



Community Safety

Commercial Team Service Plan

2015/16

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Introduction to the Commercial Team

Scope of the Commercial Teams responsibilities

The Commercial Team within Community Safety Business unit is responsible for a range of functions whose officers primarily work with businesses to support and help them deliver their business aims.

These visits are broadly welcomed because officers advise and support business interpreting what they need to do to ensure they provide their business safely and to comply with the law. This saves businesses significant time and money in researching the law, seeking advice or employing expensive consultants.

The functions broadly fall into six areas

Food safety & Infectious disease control
Trading Standards
Licensing
Health & Safety
Internal Health & Safety & Emergency Planning
CCTV and Security

What has been achieved in 2014-15?

Notwithstanding the great pressures on the Commercial Team and the department, a huge amount of great work continues to be done to help businesses, to maintain the health of the population, address complaints, support and protect the old and vulnerable and when necessary enforce against the excesses of a few.

Food Safety

Case study 1






National Food Hygiene Rating Scheme


In November 2011 the national Food Hygiene scheme was launched in Torbay with a view to driving up food safety standards in the Bay and to provide consumers with an informed choice on where they should eat. To date nearly 1000 food premises have been rated in the Bay. Of these 840 (85%) scoring either a 4 or 5. However still a disappointing 70 (7%) are below the level of basic food hygiene compliance, though in some cases this is due to a lack of paperwork, which means they do not necessarily present a significant risk. Where they do, enforcement action is undertaken. These figures are a small improvement on the previous year. During 2014-15, the previous years 75 non complaint businesses were supported and all but 18 became compliant during the year.

<p>Case study 2</p> 	<p>Food Standard Agency Medium and High Risk inspections</p> <p>The Food Team have achieved 100% inspections of Category A and B premises, and have increased the percentage of inspected premises, rated Category C, to 82%. This would have been higher if it was not for the fact that a number of businesses closed or were seasonal and therefore closed until Easter. This is a significant improvement from the previous year's figure of 70%, and means that Torbay Council is broadly compliant with the national requirements, which it hasn't been for 5-6 years. In total 1800 visits were made to food business for inspections, follow up visits, advice visits.</p>
<p>Case study 3</p> 	<p>Better Business for All (BBfA)</p> <p>In 2014/15 the Community Safety department signed up to a national scheme called Better Business for All which is a partnership scheme between businesses and regulators with the aim of supporting local businesses in Torbay and helping them to survive and prosper, by providing good quality, free, impartial business advice. All 10 Local authorities in Devon are also signed up as well as most of Somerset to ensure a consistent approach to business across the Local Enterprise Partnership (LEP) area.</p>
<p>Case Study 4</p> 	<p>Allergy Training & Support</p> <p>In 2014/15 the Food and Safety Team started an intervention with Torbay's food businesses to ensure that they are compliant with new food safety legislation regarding the management of allergies. This included running three allergy workshops where over 470 delegates were given free training and support on the new legislation that came into force in December 2014.</p>


A full summary of the work of the Food Safety Team is included within the Food Safety Service Plan, which is a statutory requirement and is attached, see Appendix A.




Trading Standards

<p>Case study 1</p> 	<p>Complaints about Fair trading, Consumer Protection, Counterfeiters</p> <p>For many years, civil matters such as whether a product works or a service meets an expected quality have been dealt with by Consumer Direct and now Citizen's Advice Bureau. However the way products are sold, their safety, door step crime and fraud are criminal matters and investigated by Trading Standards.</p> <p>In 2014/15 the team received with 2713 complaints, of which 870 were dealt with by officers. Those that were criminal resulted in investigations being undertaken, advice was given, written warnings were issued and two formal cautions issued. There are currently four cases pending with the courts, and one arrest warrant issued with regard to one of those.</p>
<p>Case study 2</p> 	<p>Doorstep Crime and No Cold Calling Homes</p> <p>In 2014/15 the Trading Standards Team further promoted No Cold Calling Homes to properties in Torbay, as well as continuing to raise awareness of the scheme. The scheme has now been extended to the whole of Devon and Cornwall Constabulary achieving consistency across Devon and Cornwall.</p> <p>In addition a trader was prosecuted and fined £5000 for failing to comply with the legislative requirements and two further traders received written warnings following legal files and several were given advice notices.</p>
<p>Case study 3</p> 	<p>Park Home (Mobile Home) Site Safety & Licensing</p> <p>In 2014/15 officers from the Licensing and Public Protection Team were again involved in a considerable amount of work protecting the health and safety and general civil rights of elderly and vulnerable residents in some of Torbay's Park Home sites. Over three sites 5 Improvement Notices were served under the Health and Safety at Work Act 1974, and 8 Compliance Notices were served under the Caravan Sites and Control of Development Act 1960.</p> <p>Some of the issues that have been dealt with include unstable banking, poorly built bases, roadways needing</p>


	<p>maintenance, contractual rights, and the failure to meet licence conditions. New fees have also been set under the Caravan Sites and Control of Development Act 1960.</p>
<p>Case Study 4</p> 	<p>Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods</p> <p>Torbay Council Trading Standards Officers undertake investigations of underage sales based upon intelligence and complaints. The Policy on the Protection of Children in relation to Tobacco Sales and Other Age Restricted Goods for 2015-16 is attached in Appendix B for agreement.</p> <p>In 2014-15 one underage sales operation was undertaken. In October 2014, 6 premises were visited, 1 for New Psychoactive Substances (NPS) and 5 for alcohol. Of the five alcohol premises only one asked for ID. Of the four that failed, one seller was issued with a Fixed Penalty Notice and two others have excepted new conditions on their licence for future Test Purchase operations paid for by themselves and discussions are ongoing with the fourth. There are no current powers to deal with the sale of the NPS. Though Police were able to issue a warning based upon their legislation.</p>


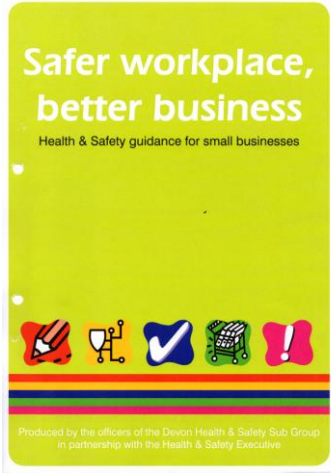
Licensing

<p>Case study 1</p> 	<p>Licensing Applications</p> <p>The majority of applications are either Licensing Act applications for the sale of alcohol and/or to provide entertainment, or for Hackney Carriages, Private Hire Vehicles & their drivers. In addition however there are applications for Pet Shops, Animal Boarding, Dangerous Wild Animals, Gambling, Lotteries, Street Collection, Street Trading, Tattooing, Fireworks to name some. In total 2347 applications were received. Of those 715 have statutory deadlines and in virtually all cases these were met.</p> <p>There was one review of Licensing Act Premises Licence and no appeals of Licensing Committee decisions under the Licensing Act 2003.</p>
<p>Case study 2</p>	<p>Licensing Forums</p> <p>During 2014-15 two Licensing Forums were held in Torbay.</p>


	<p>Over 80 people attended both events and received presentations about the TRTBID, Fire Authority, Police, TDA, and several Council dept. Subjects included changes in the law, CCTV update, advice for businesses, children safeguarding advice and developments on the harbourside.</p>
<p>Case Study 3</p> 	<p>Renewal of Purple Flag</p> <p>In 2014/15, in partnership with the Business Improvement District, Businesses, The Police and our colleagues in the Neighbourhood Team, the Licensing team helped make an application to renew the Purple Flag. In alternative years, as was the case during 2014, this was a paper submission not an inspection visit. The Purple Flag was renewed for another year.</p>
<p>Case Study 4</p> 	<p>Unmet Demand Study 2014</p> <p>Torbay Council regulates the number of Hackney Carriages in Torbay at 169, of which 7 are seasonal. To retain this restricted approach, it must undertake a survey to ascertain if firstly there is no unmet demand. This survey was undertaken this past year and the report found this to be the case. It was therefore agreed by Licensing Committee to retain the status quo, which it is believed provides the best overall service.</p> <p>The report is available on Torbay Councils website.</p>



External Health & Safety Enforcement

<p>Case study 1</p> 	<p>Gas Safety</p> <p>Between 2012-2015 officers from the Commercial Team inspected gas safety in food businesses in Torbay. They carried out 968 gas safety inspections of which 268 were found to be non compliant, though this didn't mean they were an immediate danger. The level of compliance improved from 40% in 2012-13 to 90% in 2014-15. See appendix C for the three year report.</p>
<p>Case study 2</p>	<p>Body modification (including tattooing)</p>

	<p>Torbay Council, have implemented a rating scheme, whereby each premises is required to score 75% to demonstrate compliance with infectious control. 18 initial visits were undertaken, and 11 revisit done so by the end of the year all premises are considered compliant.</p> <p>In addition 3 raids under warrant were undertaken under Part 2A order under the Public Health (Control of Disease) Act 1984 as amended by the Health and Social Care Act 2008. Articles provisionally values at £4500 including tattoo machines, needles, and inks were removed and incinerated.</p>
<p>Case study 3</p> 	<p>Safer Workplace Better Business Pack</p> <p>This pack developed by the Devon Health and Safety Sub Group has been used now for a couple of years to help small and medium sized businesses comply with health and safety. In 2013-14 a partnership was entered in to between a private sector company, Exeter University and Torbay Council to further develop this pack into a national health and safety management on line tool. A successful bid for money was made to the Better Regulators Development Office, part of Government department BIS. This enabled the development of this pack on an online portal and a trial was undertaken with 20-30 small and medium locally. The initial results are very encouraging and it is now hoped to further with work with this partnership to develop this into a national tool.</p>

Internal Health and safety and Emergency Planning

<p>Case study 1</p> 	<p>Accidents in the workplace</p> <p>Reportable workplace accidents, i.e. those reportable under the Health and safety at Work Act 1974, RIDDOR, continue to decline with only three reported during 2014-15.</p>
<p>Case study 2</p>	<p>Torbay Council's management of Health and Safety</p>

	<p>An updated set of Key Performance Indicators have been drawn up to ensure all Business Units are protecting the Council against legal challenge for poor Health and Safety. This is being reported back in the Annual Internal Health and Safety and Emergency Planning report, which goes to the Senior Leadership Team.</p>
<p>Case study 3</p> 	<p>Emergency Planning - Rest Centres, Training & Resilience</p> <p>In 2014-15 the role of setting up and manning rest centres was passed back to Torbay Council. This required a significant piece of work as this function had been undertaken by the Care Trust for a number of years. Training of staff from Community Safety and other departments should allow for adequate manning at incidents and at rest centres should the need arise.</p> <p>Training was also undertaken for SLT to ensure that with staffing changes, sufficient senior officers were able to take on the role of representing Torbay Council at Strategic (Gold) and Tactical (Silver) Command</p>

Resource Reduction, the impact and work plan for 2015-16

Resource reduction & impact

Over the past 4 years (2011-15) the resources have reduced from 29.4 full time equivalents (FTE) to 23.0 FTE which has resulted in all but the most critical work being undertaken. This is as last year. The team has also taken on at least 2 FTE of extra work from other teams during this period. Although there has been no further significant reduction in the team's resources since the previous year, the following work, initially reported in 2013, is not being undertaken.

- No discretionary work is now undertaken.
- No low risk inspections are undertaken.
- No medium risk inspections are undertaken, except in Food premises, where it remains a statutory requirement of the Food Standards Agency or in other cases if the intelligence identifies a need.
- Complaints are not investigated unless there is deemed to be a serious risk of injury, serious health implications, or where there is serious consumer detriment or significant nuisance particularly to the old and vulnerable.

- Accidents are not investigated unless there has been a serious injury or a fatality.
- Civil complaints are not longer investigated or advice given

Last year this report described the impact of these resource reductions, which was supported by the internal audit report. That audit report expressed concerns over the overall resilience of the team, and this remains the case, however there has been a significant improvement in the percentage of medium risk food businesses (Category C) inspected, and it is hoped that any future audit would not now see this as a 'fundamental weakness'. It should however be noted that changes to the Food Code of Practice from the 1st April 2014 re-rated some of our Category C rated premises to Category D. This does not mean Torbay Council should be complacent as the Food Code of Practice still requires an intervention to take place in these Category D premises, to avoid these often potentially high risk premises, become such again.

A second significant consequence that was reported last year, is that there is no longer any resilience left within the team. This remains a threat, especially if there is any long term sickness or maternity leave, as this places significant pressure on the team and as a consequence the remaining statutory functions can not be delivered against targets.

This years risk is shown as a diagrammatical representation below, where it compares the team's resources against statutory function for the current year 2014-15. The team's work is now all at a low/medium risk band, following the achievement and reduction in the risk to the food safety work for the authority however the lack of resilience remains an issue. Although there is a risk and all staff have an input into a varying number of the pieces of work, the management team move staff around both in the Commercial Team and the Department as a whole; to try and remain in a position as close to the statutory minimum as possible. This still presents an increased risk to the population of Torbay and to the Authority.

In the table Green = No risk; yellow = low/medium risk; pink = medium/high risk & red = very high risk

Statutory Delivery	Above Statutory Minimum	At Statutory Minimum	Below Statutory Minimum	Risk to the authority
Statutory Activity				
Food Safety Inspections/ Food Hygiene Rating Scheme/Food Standards Inspections				YELLOW
Infectious disease control/ emergency incidents				YELLOW
Trading Standards - consumer detriment (fair trading, consumer protection, counterfeit goods etc.)				YELLOW
Trading Standards - Protecting the Vulnerable/No Cold Calling Homes/Test Purchasing				YELLOW
Administering Licensing Applications/Committee hearings/Policy development				YELLOW
Licensing enforcement/ partnership working with Police and NTE				YELLOW
Health and Safety Inspections/Interventions/ accidents				YELLOW
Complaints (Noise from licensed premises, Food Safety & H&S)				YELLOW
Park Homes inspections/ complaints/ administration				YELLOW
Public safety at events, football ground etc				YELLOW
Emergency Planning & Internal H&S				YELLOW

CCTV and Security

On the 1st December 2014, the line management for the CCTV and Security Service was passed to the Commercial Team for line management. The budget for 2015-16 for CCTV had been cut along with the manager's post. A short term budget has been sought and found to give the department sufficient time to identify a range of options and whether there are opportunities to provide a future service. Reports will be submitted on this when the information is available.

Audit Inspection 2012-13

Devon Audit Partnerships undertook an audit of the majority of the Commercial team during 2012-13, and a final report was published. This included Food Safety, Trading Standards, Licensing and Health and Safety functions. The report supported the facts that the staff were working to a good standard but it supports the weaknesses of the lack of resources at that time, to achieve the statutory requirements.

Update 2014-15 – Although a risk remains that targets for Category C food inspections (to comply with the national Code of Practice) are not met in the future, it should be noted that they have been met by the time this report was written, which is a significant achievement for both the team and the overall service.

Work plan for 2015-16

The work plan for the Commercial Team is to deliver its statutory duty to the best of its ability and to respond to emergencies. Its efforts are focused primarily on the premises and incidents of highest risk and to protect the most vulnerable in Torbay. To also administer the licensing applications and undertake enforcement work in partnership with the Police and other agencies to ensure the night time economy, events and the football ground remain safe. Work plan is attached in Appendix D.

Health and Safety Service Plan

There has been a significant drop both nationally and locally in the resources put into health and safety enforcement. It was decided in 2013, that no Health and Safety Service Plan is currently needed. That position remains the same. The Team work very closely with both the Health and Safety Executive and other Devon and Cornwall authorities and agree a workplan across the region. Details of this work are included in the Commercial Team Work Plan 2015-16.