

# Merton Council

## Joint Regulatory Service Committee Agenda

### Membership

#### Councillors:

Pamela Fleming – London Borough of Richmond upon Thames

Rita Palmer – London Borough of Richmond upon Thames

Nick Draper - London Borough of Merton

Judy Saunders – London Borough of Merton

**Date:** Tuesday 9 February 2016

**Time:** 10.00 am

**Venue:** Venue: Terrace Room, London Borough of Richmond upon Thames,  
York House, Richmond Road, Twickenham, TW1 3AA

This is a public meeting and attendance by the public is encouraged and welcomed.  
For more information about the agenda please contact or telephone .

All Press contacts: [press@merton.gov.uk](mailto:press@merton.gov.uk), 020 8545 3181

# Joint Regulatory Service Committee Agenda

## 9 February 2016

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| 1 | Apologies For absence   |         |
| 2 | Declarations of Pecuniary Interest  |         |
| 3 | Minutes of Previous Meeting   | 1 - 4   |
| 4 | The Food Hygiene Rating System  | 5 - 10  |
| 5 | Future Dates Of Joint Regulatory Services Committee 2016/17<br>Discussion Item  |         |
| 6 | Exclusion of Press and Public<br><br>To RESOLVE that the press and public are excluded from the meeting during consideration of the following report on the grounds that it is exempt from disclosure for the reasons stated in the report. |         |
| 7 | Fees and Charges  | 11 - 24 |

### **Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

# Agenda Item 3

## JOINT REGULATORY SERVICE COMMITTEE 10 SEPTEMBER 2015

(10.00 - 11.55)

PRESENT London Borough of Richmond upon Thames (LBRUT)  
Councillors Pamela Fleming (in the Chair) and Rita Palmer.  
London Borough of Merton (LBM)  
Councillors Judy Saunders and Nick Draper.

ALSO PRESENT: Jon Freer (Assistant Director, Development and Street Scene, LBRUT), Paul Foster (Head of the Regulatory Services Partnership), John Hill (Head of Public Protection, LBM), Jason Andrews (Pollution Manager) and Lisa Jewell (Democratic Services Officer, LBM)

### 1 APPOINTMENT OF CHAIR FOR 2015/16 (Agenda Item 1)

Councillor Pamela Fleming of London Borough of Richmond upon Thames was appointed as Chair of the Joint Regulatory Services Committee for 2015-16.

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

There were no apologies for absence.

### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of pecuniary interest.

### 4 MINUTES OF MEETING HELD ON 23 FEBRUARY 2015 (Agenda Item 4)

Councillor Rita Palmer referred to Item 5 on the minutes of the meeting on 23 February and asked officers about the availability of noise measurement machines for Richmond residents to use to record nuisance noise. Paul Foster (Head of Regulatory Services Partnership) explained that although domestic noise complaints made to LBR would go to Environmental Health (EH) within the housing department machines are available but EH officers would probably request a diary to be completed prior to using the machine. In law to establish a noise nuisance there has to be evidence of duration, type and frequency of the noise. Jason Andrews (Environmental Health Pollution Manager) confirmed that 7 pieces of shared measurement equipment were available and kept fully up to date and calibrated.

RESOLVED: That the Minutes of the meeting held on 23 February 2015 be agreed as a correct record.

### 5 REGULATORY SERVICES PARTNERSHIP ANNUAL PERFORMANCE REPORT (Agenda Item 5)

Paul Foster (Head of the Regulatory Services Partnership) presented the Annual Performance report of the Joint Regulatory Services. He highlighted that effective

management of performance is vital to the success of the shared service, and that performance indicators had been set and monitored. He also asked Members to note that external agencies, detailed in the report, monitored the performance of the partnership.

The Report considered performance across the four operational areas:

- Environmental Health- Commercial -
- Environmental Health- Pollution
- Licensing Team
- Trading Standards Team

The Head of the Regulatory Services Partnership introduced the section of the report dealing with Environmental Health (Commercial Team). Members noted the information in the report and discussed:

- Food Standards Agency Audit of Richmond – Members noted the information in the report regarding the successful outcome of this audit. Members discussed Enforcement Policy and noted that enforcement should be proportionate and that less than 1% of businesses are closed by enforcement action. Members asked if an advisory service, with a charge, could be offered for businesses before reaching the final enforcement stage.
- Food Hygiene Ratings – Members noted that both boroughs operate the Food Standards Agency Hygiene rating Scheme (FHRS) which is an internet based scoring system. England, unlike the rest of the UK, has not made it mandatory for the scores from this scheme to be physically displayed on the shop or restaurant front. Whilst Members felt that this might penalise small businesses they also thought that it would be of real benefit to the Consumer to have these score displayed. Officers said that since the website had been launched standards have been raised as businesses have been more competitive in trying to achieve high ratings and have asked for more inspections to boost their ratings. Member requested more information on this issue and asked the Head of the Regulatory Services Partnership for a briefing Paper to be circulated before the next meeting.
- Wimbledon Tennis and The Rugby World Cup – Members noted the information in the report regarding the hosting of these two major sporting events and the work this creates for the partnership services. They noted the amount of work that was being done to prepare for the Rugby World Cup and the success of the work at this years Wimbledon Tennis Championship.

The Head of the Regulatory Services Partnership introduced the section of the report dealing with Licensing. Members noted the information in the report and discussed:

- Cumulative Impact Zones (CIZ) – the Committee noted that Merton already had two – Wimbledon Village and Wimbledon Broadway, and that a third was being proposed for Mitcham Town Centre, where the concerns were related to Street Drinking.
- Telephone Calls received by licensing departments – Officers explained that the two boroughs had very different administrative systems relating to incoming telephone calls. Richmond had a business support team that answered calls and recharged to the relevant department. This created an exact record of number of calls received. Merton did not have such a system and the number of calls received by the licensing department was not recorded. The Chair asked for this difference to be noted.

The Committee noted the information in the report dealing with Environmental Health (Pollution Team). Members asked if the information contained in point 2.26 was

inverted, The Environmental Health Manager said he would look at this. The Environmental Health Manager explained that the ambition was to provide a 24 hour emergency service but that this would only be able to deal with high level issues like a car alarm constantly sounding and that different people had different perceptions of noise and nuisance noise. It was important not to build expectation of the emergency service. Members noted that the shortage of contaminated land officers had led to a contract with Croydon which will provide these services.

The Head of the Regulatory Services Partnership introduced the section of the report dealing with Trading Standards. Members were interested to hear from officers about the range of issues dealt with by Trading Standards, and noted the information within report. They noted that much of the work of Trading Standards officers was criminal investigations and they worked closely with the Police on such issues.

The Head of Regulatory Services explained that regulatory services officers were trained on cross cutting issues including counterterrorism, and identifying child sexual exploitation.

The Chair thanked Officers for their detailed report and the enormous amount of work that had been achieved in the first year of the Joint Service and asked that this report be made available on the websites.

#### RESOLVED

The Committee noted and commented on the review of annual performance of the Regulatory Services Partnership

#### 6 DATES OF FUTURE MEETINGS - DISCUSSION ITEM (Agenda Item 6)

The Committee agreed that the next formal public meeting of the Committee would be on 9 February 2016 and that this meeting would consider Fees and Charges. Councillor Nick Draper asked about the £130,000 overspend by LBM on the service. John Hill explained that this was the result of Phase two not being implemented on 1 April 2015, and so staff savings were not yet realised, adjustments would be made to account for this. It was also agreed that Officers and Members would meet informally prior to this meeting

Members and Officers noted that representatives, both Councillor and Officer, from Wandsworth Council would be attending this meeting

RESOLVED: The next meeting of the Joint Regulatory Services Committee would be held on 9th February 2016 at 10am at Richmond Civic Centre



## **Committee: Joint Regulatory Committee**

**Date: 9<sup>th</sup> February 2016**

Wards: All

## **Subject: The Food Hygiene Rating System**

Lead officer: Chris Lee, Director for Environment and Regeneration

Lead member: Cllr Judy Saunders, Cabinet Member for Environmental Cleanliness and Parking (LB Merton); Cllr Nick Draper, Cabinet Member for Community and Culture (LB Merton), Cllr Pamela Fleming, Strategic Cabinet Member for Environment, Business and Community (LB Richmond – Chair); Cllr Rita Palmer (LB Richmond)

Contact officer: Paul Foster, Head of the Regulatory Services Partnership

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### **RECOMMENDATIONS:**

Members to note and comment on the report.

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#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1 To inform members of the current position with regard to the national Food Hygiene Rating System.

#### **2. DETAIL**

2.1 The Food Hygiene Rating Scheme is a key public health measure which helps consumers choose where to eat out or shop for food by giving them information about the hygiene standards in food premises at the time we inspect them to check compliance with legal requirements – this transparency drives improvement in business standards and the aim is to reduce the incidence of foodborne illness (1 million cases annually in the UK with 20,000 hospitalisations and 500 deaths with an associated cost to the economy of £1.9 billion).

2.2 The scheme is already running or about to launch in 99% of local authorities in England, Wales and Northern Ireland.

2.3 Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, hospitals, schools and other places people eat away from home, as well as supermarkets and other retail outlets, are given a hygiene rating of between '0' (urgent improvement necessary) at the bottom to '5' (very good) at the top. The hygiene ratings for Richmond, Merton and Wandsworth are listed in Appendix 1.

2.4 Consumers can access ratings at [food.gov.uk/ratings](http://food.gov.uk/ratings) or via phone apps, and businesses are encouraged to display stickers showing their rating at their premises.

**2.5 How is the scheme integrated with our statutory food law regulatory service?**

- 2.6 The FHRS is based around the planned food hygiene intervention programme we have in place to meet our statutory obligations so additional resources for running it are minimal. It provides information about our service to local people and meets our obligations to be open and transparent. This transparency also provides an effective and more sustainable alternative to formal and costly enforcement action for securing and maintaining compliance. Improved standards and sustained compliance, in turn, means fewer inspections for highly performing businesses and allows us to increase our focus on the poor performers.
- 2.7 The Food Standard Agency (FSA) is providing support for the FHRS so that on-going costs and the impact on local authority food safety team resources are minimised.
- 2.8 The scheme will drive market competition more quickly and maintain this more effectively over time such that our intervention programme will increasingly contribute to business growth locally.

**2.9 What support does the FSA provide local authorities with to assist in running the scheme?**

- It provides a free IT platform (and associated support) for publishing ratings and has a programme of continuous improvement so that it meets local authority needs.
- It provides a range of support materials for on-going operation of the scheme, such as the stickers, so that the impact (including costs) of participation is minimised.
- It has established a 'Priorities Fund' to cover costs if we face unexpectedly high levels of re-visit requests from businesses.
- It organises and funds consistency training for food safety officers and runs workshop events to share and gather information.
- It has developed the FHRS 'Brand Standard' to provide advice and guidance to local authorities on implementation and operation of the scheme.
- It is working with local authorities to promote the FHRS locally and regionally in order to raise public awareness and is promoting the scheme nationally and working with other organisations to find the best ways of making FHRS ratings as widespread as possible

**2.10 What's in it for local people and visitors to Richmond?**

- The FSA's public attitudes surveys show that food hygiene when eating out and food poisoning are the main concerns that people have about food safety, and the FHRS provides local residents and visitors with important information about hygiene standards in local businesses.
- Telling people about hygiene standards empowers them to make informed choices about where to eat out or shop for food and is a very effective way of improving public health protection.

**2.13 What's in it for local businesses?**

- The FHRS is designed so that all businesses, no matter how small can achieve the top rating by meeting (not exceeding) the legal requirements - there is no gold-plating – and any improvements that businesses need to make to get a higher rating are no more than is already required of them by law.
- It includes safeguards (appeal process, reassessment opportunity when improvements have been made, ‘right to reply’) to ensure fair and equitable treatment.
- Good food hygiene is good for business - the scheme gives recognition and a useful marketing tool to those businesses that meet legal requirements.
- Good food hygiene is good for profits - studies of similar schemes in other countries indicate that businesses achieving the top ratings increase turnover.
- Feedback from businesses has been generally very positive.
- The FHRS will help improve consumer confidence in the market which, in turn, will drive business growth.

#### **2.14 Does a food business have to display its rating?**

2.15 Businesses in England and Northern Ireland do not have to display their rating. The situation is different in Wales. Businesses that get a new rating after 28 November 2013, must by law display a sticker showing their rating in a prominent place in all entrances to the premises.

2.16 Legislation would be required in England to make the display mandatory and the Chartered Institute of Environmental Health and the Food Standards Agency are currently lobbying parliament for a change in the law.

### **3. ALTERNATIVE OPTIONS**

None for the purpose of this report.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

None for the purpose of this report.

### **5. TIMETABLE**

None for the purpose of this report.

### **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

None for the purpose of this report.

### **7. LEGAL AND STATUTORY IMPLICATIONS**

None for the purpose of this report.

### **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

None for the purposes of this report

### **9. CRIME AND DISORDER IMPLICATIONS**

None for the purposes of this report

### **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

None for the purposes of this report

**11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

Appendix 1 – List of food hygiene ratings for Richmond, Merton & Wandsworth

**12. BACKGROUND PAPERS**

None for the purposes of this report

## Appendix 1

| Authority  | Number | Rating <sup>1</sup> | %    |
|------------|--------|---------------------|------|
| Richmond   | 709    | 5                   | 53   |
|            | 351    | 4                   | 26.2 |
|            | 157    | 3                   | 11.7 |
|            | 36     | 2                   | 2.7  |
|            | 81     | 1                   | 6.1  |
|            | 4      | 0                   | 3    |
|            |        |                     |      |
| Merton     | 464    | 5                   | 35.4 |
|            | 439    | 4                   | 33.5 |
|            | 255    | 3                   | 79.5 |
|            | 86     | 2                   | 6.6  |
|            | 55     | 1                   | 4.2  |
|            | 10     | 0                   | 0.8  |
|            |        |                     |      |
| Wandsworth | 1002   | 5                   | 51   |
|            | 453    | 4                   | 23   |
|            | 316    | 3                   | 16   |
|            | 82     | 2                   | 4    |
|            | 99     | 1                   | 5    |
|            | 20     | 0                   | 1    |

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<sup>1</sup> 5 = very good, 4 = good, 3 = generally satisfactory, 2 = improvement necessary, 1 = major improvement necessary, 0 = urgent improvement necessary



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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