



SCRUTINY COMMITTEE

BURNLEY TOWN HALL

Tuesday 10th February 2015 at 6.30 p.m.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Chief Executive's Office by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

Under current legislation members of the public can film or record this meeting provided they don't disrupt the meeting

AGENDA

1. ***Apologies***

To receive any apologies for absence.

2. ***Minutes***

To approve as a correct record the Minutes of the meeting held on 12th January 2015 (available at www.burnley.gov.uk)

3. ***Additional Items of Business***

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4. ***Declarations of Interest***

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provisions of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

5. ***Exclusion of the Public***

To determine during which items, if any, the public are to be excluded from the meeting.

6. ***Public Question Time***

To consider questions, statements or petitions from Members of the Public.

PUBLIC ITEMS

7. *Notice of Key Decisions and Private Meetings*

To consider the key decisions to be taken for the period February to May 2015 (enclosed).

8. *Food Intervention Programme and Statutory Targets*

To receive, for information, details of how the Council manages its Food Intervention Programme (report enclosed).

9. *Work Programme*

To consider the work programme for the remainder of the current Municipal Year and to progress initial planning activity for the 2015/16 Municipal Year (enclosed).

MEMBERSHIP OF COMMITTEE

Councillors

Jonathan Barker
Charlie Briggs
Ida Carmichael (Chair)
Jean Cunningham
Trish Ellis
John Fifield
Gary Frayling
Roger Frost
Sue Graham

Councillors

David Heginbotham
Marcus Johnstone
Anne Kelly
Margaret Lishman
Elizabeth Monk
Paul Reynolds
Betsy Stringer
Jeff Sumner

Copy to :

Leader of the Council,
Executive Member for Housing and Environment

Published Monday 2nd February 2015

Please note that phones and other equipment may be used to film, record, tweet or blog from this meeting. The use of those images or recordings is not under the Council's control. No part of the meeting room is exempt from public filming.

BURNLEY BOROUGH COUNCIL

NOTICE OF KEY DECISIONS AND PRIVATE MEETINGS

This Notice contains:

- a) A list of Key Decisions to be taken by the Executive during the months February until May 2015, to be published on 16th January 2015.
- b) Details of dates of meetings of the Executive during the same period at which decisions may be taken in private or partly in private

A Key Decision is an Executive decision that is likely:

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are significant, having regard to the local authority's budget for the service or function to which a decision relates. The Council has said that Capital or Revenue spending over £100,000 will be a Key Decision; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough;

A private meeting is a meeting or part of a meeting of the Executive during which the public must be excluded whenever:

- a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
- b) the Executive passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

Meetings of the Executive will be held on the following dates: 20th January, 16th February, 24th March, 28th April 2015 and 2nd June 2015.

Meetings normally start at 6.30pm but times can change so please check the council website nearer the date of the meeting. This Notice will be further updated on the following dates: 23rd February, 26th March, 30th April 2015.

Matter for decision	Purpose	Key Decision Yes or No	Anticipated date of decision	Public or Private report. If Private give reasons	List of Documents to be submitted including any background papers	Contact person & Executive Portfolio
Housing Capital programme	To approve a revised programme	Yes	February 2015	Public	Report setting out the key issues	Paul Gatrell , Head of Housing & Development Control Executive Member for Housing and Environment
On the Banks- Hotel Development	To consider proposals regarding a hotel development	Yes	February 2015	Private	Report setting out the key issues	Kate Ingram Head of Regeneration and Planning Policy Executive Member for Regeneration and Economic Dvelopment
Lancashire Local Growth Deal	To approve the Council's input to the Local Growth Deal programme.	Yes	March 2015	Public	Report setting out the key issues	Mick Cartledge, Acting Chief Executive The Leader
On the Banks (Disposal of Phases 3b, 4 & 5 – Weavers' Triangle)	To consider the variation of the Development Agreement	Yes	March 2015	Private	Report setting out the key issues	Phil Moore, Head of Finance & Property Management Executive Member for Resources & Performance Management

Matter for decision	Purpose	Key Decision Yes or No	Anticipated date of decision	Public or Private report. If Private give reasons	List of Documents to be submitted including any background papers	Contact person & Executive Portfolio
Tobacco Free Burnley Plan	To update the existing Plan, which identifies Council initiatives to reduce tobacco use and smoking prevalence.	Yes	March 2015	Public	Report setting out key issues	Karen Davies, Environmental Health & Licensing Manager Executive Member for Resources & Performance Management

A further Notice will be given 5 clear days before each meeting listed above if the meeting or part of the meeting is to be held in private. If you wish to make any representations about why any meeting or part of a meeting proposed to be held in private should be open to the public please send them to: Tom Forshaw

Head of Chief Executive's Office Town Hall, Manchester Road, Burnley BB11 9SA
E-mail: Tforshaw@burnley.gov.uk

Published: 16th January 2015

REPORT TO SCRUTINY COMMITTEE



DATE	10 th February 2015
PORTFOLIO	Housing & Environment
REPORT AUTHOR	Jayne Enright
TEL NO	01282 4277284
EMAIL	jenright@burnley.gov.uk

Food Intervention Programme and Statutory Targets

PURPOSE

1. To outline the Statutory procedures and targets for Food Safety Inspections.
2. To report on how we prioritise our Food Safety Inspections.
3. To report on how we are performing against our inspection targets.

RECOMMENDATION

4. That Members note the procedures in use for the prioritisation of inspections and note the high levels of performance against these targets by the Food Safety Team, Environmental Health.

REASONS FOR RECOMMENDATION

5. To provide members with information about how we prioritise our food hygiene inspections and how we are performing against these targets in food businesses

To keep members informed of statutory food safety activity within the Food Safety Team, Environmental Health.

SUMMARY OF KEY POINTS

- 6. The Food Standards Agency has developed a Code of Practice that outlines and prioritises our workload in respect of Food Hygiene Interventions (one of which is an inspection). As a food authority we are required to follow the Food Law Code of Practice (England) 2014.

This Code of Practice describes a range of interventions Local Authorities need to carry out to ensure and improve compliance with Food Law. The Code expects officers to choose an appropriate intervention and to use their professional judgement and apply a proportionate level of regulatory enforcement activity at each food business. Interventions should be applied in a risk-based manner such that more intensive regulation is directed at those food businesses that present the greatest risk to public health.

- 7. The following interventions are deemed in Law as official controls: inspections, surveillance, audit and sampling. These form part of our planned statutory intervention programme. The Code of Practice requires that we carry out other interventions as part of our programme for example education, advice and coaching visits to help increase compliance.

- 8. An Interventions Programme is central to a local regulatory and enforcement regime, and Food Authorities must ensure that such a programme is **appropriately resourced**.

An officer completes an assessment using the risk assessment criteria prescribed in the Code of Practice at the end of the initial inspection of each newly registered or approved establishment and after each inspection.

Officers take into account, the hygiene and structure of the premises and confidence in management of the food business operator. They also consider the number of consumers at risk and if the business is providing meals to vulnerable groups e.g. the over 65s or under 5s

Following an assessment, the officer will rate a business as an A to E rated premises with 'A' being the highest risk and 'E' the lowest risk. The rating will then dictate the frequency at which we will visit the business. At each visit , the business may be reassessed

- 9. Food Hygiene Minimum Intervention frequencies

Category		Minimum Intervention Frequency
A	Highest Risk	At least every 6 months
B	High Risk	At least every 12 months

C	High Risk/Broadly Compliant	At least every 18 months
D	Broadly Compliant	At least every 24 months
E	Lower risk	A programme of alternative strategies every 3 years

At Burnley we deliver these interventions both in-house and by use of contractors.

10. Verification procedures are in place to ensure that officers in the food safety team and contractors used are using the scheme correctly and efficiently. An external audit of our procedures was completed on the 30th January 2015. One area relating to unique referencing was highlighted as needing attention, other areas were deemed to be compliant.

Interventions for higher risk businesses take priority over interventions for lower risk businesses.

Within the Food Safety Team, Environmental Health Workplace Compliance Officers take a lead role assisted by support to forward and chase up self-assessments to our lower rated establishments as part of our alternative enforcement strategy.

11. We also advise and educate businesses when new pieces of Legislation are introduced. **For example, Burnley Borough Council's Food Safety Team working together with Lancashire County Council Trading Standards has put on the first of a series of allergen training events for food businesses in Burnley on the 26th January 2015. The session was held at the Red Lantern Restaurant, Bank Parade Burnley where 35 Chinese business men and women gathered to learn all about food allergens and what they need to do to let their customers know what's in the food that they sell.**



12. Burnley Borough Council's Environmental Health Service participates in the National **Food Hygiene Rating Scheme in partnership with the Food Standards Agency**. The scheme provides consumers with information about hygiene standards in food businesses which supply food directly to consumers for consumption either on or off the premises. The purpose of the scheme is to help consumers make informed choices about the places where they eat out and from which they purchase food. This is also intended to encourage food businesses to become more self-motivated to improve hygiene standards, and fits with the Governments 'nudge' strategy.

Each business is given a 'hygiene rating' when it is inspected by an officer from the Food Safety Team, Environmental Health This is tied into the Intervention Programme and businesses who receive a 3 rating or above are classed as broadly compliant.. **When you eat out or shop for food, you might see a sticker in the window or on the door, or a certificate on display, showing you the hygiene rating for that business**

We have recently used our resources efficiently and carried out a series of targeted interventions at our lower rated businesses. **We have increased the number of Broadly Compliant premises or those with a 3 rating or more from 94% to 97% following our targeted intervention initiative.**

13. We have also recently completed an initiative, **working with the Food Standards Agency to encourage businesses to display their ratings –** this has been another successful initiative **with display rates increasing by significant amounts. We targeted 92 businesses in Daneshouse, Gawthorpe and Queensgate, display rates increased on average from 54% to 97%. The Burnley Express last week encouraged people to Look before they Book! And to check out the food hygiene rating before that special Valentine Date.** If you are planning to eat out or buy

food you can search the national website: <http://ratings.food.gov.uk> or you can access this link through Burnley.gov.uk

14. **Performance**

Data Summary - Interventions by Risk Rating and Due Interventions - Financial Year: 2013 – 2014 Responsibility: Food Hygiene

Premise Rating	Interventions achieved	Interventions outstanding	% of interventions achieved
A	7	0	100%
B	101	0	100%
C	245	1	100%
D	78	0	100%
E	81	0	100%

We are on target to perform at similar levels to the above in the financial year of 2014/2015

2014 % of Food Safety Interventions Completed



Quarter	% of interventions completed
Jan - March	98%
April - June	91%
July - September	86%
October - December	96%





Food authorities must follow the Food Law Code of Practice that outlines and prioritises our work load with regards to food hygiene interventions.

A robust Interventions Programme is central to improving compliance with food law.

The Food Safety Team continue to perform well against the Food Hygiene Intervention Programmes

A good food hygiene rating is good for business.

Food Hygiene Rating	Description
 <p>Very good</p>	Very Good
 <p>Good</p>	Good

 <p>Generally satisfactory</p>	Generally Satisfactory
 <p>Improvement necessary</p>	Improvement Necessary
 <p>Major improvement necessary</p>	Major Improvement Necessary
 <p>Urgent improvement necessary</p>	Urgent Improvement Necessary

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

All actions continue to be undertaken using current service delivery resources or in partnership with the Food Standards Agency which is therefore Grant funded. Therefore, there are no additional financial implications or any additional budget provision required.

POLICY IMPLICATIONS

None

DETAILS OF CONSULTATION

Councillor John Harbour: Executive Member Housing and Environment
 Councillor Ida Carmichael: Chair Scrutiny Committee
 Councillor Betsy Stringer: Vice Chair Scrutiny Committee

BACKGROUND PAPERS

None

FURTHER INFORMATION	
PLEASE CONTACT:	Jayne Enright
ALSO:	Karen Davies

Scrutiny Work Programme 2014/15

25 June	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings – statutory notice relating to Executive business 2. Capital Budget Monitoring Quarter 4 (to 31st March 2014) 3. Revenue Budget Monitoring Quarter 4 (to 31st March 2014) 4. Year-end performance report – this will provide a summary of performance across the Council for 2013/14 5. Proposed Work Programme <p>Note: Financial Monitoring activity is a continuing shared working arrangement between Scrutiny Committee and the Budget Scrutiny Panel which was agreed as part of last year's scrutiny activity. The Panel will receive monitoring information as part of preparations for future years budgets whilst the Committee will receive as part of its performance management activity</p>
8 July	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Weaver's Triangle Programme and Progress - To brief Members on the current progress and planned activity of the On the Banks programme and related infrastructure works. 3. Asset Management Strategy – This is the Council's high level strategic approach to managing its asset portfolio for 2014/15 and beyond 4. Final Budget outturn 2013/14 and Treasury Management
12 August	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Local Plan Process – To update Members on the progress in developing Burnley's next Local Plan and set out the planned process and timetable for the year, which will end in the publication and widespread consultation on, the Council's Preferred Option for the Plan. 3. Change Programme – Executive report – initial business case for consideration 4. Markets Review - To consider an Executive report on options for the future of Burnley market. 5. Report from the Welfare Reform working group
16 September	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Revenue Budget Monitoring Q1 3. Capital Budget Monitoring - Q1 4. Markets Review 5. Discretionary Housing Payments 6. Universal Credit Roll-out 7. Council Tax Support Scheme

<p>24 October (rescheduled from 21 October)</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Treasury Management 3. Waste/Street Cleaning/Recycling Contract – This report will consider the results of the tendering exercise for the new Waste and Street Cleaning Contract. 4. Housing Programme - In the context of continuing, reducing, Government resources to Council's for housing investment , to consider options for a future programme in the Borough.
<p>25 November</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Community Engagement Strategy – to provide a position statement on the range of the Council's public engagement activity 3. State of the Local Economy - This will be the first of bi-annual reports setting out employment and labour market data and trends in the Borough 4. Half Year performance report – a mid-year summary of Council performance 5. Crime and Disorder issues- The meeting will consider the annual review of crime and disorder priorities and action for the Borough. <p>Note: it is a statutory requirement for Scrutiny to consider on an annual basis, crime and disorder matters</p>
<p>1 December Budget Scrutiny Panel</p>	<p><i>Revenue and Capital Budget Monitoring - Q2</i></p>
<p>12 January 2015</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Draft Strategic Plan – annual refresh of the document setting out the Council's key objectives and actions
<p>10 February</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Food Intervention Programme and Statutory Targets
<p>11 February Budget Scrutiny Panel</p>	<p><i>Revenue and Capital Budget Monitoring - Q3</i></p>
<p>18 March</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Pedestrianized Zones 3. Report on recommendations arising from the Welfare Reform Group
<p>20 April</p>	<ol style="list-style-type: none"> 1. Notice of Key Decisions and Private Meetings 2. Revenue and Capital Budget Monitoring – Q4 3. Leisure Trust Annual Report