviews of any matter that influences the people who live in, work in or visit the District. Scrutiny can also look at the performance of a service area within the Council and recommend improvements. It can also investigate issues of public concern – which includes looking at the work of other external organisations that deliver public services.



The Scrutiny Committee will focus its activities on the things that matter most to the local community and on outcomes that can make a real difference to the district for local people.

### What are the guiding principles?

The Scrutiny Committee aims to influence others. It does not take decisions or implement changes itself, and as such there are some specific working practices that can enhance its effectiveness:

- Working in a **transparent** way, where it is clear to all those involved how the Scrutiny process works.
- Developing an **inclusive** approach, working to engage all relevant stakeholders, including partners and the public.
- Demonstrating **accountability** for the processes and outcomes of Scrutiny.
- Being **efficient** in the work of Scrutiny, responding to the needs and aspirations of the community.
- Working in a **deliberative** way which underpins an evidence-based approach to the way Scrutiny works.
- Demonstrating a **non-partisan approach** to the work of Scrutiny, that places the needs and aspirations of the community above the consideration of party politics.
- Strengthening the **democratic process of decision-making** through improving the quality of debate.

To achieve the above, participants in the Scrutiny process should demonstrate positive values and behaviours. These include:

- Treating people fairly and with respect.
- Being constructive, especially when challenging people.
- Seeking consensus.

- Being open – and open-minded.
- Looking for continuous improvement, rather than blame.
- Being inclusive and democratic.
- Communicating well.
- Demanding nothing but the best from the resources available.

### **Scrutiny Committee skills**

Scrutiny Committee Members must analyse diverse, sometimes unfamiliar issues in order to achieve their objectives, which requires the application of a variety of skills.

The main skills that Scrutiny Committee Members will rely on are:

<b>Questioning</b>	Not 'interrogation' skills but the ability to probe for information by asking the right type of question ('open', 'closed', 'hypothetical', etc) at the right time.
<b>Active Listening</b>	Genuinely and objectively listening to others whose views and opinions may differ from our own.
<b>Analytical skills</b>	The ability to review and interpret information to reach evidence-based conclusions.
<b>Project planning</b>	The ability to plan events to a conclusion, considering resources and timescales.
<b>Teamwork</b>	Working together and putting party political or other differences to one side to achieve a common goal.



## Planning the Work of Scrutiny

Members of the Scrutiny Committee consider and set their work programme and agree which topics to scrutinise. This helps to engender ownership, engagement and commitment by individual Committee Members.

It is vitally important that Scrutiny is well planned and co-ordinated. The Scrutiny Committee will, therefore, filter potential items of work, be selective, prioritise, and not be over ambitious when setting its work programme. Time and resources are limited, and some capacity should be left for emergency issues that arise at short notice.

### Selecting topics to scrutinise

Although the Scrutiny Committee can exert considerable control over the subjects it selects for investigation, the amount of time that Scrutiny Committee Members can devote to the Scrutiny process is usually quite restricted. This means it is important for the Scrutiny Committee to select only those topics that are likely to justify the time and effort needed to carry out a thorough examination.

One way of doing this is by making sure the Scrutiny Committee concentrates on significant subjects. There are many sources for potential subjects, and Members may consider some of the following as a starting point:

- Concerns raised by the public.
- Issues identified by audits and inspections.
- Results of consultation.
- Areas of performance which might require improvement.
- Major areas of risk for the Council.
- Requests from Cabinet.
- Concerns raised by the Council's partners and service users.
- Central government policy changes.

A pro forma to assist Members wishing to propose a subject for selection is available for this purpose.

Once the topics for Scrutiny have been agreed, the order of priority in which they are to be investigated is determined by Members of the Committee.

## Conducting a Scrutiny Review

A scrutiny review is an in-depth investigation that enables Members to examine a subject in detail; it will normally conclude with recommendations to the Cabinet based on the considerable amount of evidence obtained. Therefore, given the scale of work involved, the Scrutiny Committee might wish to delegate a scrutiny review to a smaller research or task group made up of its own Members. A review will be informed by the following stages:

1. Scoping
2. Development
3. Concluding
4. Monitoring

### Scoping

The scoping of a scrutiny review is the very first thing that should be undertaken as it focuses Members on the aim of the review and helps Members and Officers plan the work required. Scoping will aim to identify why the review has been chosen and what it hopes to achieve. Terms of reference and/or a remit for the review should also be agreed.

Issues to consider in the early stages of scoping:

- *What is the best way to involve the public?*
- *How does this review align with the Council's priorities and vision?*
- *What research is required and who will do it?*
- *Should we co-opt an expert/representative?*
- *When and where shall we hold meetings?*
- *What is the best way of collecting each piece of evidence?*
- *Which aspects of the issue should we focus on?*
- *How shall we publicise the review?*

### Development

This stage should be as innovative and inclusive as possible. Members should be mindful that one of the key roles for Scrutiny Committee is to reflect the concerns of the public. To do this accurately and effectively, the scrutiny review should consider engagement with the public and actively encourage community involvement. For this reason, Members are encouraged to take a flexible approach to meetings. Informality is also an important consideration for public involvement.

When the evidence from all sources has been collated, it needs to be evaluated to assess its relevance and value. It may be necessary to gather additional evidence if there are weaknesses within the information already collected or if further issues have arisen. Conclusions or recommendations should not be made until all evidence has been collected.

## **Concluding**

A specific meeting should be held to discuss and analyse any findings from the evidence and whether, or not, it has met the agreed objectives. The key message from the evidence should be identified together with the options for any recommendations. Each option should be appraised, and recommendations formed from those options that are relevant and achievable. Members should aim to reach a consensus on the recommendations.

When the recommendations have been agreed, a draft report will be prepared (possibly in association with the Democratic Services Officer). The report should include:

- Background to the review and executive summary
- Introduction to the issues and context of the review - List of evidence collected
- Summary of work undertaken
- Key messages that were identified from the evidence collected
- Conclusions and recommendations
- Monitoring arrangements

The final report should be submitted to the Scrutiny Committee for approval prior to submission to the Cabinet.

## **Monitoring**

The final report is submitted to the Cabinet for consideration.

Scrutiny Committee Members have an on-going responsibility to monitor the implementation and impact of their recommendations and may wish to reflect this by including a section in the final report on what actions are expected to be taken, by whom, and by when. If Members are not satisfied with the outcome, they may then choose to revisit appropriate aspects of the review. This reinforces the importance of the scrutiny function in securing continuous improvement for the Council.

## Call-in: A brief guide

The Local Government Act 2000 introduced, for the first time, the power for individual Members of the Cabinet to make certain decisions on their own.

Previously, Members had only been able to decide when meeting collectively as the Full Council or in a Committee. In order to balance these new powers, and that of the Cabinet collectively, mandatory scrutiny arrangements were introduced, including the power to call-in executive decisions. Underpinning the whole system is an ethical standards framework which was introduced by Part III of the 2000 Act.

It is important to remember that, in introducing these call-in powers, the Government intended that they should **only** be used in exceptional circumstances, and not maliciously, vexatiously or for political “point scoring”.

### How the call-in system operates

All Key Decisions that the Cabinet, or an individual Cabinet Member intends to take must be published in the Council’s Forward Plan. Once the decision has been taken, a record of this must also be published.

The definition of a Key Decision is an executive decision which is likely to:

- a) result in the Council incurring expenditure, making savings or receiving income which is/are significant having regard to the Council's budget for the Service or function to which the decision relates; or
- b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the Council’s District;

By the term "significant" the Council means a decision which in the case of either revenue expenditure or a capital scheme:

- a) results in expenditure, savings, income, additional funding or virement of over £250,000 being incurred or achieved; or
- b) results in an outcome which will have a marked effect on communities living or working in an area comprising two or more wards.

Non-Key Executive decisions may also be called in by the Scrutiny Committee. Decisions of the regulatory committees and Full Council cannot be called-in, but regulatory decisions may still be scrutinised by the Committee if there is concern about a potential system issue.

Once an Executive decision has been made and published within a decision notice, it is implemented after five clear working days have elapsed, unless a valid call-in request is received. Calling-in a decision can be requested by two Members of the Scrutiny Committee or five Members of Full Council. Once the request for a call-in has been received, a meeting of the Scrutiny Committee is convened as soon as reasonably possible to discuss it. The decision is then either referred to Full Council or back to the decision-making body or individual for reconsideration, as appropriate.

Full details of the call-in procedure can be found in Part 4 of the Council's Constitution or are available from the Democratic Services team.

A call-in Request Form is available and should be sent to the Democratic Services Officer in support of the Scrutiny Committee.

## Councillor Call for Action (CCfA)

### What is CCfA?

The CCfA is a process introduced in April 2009 through The Local Government & Public Involvement in Health Act 2007 and was intended to put local Councillors at the forefront of dealing with issues of concern in their local communities. It gives them a central role in calling to account the work of Council services (including services provided by the Council's partners) at a local level.

When concerns are identified – either as a result of information from individuals or community groups, or through a Councillor's own observations – Councillors should be able to trigger a response from service providers to help ensure the concerns are dealt with. **As a last resort**, if a problem cannot be solved informally, the CCfA can enable local Councillors to refer the issue to Scrutiny.

The CCfA may cover “any local government matter” relating to any function of the authority and affecting the Councillor's ward or constituents. However, matters related to planning and licensing decisions, and other matters where there is already a statutory right to a review or appeal, are excluded.

Whilst a Councillor may refer the matter for consideration by Scrutiny, it will be up to the Committee to determine whether or not to hold a scrutiny inquiry into the matter and how best to respond.

### How it fits in with Scrutiny

One of the primary roles of the Scrutiny Committee is to consider requests for scrutiny and to prioritise issues for review. The CCfA did not change that. Similarly, all the powers that the Scrutiny Committee usually has (to mount inquiries, request information, and make reports and recommendations) will all be available to it, if it decides to take up the CCfA referral.

### What is it?

What distinguishes the CCfA from a more general request for scrutiny is:

- The focus of the CCfA is on **neighbourhood** or **locality** issues and specifically the **quality** of public service provision at a locality level.
- The CCfA represents a genuine local **community** concern (based on local Councillors' judgements); and
- It is a **persistent** problem which the local Councillor has been unable to resolve through local action, discussion with the Cabinet or relevant service providers.

If a Councillor is uncertain whether an issue could be a potential CCfA, the Democratic Services Officer in support of the Scrutiny Committee can provide advice and assistance.

### What it is not

Scrutiny is not an appropriate mechanism for dealing with individual complaints, and the CCfA did not change this. The Council and partner agencies continue to have well established complaints mechanisms for this purpose. In responding to public requests for CCfA, local Councillors will need to make a judgement about whether the issue is a potential CCfA or should be dealt with more effectively in another way.

## **How is a CCfA request made?**

The Councillor making the CCfA request should complete the standard form (available from Democratic Services). This is then passed to the Democratic Services Business Manager, who will check the form to make sure that the issue is not an excluded matter. If the request can be accepted, it will be put on the agenda of the next available Scrutiny Committee meeting for consideration.

## **What happens next?**

If the Scrutiny Committee decides to accept the CCfA referral, it will decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

### **Before holding a formal hearing:**

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Setting up a research group to undertake a more in-depth review.

### **At a formal hearing**

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant service area/partner organisation.

## **Potential outcomes**

Following a formal hearing, there are several potential outcomes from the Committee meeting:

- The Scrutiny Committee could determine not to make a report (perhaps because it is not considered the right time to consider an issue), with the Ward Councillor notified in writing; or
- determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue; or
- write a report and make recommendations on the CCfA to the Cabinet, Full Council, or relevant regulatory committee, as appropriate.

Once the Scrutiny Committee has completed its work on the CCfA request, the Councillor who made the request will receive a copy of any report or recommendations made.









# **GETTING INVOLVED IN SCRUTINY**

## **A GUIDE FOR WITNESSES**

## **1. Introduction**

This brief guide provides an introduction to the Scrutiny process at East Suffolk Council for individuals who have been asked to provide evidence to the Scrutiny Committee.

## **2. What is Scrutiny?**

Delivered through a Member-led work programme, Scrutiny holds the Council's Cabinet and other public service providers to account for delivering priorities and for the decisions they make. It is a key mechanism for driving forward service improvements.

It is important to note, however, that Scrutiny Committees are influencing bodies not decision-making bodies. The role of Scrutiny is therefore that of a 'critical friend' – checking and challenging decisions in a robust and constructive way.

## **3. How is Scrutiny carried out?**

The Council has one Scrutiny Committee.

The Committee meets regularly throughout the year and hears evidence about issues it is reviewing or scrutinising.

## **4. Who attends Scrutiny Committee meetings?**

- Members of the public and media are welcome to attend.
- Membership of the Scrutiny Committee is made up of elected Councillors.
- A Democratic Services Business Manager (Officer) will be present to support the Committee and take formal minutes.
- Other Council Officers, as necessary
- Other Councillors with an interest in the topic under review.

## **5. What happens if I am invited to be a witness?**

If you are invited to attend a Scrutiny meeting, you will be contacted initially by the Democratic Services Business Manager who will outline how the Committee thinks you may be able to help with its study and the main issues that it is interested in examining.

The date, time and venue of the meeting will be discussed with you as well as any special requirements you may have in order to attend the meeting. If you cannot attend on a particular date, the Democratic Services Business Manager may discuss other possibilities with you depending on the topic under review .

## **6. Providing evidence**

The Democratic Services Business Manager will discuss with you in advance of the meeting, the form that your oral evidence should take. For example, you may:

- Be asked to give a verbal summary of an issue, which will be followed by questions from members of the Scrutiny Committee.
- Be requested to provide a presentation to the Committee to outline some key issues followed by questions.
- Be requested to talk about a written report you have produced followed by questions.

If you are planning to provide a presentation you will be asked to email a copy in advance of the meeting.

After you have presented your evidence, the Committee may wish to ask you some questions. Questioning will be as informal as possible and aims to encourage open debate about the issue being reviewed. You may also be asked to provide some additional information either in person or in writing after the meeting.

Minutes will be produced following the meeting and these will be made available publicly.

If you have any queries or concerns about providing evidence to the Committee, you should contact the Democratic Services Business Manager.

## **7. Useful Tips**

- Assume the Members have read your report prior to the meeting. Don't simply read through a written report verbatim at the meeting – please try to summarise the key messages.
- Avoid abbreviations in any reports. Make sure information is clear and concise.
- Be open and honest in your responses to questions asked. Scrutiny is not there to criticise you or your colleagues or to apportion blame; it is about thorough investigations and reviews.
- Don't be afraid to say that you can't answer a question. Members don't expect you to know everything.
- If you have any concerns about anything said in the meeting and don't want to raise it in front of the Committee, speak to the Democratic Services Business Manager afterwards.

## **8. Where can I find out more?**

Contact:

Katherine Abbott

**Email:** Katherine.abbott@eastsuffolk.gov.uk

**Telephone:** 01394 444320



**CALL-IN FORM**

To: For attention of: Katherine Abbott  
[democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)

I would like to call-in the decision as detailed below:

**Decision Making Body or Individual**

--

**Decision Made**

--

**Date Decision Made .....**

**Reason for Calling-In the Decision**

--

**Desired Outcome**

--

**Desired Witnesses and Relevance to the Call-in**

1.
2.

3.
4.
5.

**Members\* Calling-In Decision  
Date**

**Signed**

1.		
2.		
3.		
4.		
5.		

**\* In accordance with the Scrutiny Procedure Rule 11.4, any two members of the Scrutiny Committee or any five members of the Council may call in a matter for review of the decision by the Scrutiny Committee**

**Councillor Call for Action (CCfA) Request Form**

**Please refer to the Scrutiny Procedure Rules 7.3 and 7.9 of the Constitution before submitting this form.**

PLEASE NOTE: Scrutiny does not get involved with individual cases or minor matters, which should be addressed through other channels, including the appropriate service area or Ward Councillor. Scrutiny does not deal with individual complaints, which should be investigated and addressed through the Councils' Complaints Procedure.

Name:
Contact number:

The Ward you represent:
-------------------------

<p><u>Description of the topic</u> <i>Please describe as fully as possible what the issue is with specific examples where possible</i></p>
--

<p><u>Why are you raising the topic?</u> <i>Please explain what has prompted you to raise the topic, e.g. concerns by residents, etc.</i></p>
---

Who does it affect? *Please indicate if any other Wards / parishes are affected, or if it is local to your Ward, how many residents are affected?*

What solutions have already been tried? *Please describe what avenues to solve the issue have already been tried and the outcomes. To ensure that Scrutiny's work is most effective, Members must provide evidence of what they have previously done to try to solve the issue. When deciding which topics to scrutinise, the primary aim is adding value to the work of the Council, focusing on the things that matter most and which make a real difference to the local community*

What outcomes are sought? *Although a specific solution may not be possible, it will assist the Committee if you describe what outcomes or solutions may be sought*

What evidence do you have in support of your CCfA? *Please list but do not submit*

Is the subject of your CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

What (if any) are the critical deadlines?

Have you approached the Scrutiny Committee on the same issue in the past six months?





--

Date of submission:

Please complete and return the form to: Katherine Abbott  
[democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk)



**SUGGESTION FOR A SCRUTINY REVIEW  
SCOPING FORM**

*To be used in accordance with Scrutiny Procedure Rule 7 of the Council's Constitution.*

<b>Suggestion From</b>	
<b>Title of the suggested Review</b>	
<b>1. Purpose of the Review</b>	
<b>2. What are the main issues and concerns to be considered?</b>	
<b>3. What are the desired outcomes of this Review?</b> <i>Priority should be given to issues which have the potential to lead to real improvements, and do not duplicate existing work.</i>	
<b>4. What issues should be disregarded as not relevant to this Review?</b>	
<b>5. Who is responsible for providing this service, or tackling the issue in question?</b> <i>Identify a lead officer, or if not a District Council issue, the service provider.</i>  <b>Have you spoken to them, and if so, what was the response?</b>	

<p><b>6. Have you spoken with the responsible Cabinet Member(s) and sought their view on this issue?</b></p>
<p><b>7. Estimation of the Committee's and Officers time and resource implications (for example, one report to a dedicated meeting, a Task and Finish Group etc.)</b>  <i>The outcome of the proposed Review should be proportionate to the cost of carrying out the Review in terms of staff and Councillor time</i></p>
<p><b>8. Suggested witnesses, required or background documentation and consultation</b></p>
<p><b>9. Estimation of timescales</b></p>

<p><b>10. Will this review contribute to one or more of the Critical Success Factors outlined in the East Suffolk Business Plan? If so, please indicate which below:</b></p>
--

<b>Would you like to be involved in the review?</b>			
<b>Yes</b>		<b>No</b>	
<b>Date of request:</b>		<b>Signed</b>	

Please return this form FAO of Katherine Abbott [democraticservices@eastsoffolk.gov.uk](mailto:democraticservices@eastsoffolk.gov.uk)

