

LICENSING COMMITTEE
Tuesday 19 November 2019 at 7.30 pm
Council Chamber - Civic Centre

AGENDA

1. Apologies for Absence
2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.
3. Minutes (Pages 2 - 3)
4. Matters Arising
5. Written Questions and Petitions
6. Committee Work Plan (Page 4)
7. Harlow Council Food Safety Enforcement Plan 2019/20 (Pages 5 - 38)
8. Electronic Payment of Fares in Hackney Carriage and Private Hire Vehicles (Pages 39 - 43)
9. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.
10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE LICENSING COMMITTEE
HELD ON**

10 September 2019

7.30 - 7.58 pm

PRESENT

Committee Members

Councillor Frances Mason (Chair)
Councillor Shannon Jezzard (Vice-Chair)
Councillor Nick Churchill
Councillor Michael Garnett
Councillor Maggie Hulcoop
Councillor Andrew Johnson
Councillor Lanie Shears
Councillor Nancy Watson

Officers

Chris Bennett, Principal Environmental Health Officer
Hannah Criddle, Governance Support Officer
Michael Pitt, Environment and Licensing Manager
Denise Westwood, Assistant FCilex

11. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tony Hall and John Strachan.

12. **DECLARATIONS OF INTEREST**

None.

13. **MINUTES**

RESOLVED that the minutes of the meeting held on 9 July 2019 are agreed as a correct record and signed by the Chair.

14. **MATTERS ARISING**

A question was raised on whether substitutes were permitted on the Licensing Committee. It was clarified at the meeting that substitutes were not permitted. This was noted for future meetings.

15. **WRITTEN QUESTIONS AND PETITIONS**

None.

16. **COMMITTEE WORK PLAN**

It was agreed by the Committee that the report on Electronic Payment of Fares in Hackney Carriage Vehicles would be moved forward to the meeting on 19 November 2019. This would also include electronic payment in Private Hire Vehicles. A report on the use of CCTV in licensed vehicles would be brought to the Committee on 21 January 2020.

RESOLVED that the Work Plan was noted.

17. **INSTITUTE OF LICENSING GUIDANCE ON THE SUITABILITY OF APPLICANTS AND LICENCE HOLDERS IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES**

The Committee received a report on the Institute of Licensing Guidance on the suitability of applicants and licence holders in the Hackney Carriage and Private Hire trades. Michael Pitt proposed an amendment to Recommendation A for the policy to be adopted as of 1 October 2019. The amendment was approved by the Committee.

RESOLVED that the Committee recommends to Full Council that:

- A** The Institute of Licensing (IOL) guidance, as set out in Appendix A, be adopted to replace the Harlow Council Taxi and Private Hire Vehicle Licensing Criminal Convictions Policy, as set out in Appendix B, with effect from 1 October 2019.
- B** Authority be delegated to the Environment and Licensing Manager in consultation with the Chair of Licensing Committee to adopt such revisions to the guidance as may be published from time to time.

18. **REFERENCES FROM OTHER COMMITTEES**

None.

19. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

Licensing Committee Work Plan 2019/20

Tuesday 9 July 2019	Tuesday 10 September 2019	Tuesday 19 November 2019	Tuesday 21 January 2020	Tuesday 10 March 2020
Licensing Sub Committee Decisions 2018/19	Institute of Licensing Guidance on suitability of applicants for PH and HC Licensing	Harlow Council Food Safety Enforcement Plan 2019/2020	Considerations regarding CCTV in Hackney Carriage and Private Hire Vehicles	Private Hire Operator Conditions and the Provision of Adapted Vehicles (Subject to National Guidance)
Licensing Team Enforcement Activity 2018/19		Electronic Payment of Fares in Hackney Carriage and Private Hire Vehicles		
Private Hire Operator Licensing Procedure				

REPORT TO: LICENSING COMMITTEE

DATE: 19 NOVEMBER 2019

TITLE: FOOD SAFETY ACT 1990 SERVICE PLAN
2018/2019

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND
LICENSING MANAGER (01279) 446114

CONTRIBUTING OFFICER: SALLY HAGGERSTONE, PRINCIPAL
ENVIRONMENTAL HEALTH OFFICER
(01279) 446165

RECOMMENDED that:

- A** The Committee note and approve the Food Safety Act Service Plan as set out in Appendix A to the report.

BACKGROUND

1. The Council has a statutory duty to enforce the Food Safety Act and in doing so to have regard to the Framework Agreement on Local Authority Food Law Enforcement which constitutes statutory guidance issued by the Food Standards Agency (FSA). The Service Plan is produced in compliance with the Framework Agreement and represents a Team Plan within the Council's own performance management framework

ISSUES / PROPOSALS

2. The plan sets out:
 - a) Food safety objectives detailing the Council's responsibilities as set out in legislation, associated statutory codes of practice and national Guidelines
 - b) The current work programme within the Service
 - c) The Council's policy on food safety, sampling, provision of information to business, investigation of complaints and allegations of Food Poisoning, response to Food Safety Alerts and infectious disease control.
3. The current Framework Agreement reflects an on-going emphasis by the FSA on focusing interventions on high risk situations, with the effect that the number of inspections required for a compliant programme has reduced in comparison with historical approaches. The Council has allocated its resources to reflect this.

4. Whilst there is discretion to increase activity above the requirements set by the Framework Agreement, the desirability of doing so is balanced by financial considerations and sensitivity to the additional burden on business which additional regulation might represent.
5. The plan as currently drafted is considered to represent the minimum practicable level of activity to fulfil the requirements of the Framework. The plan identifies the Council's establishment in terms of numbers of full-time equivalent posts available. It should however be noted that not all posts within the team are filled. Qualified Environmental Health Officers are acknowledged to be difficult to recruit under current circumstances. The Council has completed one recruitment cycle without success. Efforts to fill vacant posts will continue. In the meantime the team will dynamically reassign available resources to the work of highest priority and where available make use of suitable contractors within the existing service budget. Nonetheless vacancies within the team may if ongoing have some adverse impact on achievement of the work programme set out in the Service Plan.

IMPLICATIONS

Environment and Planning (includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT)

None - The action plan will be implemented using existing and planned resources.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (includes Equalities and Social Inclusion)

Failure to approve a food safety which adheres to guidance from the Food Standards Agency could influence or have implications for the health and wellbeing of the community

Author: Jane Greer, Head of Community Wellbeing

Governance (includes HR)

Aligning the Service Plan to the Framework Agreement on Local Authority Food Law Enforcement allows resources to be targeted effectively and in a robust and defensible way.

Author: Amanda Julian, Legal Services Manager on the behalf of Simon Hill, Head of Governance

Appendices

Appendix A – Harlow Council Environmental Health Food Service Plan
2018/2019

Background Papers

The Framework Agreement on official feed and food law controls by local
authorities:

https://signin.riams.org/files/display_inline/45532/frameworkagreementno5-18122017.pdf

Glossary of terms/abbreviations used

FSA – Food Standards Agency

Harlow Council
Environmental Health
Food Service Plan
2019/2020

Contents

Introduction

1. *Service Aims and Objectives*

2. *Background*

3. *Service Delivery*

4. *Resources*

5. *Quality Assessment*

6. *Review*

0.0 Introduction	<p>The Council is designated as a Food Authority under the Food Safety Act 1990 and as such has a statutory duty to enforce the Act.</p> <p>The Food Service Plan is dedicated solely to the food safety enforcement function. It covers all elements of food safety and hygiene for which Harlow Council has enforcement responsibility.</p> <p>This Service Plan has been produced in response to a requirement by the Food Standards Agency (FSA) in its <i>Framework Agreement on Official Feed and Food Controls by Local Authorities</i>. The FSA was established in April 2000 as an independent monitoring and advisory body in response to widespread public concern over a number of food safety issues. One aim of the FSA is to make food law enforcement more effective, efficient and accountable.</p> <p>The Service Plan sets out how Harlow Council will deliver the food safety enforcement function in accordance with current guidelines for the period 2019 to 2020. This document sets out the following:</p> <ul style="list-style-type: none">• food safety objectives detailing the Council's responsibilities as set out in legislation, associated statutory code of practice and national Guidelines;• the current work programme within the Service;• the Council's policy on food safety, sampling, provision of information to business, investigation of complaints and allegations of Food Poisoning, response to Food Safety Alerts and infectious disease control.
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	<p>with food law and to minimise risks to health and safety;</p> <ul style="list-style-type: none">• To take appropriate enforcement action proportional to the risks involved and in accordance with the Council's Food Safety Enforcement Policy with due regard being given to the Primary Authority Scheme and guidance from relevant external bodies;• To monitor foodstuffs manufactured, imported, stored or on display for sale in Harlow, through a planned yearly sampling programme which includes imported foods. To carry out reactive sampling for microbiological examination;• To promote effective communication with consumers and businesses on food safety matters within Harlow;• To encourage, assist, and support food businesses/residents of Harlow by providing information, education, training and advice including allergen advice in accordance with the Food Information Regulations 2014;• To investigate all relevant complaints regarding premises, practices and food items in accordance with service customer care standards;• To investigate and control outbreaks of food poisoning and other food borne disease within Harlow and take appropriate action to prevent any recurrence;• To complete and submit timely, accurate statistical returns to the Food Standards Agency
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1.2 Links to Corporate Objectives and Plans

requirements;

- To actively support Essex Food Liaison Group and its sub groups;
- To carry out the activities in this Service Plan with an educative approach where possible, dependant on available resources.

The Food Service along with all other Council services is included within the corporate planning process. This includes Corporate Plan 2019/20 – 2021/22, the Environment and Planning Service Plan and Individual Personal Performance Plans.

For the purposes of the Food Standards Agency this document is referred to as the 'Food Service Plan'. Within the organisation of Harlow Council this plan would be referred to as a 'Team Plan'. The corporate hierarchy places this Team Plan between the Environment and Planning Service Plan and Personal Plans.

Team Plans are used to develop the Council's Personal Performance Plans to assist in identifying key objectives for staff in the forthcoming year.

All Service Heads as part of this process are required to produce an Annual Service Plan, which is presented to the Corporate Management Team. Performance indicator returns (both national and local) are reviewed annually.

The Council has an agreed Corporate Plan that sets out how the Council is going to tackle local people's priorities and improve services.

The Corporate Plan Priorities 2019/20 – 2021/22 are:

- More and better housing;
- Regeneration and a thriving economy;
- Wellbeing and social inclusion;
- A clean and green environment;
- Successful children and young people.

The Food Service contributes directly to the Corporate aims in the following ways:

- Food is a prerequisite of health. The safety, quality, and wholesomeness of food plays a key role together with nutritional issues, in maintaining and improving health;
- The Service focuses on protecting the public and promotes good quality food production in Harlow;
- By helping to create economic prosperity and sustainability ensuring a prosperous economic future for local business that can compete on a level playing field;
- By working in partnership with other agencies and services aimed at improving the quality of life, health, safety and well being of the citizens of Harlow;
- Providing life-long learning through, where resources are available, advice to business and dissemination of information to consumers, enabling everyone to make informed choices about the products they choose to buy;
- Reducing crime through the investigation of service requests and proactive inspection;
- The Service proactively aims to deliver health information and education to the community

	<p>where resource permits;</p> <ul style="list-style-type: none">• Food Business Operators are consulted and involved concerning inspection of their properties. The Service continually strives to keep businesses and industry updated on the issues that act as interfaces between the Council and themselves, through statutory promotions and specific mail shots.• A risk based approach to enforcement results in a lean service which thus ensures value for money in meeting statutory requirements.
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<p>2. Background 2.1 Profile of Harlow</p>	<p>Harlow is almost entirely an urban area surrounded by rural areas controlled by Epping Forest District Council and East Hertfordshire District Council.</p> <p>As a new Town, the majority of its buildings and infrastructure are post 1947. There are a few small pockets of older development most notably the area known as Old Harlow. The 2011 Census of England and Wales confirmed that Harlow's population was 81,944. The town's population is estimated to rise to 89,720 by 2021. Harlow is a multi-cultural community with one of the highest percentages of ethnic minorities in Essex.</p> <p>The town is segregated into residential and commercial/industrial areas. The industrial areas employ large numbers of people, a significant number of whom travel from outside Harlow. The London to Cambridge railway line and M11 motorway both pass through the district, providing good communication links with London, M25 and Stansted Airport.</p>
<p>2.2 Organisational structure</p>	<p>The Food Service forms part of the Environmental Health Service that is managed by the Environmental Health Manager, who in turn reports to the Environment & Licensing Manager. The Environmental Health Service is part of Environment and Planning. (Environmental Health, Licensing, Streetscene, Energy and Emergency Planning, Planning and Building Control, Properties and Estates)</p> <p>The management structure is available on the following link:</p> <p>https://www.harlow.gov.uk/sites/harlow-cms/files/files/documents/files/Harlow%20Council%20Management%20Structure%20August%202019.pdf</p> <p>The Food Service is a function of the Environmental Health Commercial Team which consists of: 1 Environmental Health Manager, a small proportion of whose time is undertaking Commercial duties, 1 P.T Principal Environmental Health Officer (PEHO), 2 P.T SEHO's, (and 1 vacant post SEHO) and 1 PT Administration / Technical Support Officer (TSO). The PEHO provides technical advice and support in complex cases, undertakes co-ordination, inspections of high risk premises and carries out monitoring on behalf of the Environmental Health Manager. The S/EHOs undertake the planned</p>

<p>2.3 The Scope of the Food Service</p>	<p>programmed inspection of food premises within Harlow; investigate a wide variety of complaints and service requests; provide advice to consumers/businesses, enforcement activities and food sampling. The TSO provides technical and administrative support to the Team. A significant proportion of each officer's time is allocated to other functions such as health and safety enforcement, investigation of accidents, statutory nuisances and licensing issues. Further details on staff resource are available in section 4 of this Service Plan.</p> <p>The Service will:</p> <p>2.3.1 Maintain an up to date register of all food premises in Harlow;</p> <p>2.3.2 Inspect all registered food premises on a risk based, rolling programme in accordance with Food Safety Act 1990, The European Communities Act 1972, Statutory Code of Practice (issued March 2017) and take enforcement action as necessary;</p> <p>2.3.3 Carry out visits to, and food safety inspections of food premises as necessary within the plan period, including re-visits and investigative visits. (Note–Food Standards and Feedstuffs are the responsibility of the Essex County Council, Trading Standards Service);</p> <p>2.3.4 Investigate food complaints and complaints about food premises (service requests);</p> <p>2.3.5 Provide, where resources permit, advice and assistance to businesses and consumers on food related issues;</p> <p>2.3.6 Receive and act on all Food Alerts / withdrawals and recalls issued by the Food Standards Agency;</p> <p>2.3.7 Investigate all food within the district that might be contaminated and take necessary action. Seize, detain and arrange disposal, as necessary, unfit food;</p> <p>2.3.8 Monitor the movement of unfit food into and out of Harlow;</p> <p>2.3.9 Take action to close food premises found to present an imminent risk to health;</p>
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<p>2.4 Demands on the Food Service</p>	<p>2.3.10 Identify and inspect premises processing, handling and storing meat products and preparations, and prepare them for approval under the regulations;</p> <p>2.3.11 Identify and inspect premises processing, handling and storing dairy, fish and / or egg products and prepare them for approval under the regulations;</p> <p>2.3.12 Undertake a food sampling programme that takes account of current food issues. Participate in national and regional coordinated sampling programmes including imported foods;</p> <p>2.3.13 Comment, where resources permit, on proposed food legislation, codes of practice and other official documents as necessary;</p> <p>2.3.14 Provide appropriate export certification as requested by food companies in the District;</p> <p>2.3.15 Investigate all statutory infectious disease notifications and allegations of foodborne disease to establish any links with local food businesses or foodstuffs;</p> <p>2.3.16 Maintain an up to date and effective outbreak control plan;</p> <p>2.3.17 Provide advice, where resources permit, to the general public and local businesses on all aspects of food safety law and good practice, as required;</p> <p>2.3.18 The Food Service is also responsible in the majority of food premises for the enforcement of health and safety law, animal welfare and special treatment legislation. This is subject to a separate National intervention priority programme.</p> <p>As at 1 April 2019 the Environmental Health Service's database identifies that it is responsible for enforcing Food Safety in 693 food premises within Harlow. According to the Code of Practice risk categories, these premises are broken down as follows;</p>
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<u>Risk Category</u>	<u>Number of premises</u>	<u>Inspection Frequency</u>
A	1	6 Months
B	17	12 Months
C	96	18 Months
D	242	2 Years
E	334	AES / 3 Years
New Premises not yet rated: 3		
As at 1 April 2019, food premises categories were:		
Number identified as Catering premises are	:	525
Number identified as Retail premises are	:	140
Number identified as Warehousing/Distribution are	:	18
Number identified as Manufacturing / packers/importers premises are	:	5
TOTAL	:	693
As at 1 April 2019 the number of approved premises are: 9		
Meat Products Premises - 1		
Minced Meat & Meat Preparations Premises – 1		
Cold Stores – 7		
<p>There are a number of mobile food businesses operating in the town, which comprise mainly ice cream and burger vans. In addition there are a number of food traders operating on Harlow Market that is open on Tuesday, Thursday, Friday and Saturday each week and a Car Boot Sale which usually occurs on Sundays during the summer period.</p>		
<p>The Environmental Health Service is based on the 3rd Floor, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG. The service can be accessed via:</p>		

- The internet
- Telephone (9am to 4.45pm Monday to Friday)
- Direct call/inspection/in person at the office or on site
- E-Mail/letters/correspondence.

The Service has an out of hours answer phone that directs callers to the Council's 24hour Central Control number in the event of emergencies. Control has arrangements for contacting Environmental Health staff 24 hours a day, 52 weeks of the year.

Details of the services provided and how to contact us are also provided on the Council's web site.

There are two languages other than English identified as being significant among food handlers and food business operators within the district. These are Bengali and Cantonese. The majority of food business operators are however, able to communicate in English or have somebody present at the premises that can interpret or translate. In any cases where there may be language difficulties the Service has the use of "Applied Language", a telephone translation service to which the Council subscribes.

A number of advice notes and leaflets on food safety are also available in different languages from the Food Service / FSA.

The Environmental Health Service has adopted the Central and Local Government Enforcement Concordat and is compliant with the Regulators Code.

Harlow Council adopted a Food Safety Enforcement Policy in 2002, which has been agreed by Members based on the approved framework to ensure consistency across the UK. This policy is built on the principles of the European Concordat on enforcement, and gives priority to those principles.

The Service operates according to its documented Enforcement Policy which is available at the Environmental Health Service Offices and on The Environmental Health Services website. Any departure from the policy will be documented.

All food law enforcement is carried out in accordance with relevant Food Safety Codes of Practice and other Official Guidance produced by the FSA and the Department for Business, Energy and Industrial Strategy (BEIS).

Food business operators and the public are given the opportunity of consulting on our policies at any reasonable time.

3.0 Service Delivery	
3.1 Interventions / Inspection Programme	<p>The Food Service inspects, where resources permit, food premises for compliance with Food regulations according to risk as set out in the FSA approved Code of Practice. There are specified procedures and forms to be used by staff when enforcing legislation. In particular, the Code of Practice specifies a risk assessment scheme to be used to assess the risk associated with each food business and its priority for inspection.</p> <p>The use of the risk assessment scheme ensures that the highest priority is given to food manufacturers, caterers where there is significant non-compliance and premises that cater for vulnerable groups (children's nurseries, hospitals and residential/nursing homes).</p> <p>The target for this year is to achieve the completion of 100% of programmed interventions due (risk ratings A to E) and 100% of all unprogrammed inspections, in accordance with FSA requirements.</p>
3.1.1 Inspections achieved	<p>The number of interventions / inspections achieved for the period 1 April 2017 to the 31 March 2018 = 293</p> <p>The number of Food Hygiene Interventions / inspections (risk categories A to E) carried over from the last financial Year (2017/2018) is = 2</p> <p>Therefore, a high figure of 99.32% of all interventions / inspections due was achieved.</p> <p>The number of unprogrammed inspections (i.e. new premises / new operators) not inspected in the period 1 April 2018 to the 31 March 2019 = 0</p>
3.1.2 Broadly compliant	<p>On the 1 April 2008, the Government introduced a new National Indicator: Food establishments which are broadly compliant with food law. Three of the six factors assessed within the risk assessment process during a food inspection are used to measure whether a business is "broadly compliant". If an establishment scores 10 points or less in each of the level of compliance with hygiene</p>

<p>3.1.3 Inspections programmed</p>	<p>requirements, structure and confidence in management, it is “broadly compliant”. As at 1 April 2019, the percentage of premises “broadly compliant” is 95.94%. Premises with a food hygiene rating of 3 or more are broadly compliant.</p> <p>The number of programmed food hygiene inspections for the period 1 April 2018 to 31 March 2019 = 293 Including the carry over (not inspected and new premises) from 2017/2018 the total due for 2018/2019 is 293.</p> <p>In addition to the 293 inspections there will also be unprogrammed inspections (i.e new premises / new operators). The exact number is difficult to predict but based on last years figure is expected to be around 60 premises. Therefore, total number of inspections to be achieved for 2019/2020 is 353.</p>																				
<p>3.1.4 Enforcement</p>	<p>The Food Service endeavours wherever possible to use informal means to achieve compliance with the law. Where there is imminent risk, flagrant breaches of the law, or persistent failure to maintain standards, the Service does not hesitate to use its full statutory powers in accordance with its Enforcement Policy.</p> <p>During the year 2018/2019 the following actions were carried out:</p> <table border="1" data-bbox="636 896 2085 1281"> <tr> <td>Warning letters</td> <td>112</td> </tr> <tr> <td>Improvement Notices</td> <td>2</td> </tr> <tr> <td>Simple Cautions</td> <td>0</td> </tr> <tr> <td>Prosecutions instigated</td> <td>1</td> </tr> <tr> <td>Prosecutions concluded</td> <td>2</td> </tr> <tr> <td>Food seizures</td> <td>0</td> </tr> <tr> <td>Voluntary surrender</td> <td>2</td> </tr> <tr> <td>Remedial Action Notice</td> <td>0</td> </tr> <tr> <td>Formal closures</td> <td>0</td> </tr> <tr> <td>Voluntary closures / prohibition</td> <td>1</td> </tr> </table> <p>Officers in the food team have been allocated responsibility for specific functions and responsibilities. Inspections of food premises requiring specialist input or knowledge are specifically allocated to these</p>	Warning letters	112	Improvement Notices	2	Simple Cautions	0	Prosecutions instigated	1	Prosecutions concluded	2	Food seizures	0	Voluntary surrender	2	Remedial Action Notice	0	Formal closures	0	Voluntary closures / prohibition	1
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3.4 Advice to Business	<p>Primary Authority gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. It is the gateway to simpler, more successful local regulation.</p> <p>Whilst the Environmental Health Service utilises its powers to enforce the food legislation, it recognises that, where food businesses break the law, it may be due to ignorance rather than intent. As a consequence, it is the Food Service's policy to provide, where resources permit, advice to businesses in a number of different ways, including:</p> <ul style="list-style-type: none">• Advice is provided to existing or proposed food businesses, members of the public and other Council services on a reactive and proactive basis;• Advice is provided routinely during visits / inspections, but may also result from phone enquiries or emails and letters received;• Inspection reports contain a concluding section of advisory matters, which although not relating to specific legal requirements, contain advice on good management practice. Statutory requirements listed in the main body of the report are wherever possible supported with advice on how compliance can best be achieved;• The Food Service as part of the Environmental Health Service uses the Council's website as a resource for the provision of information to businesses and the general public. Further information can be obtained from the Food Standards Agency website;• Officers aim to give advice in accordance with recognised guidance and codes of practice. <p>The Environmental Health Service regards food sampling as an important area of work. Food sampling at point-of-sale can provide useful information about the microbiological fitness of food for</p>
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3.5 Food Sampling	<p>sale within Harlow</p> <p>A food sampling programme has been devised for 2019/2020 but is also based on the Eastern Region / FSA / Essex Food Liaison group requirements. Local priorities have been included in this programme.</p> <p>Food sampling will be conducted where appropriate and in particular;</p> <ul style="list-style-type: none">• Priority is given to sampling at food manufacturers/high risk premises based in Harlow;• During the approval process of establishments and intermediaries;• In response to complaints;• For identified planned internal, regional and national projects. <p>The Service has been allocated a sampling budget by Public Health England (PHE) the 2018/2019 period; this includes the full cost of laboratory analysis. Arrangements are in place with the PHE at Colindale to carry out the microbiological examination of samples.</p> <p>The number of samples taken for the year 2018/2019 was 145. This includes food samples, water samples, swabs and cleaning cloths. Of the 145 sampled a total of 44 were classified by the PHE laboratory to be of a borderline or unsatisfactory microbiological standard. Food classified as borderline or unsatisfactory are rarely considered to be unsafe to consume. Follow up work and further sampling is undertaken where results are not of a satisfactory standard. It is estimated that the number of scheduled samples to be collected during 2018/2019 period should be 140.</p> <p>Three regional studies were carried out in the sampling programme, these included study 64 – Ready to eat pastry based foods, study 65 –swabbing in catering premises and study 66 Frozen fruit and vegetables.</p>
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<p>3.6 Infectious Disease</p>	<p>Food composition and labelling are the remit of Essex County Council's Trading Standards Department.</p> <p>The above two specialist services are represented on the Essex Food Liaison Group.</p> <p>The measures to be taken to control the spread of infectious diseases are contained in various Acts of Parliament and their associated regulations. This legislation includes the control of food poisoning and food and water-borne diseases.</p> <p>During 2018/2019 the Service received 91 formal notifications of infectious disease, mostly food-borne. Notifications can include Salmonella, Campylobacter, Cryptosporidium, Giardia, E coli O157 and Legionella. The source of these infections is often unknown for a variety of reasons. Some are attributed to travel abroad and many may have been acquired in their own home.</p> <p>In addition to the formally notified infectious disease cases the Service also investigates allegations of food poisoning. It is widely acknowledged that the majority of cases go unreported. However, a single case may lead to the discovery of an outbreak if the person concerned is a food handler.</p> <p>The Food Service, in conjunction with Public Health England has a documented infectious disease Joint Plan that also includes the outbreak plan, which includes a detailed written procedure supported by reference material. The service also maintains a field case, which contain supplies of documents and sampling equipment necessary to investigate an outbreak.</p> <p>The resource requirement for this function for 2019/2020 is impossible to quantify. Outbreaks of this nature are infrequent, individual events. Should the need arise, staff from all disciplines within the Environmental Health Service would be expected to assist with an investigation. Lower priority work would be cancelled or postponed. The overall Service Plan acknowledges the need for the team to be flexible to accommodate the scale of any outbreak encountered.</p>
<p>3.7 Food Safety Alerts / recalls / withdrawals</p>	<p>This function is carried out in accordance with Food Safety Act 1990, Code of Practice and internal procedures to:</p>

3.8 Liaison

- Identify and report food hazards/incidents;
- Respond to Food Safety Incidents/Food Safety Alerts issued by the FSA.

The FSA communicates any alerts via the FSA smart communication platform.

Food Safety Alerts 'for action' received are always printed off, actioned immediately by the PEHO and circulated to all food officers, and subsequently filed. Any action taken is recorded.

When appropriate a Food Alert for action is given absolute priority. In some cases this will require visiting multiple premises where the relevant food is likely to be stored.

The Food Standards Agency hold details of emergency telephone numbers on which responsible officers may be contacted outside the Authority's normal working hours. This is linked to the Environmental Health Service out of hours scheme.

The Environmental Health Service supports the work of the Chartered Institute of Environmental Health (CIEH). The Food Service undertakes its food safety functions in accordance with FSA guidance and statutory codes of practice in order to promote co-ordination, consistency, and good regulation amongst all local authorities.

A number of arrangements have been made to improve consistency of enforcement with neighbouring authorities, health services and other agencies:

- The Service attends and actively supports the Essex Food Liaison Group, the functions of which include: liaison with Public Health England (PHE) including preparation of the annual coordinated sampling plan; coordination of enforcement approach between authorities; peer review exercises and benchmarking exercises; and liaison with Essex County Council Trading Standards.
- Investigation of suspected food poisoning outbreaks is carried out jointly or in close contact with Public Health England (PHE). An EHO also attends the quarterly meetings of the PHE Regional Liaison Group.

3.9 Food Safety Promotion

The Service also advises and liaises on the following:

- Public Health England, Essex Trading Standards, OFSTED;
- The Service will continue to maintain the arrangements for liaison with other services within the Council, including: Building Control, Licensing, Waste, Planning and Estates;
- The service is routinely consulted on planning applications involving food businesses. In addition lists of all planning applications received by the authority are routinely reviewed by the Environmental Health Service. Comments and suggested conditions or informatives are returned wherever appropriate.

The Environmental Health Service's education and promotion activities can have a direct impact on food safety. It is therefore committed to providing advice and information both to business and the public where resource permits, including:

- **Food Standards Agency campaigns** – This includes food safety week in June each year and other national campaigns such as promotion of the food hygiene rating scheme.
- **Tuck In pledge** - Harlow Council is participating in an Essex wide campaign in support of takeaway food establishments that take steps to improve the nutritional quality of their food. The campaign is based on the Department of Health responsibility deal initiative and is fully funded by Essex County Council. A total of 110 takeaway premises, all of which will have achieved a food hygiene rating score of 3 or more, have been offered the opportunity to participate in this pledge. As of October 2019 a total of 20 businesses have met the Tuck In and hygiene criteria.

The project has been branded as;



Businesses who sign-up to take the TUCK IN pledge will take steps to reduce the salt, sugar and fat content of the takeaway food served. As part of the TUCK IN pledge the business will receive free online Level 2 Nutrition training. Nutrition training helps staff to fully understand why reducing the salt, sugar and fat content of the food they serve is so important. Good training also encourages staff to go further with the healthy catering practices, which can support the growing demands of customers for alternative, healthier options.

Takeaway food businesses who have taken the TUCK IN pledge can display the TUCK IN logo on their premises.

In order to take the pledge a business must commit to making a continuous effort to reduce the salt, sugar and fat content of the food it serves. This includes:

- reducing fats in fried food by using the correct frying temperature;
- shaking excess fat from food after frying;
- keeping oil fresh and using healthier oils for frying such as rapeseed or sunflower oil;
- reducing the amount of sugar and salt used in cooking;
- ensuring water and low/no sugar drinks are available;
- offering grilled foods instead of fried;
- increasing the amount of vegetables and fruit available on the menu;
- providing packets of salt instead of free-running salt cellars;
- always making sure smaller portion sizes are on offer.

Businesses that meet the above criteria and sign up to the pledge will receive promotional materials and will be promoted on the Tuck In website.

3.10 National Food Hygiene Rating Scheme

- **Ongoing Education** – This will take place during the planned food hygiene inspections for the period 2018/2019 and coaching visits, where resources permit, to implement Safer Food Better Business.

In September 2011 the authority joined the Food Standards Agency; 'National Food Hygiene Rating Scheme' (NFHRS). Since the launch of the rating schemes we have seen an increase in the number of businesses who are engaging with the Council for advice on how to improve food hygiene and in turn improve their rating.

Under the NFHRS food businesses are given a rating for their hygiene, ranging from 0 (urgent improvement necessary) to 5 (very good). The table below provides a breakdown of rated premises. Correct on the 1 October 2019;

Rating	%
5 (very good)	75.4
4 (good)	17.1
3 (generally satisfactory)	4.0
2 (improvement necessary)	1.4
1 (major improvement necessary)	1.7
0 (urgent improvement necessary)	0.4

The scheme is a cost effective, well publicised and visible way of promoting food hygiene and empowering consumer choice by making available information to which the Public has a right to access under Freedom of Information Legislation. As well as promoting food hygiene it also gives Harlow Council a best value method for meeting public access obligations.

The ratings are available as a link from the Councils website and direct on <http://ratings.food.gov.uk> and every eligible business is issued with a window sticker displaying their individual rating.

	persons (FTE) on professional staff and 1.0 on administration support.														
	<table border="1"> <thead> <tr> <th><u>Officer</u></th> <th><u>FTE</u></th> </tr> </thead> <tbody> <tr> <td>Environmental Health Manager</td> <td>0.10</td> </tr> <tr> <td>Principal EHO</td> <td>0.50</td> </tr> <tr> <td>S/EHO</td> <td>1.40</td> </tr> <tr> <td>Contract Staff</td> <td>0.40</td> </tr> <tr> <td>TSO/Administration (Not formally competent in food safety matters)</td> <td>1.00</td> </tr> <tr> <td>TOTAL</td> <td>3.40</td> </tr> </tbody> </table>	<u>Officer</u>	<u>FTE</u>	Environmental Health Manager	0.10	Principal EHO	0.50	S/EHO	1.40	Contract Staff	0.40	TSO/Administration (Not formally competent in food safety matters)	1.00	TOTAL	3.40
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4.2 Competencies	<p>The PEHO and all Senior EHO's are appropriately qualified in accordance with the Code of Practice.</p> <p>The PEHO, S/EHO's, Contractor EHO's/Food safety officers, are fully competent to inspect all risk categories of premises as required by the Code of Practice and take formal food samples. The PEHO, S/EHO's, EHO's, are authorised to serve Hygiene Improvement Notices, detain and seize Food and the PEHO and S/EHO's are authorised to serve Hygiene Emergency Prohibition Notices.</p> <p>The Food Service continues to identify training and development needs with regular review meetings with individual staff. In addition, Officers are assigned special responsibilities to develop a specialism within the Food Service.</p> <p>Team meetings are held with the PEHO to discuss matters and issues of consistency arising under this Service Plan area.</p>														
4.3 Staff Development Plan	<p>All EHO's that are corporate members of the Chartered Institute of Environmental Health (CIEH) are required to undergo at least 20 hours of Continuous Professional Development (CPD) per year. In addition, the Code of Practice requires food inspectors to have undergone a minimum of 10 hours food training per annum in accordance with FSA requirements. Authorised Officers must also complete the FSA Competency framework agreement. Whilst officers are responsible for monitoring the amount of training they have done in a year, the Service recognises this need and supports staff in achieving the minimum amount required by the CPD scheme. Officers with Chartered Status must</p>														

complete 30 hours of CPD per year.

Training needs are identified by examining:

- Operational requirement arising from the Place Service Plan;
- Individual needs highlighted at Personal Performance Plan review meetings;
- The introduction of new legislation/Code of Practice and FSA.

How these needs are met may vary, but the typical sources of training include:

- Day release courses;
- On the job training;
- In house short courses;
- External short courses and seminars.

Training must be approved before it is undertaken and it is evaluated after the event. All training received will be documented as part of the Service's assessment competency.

Personal Performance Plans (PPPs) are completed on a yearly basis by the PEHO with a six month review.

	It is not possible to determine training costs until the PPP process has been completed.
5.0 Quality Assessment	<p>The Food Service is delivered within a documented quality system with strategies in place covering most areas of food safety. Within these strategies a documented system is in place for management monitoring of the quality, uniformity and consistency of enforcement.</p> <p>Within the framework of these documents the following activities are planned:</p> <ul style="list-style-type: none">• Internal Audits of:<ul style="list-style-type: none">- Food Safety Inspections<ul style="list-style-type: none">a) Post Inspection review of case records and documentation (100% of contractors' inspections are currently checked)b) Accompanied inspections- Food Complaints (service requests)<ul style="list-style-type: none">a) food safetyb) foreign bodiesc) allegations of food poisoningd) food alerts <p>Formal enforcement activities, including;</p> <ul style="list-style-type: none">- Hygiene Improvement Notices- Hygiene Emergency Prohibition Notices

	<ul style="list-style-type: none"> - Prosecution Files. - Detention / Seizure / Voluntary Surrender cases. <p>There are management systems which monitor the response times for complaints received (food & hygiene complaints etc.). The target response times are 5 working days.</p>
<p>6.0 Review</p> <p>6.1 Review against the Plan</p>	<ul style="list-style-type: none"> • The process of reviewing and updating the Standard Operating Procedures is underway on a priority basis. • The Authority has participated in the Essex County Council funded 'Tuck In' project to reduce salt, fat and calories in takeaway meals. Visits to relevant businesses commenced in September 2015. Funding for this scheme (from Essex County Council) has been extended into 19/20. • The team has participated in FSA national rating consistency exercises. • The team has worked with Essex Trading Standards to produce an Allergens training day for food businesses at the Civic Centre. • The team continues to work collaboratively with the hospital to encourage good hygiene practices and to ensure the implementation of FSA guidance for healthcare and social care organisations to help them reduce the risk of vulnerable people within their care contracting listeriosis through the consumption of chilled ready-to-eat food. • Continual development of the Uniform, along with Enterprise to ensure it can meet all Service needs and to improve management systems.

<p>6.1.1 Performance Targets</p>	<ul style="list-style-type: none"> • The team has utilised the FSA toolkit for the internal audit of the food hygiene rating scheme against the brand standard. <p>The Service Plan will be monitored to establish:</p> <ul style="list-style-type: none"> • Inspections of premises against target; • The percentage of premises broadly compliant with food hygiene; • Number of food samples taken against target. <p>In addition, the PEHO will evaluate:</p> <ul style="list-style-type: none"> • Actual resource allocation versus projected allocation; • Responses to complaints • Reactive work, formal actions and investigations. <p>A key aim of The Service is to continually improve the quality, efficiency and effectiveness of its Services.</p> <p>Where the review process identifies areas for improvement or development, these will be adopted in accordance with current in-house documented procedure, the FSA Framework Agreement, Statutory Code of Practice and National guidance.</p> <p>For the period 2018/19 99.32% of all programmed and unprogrammed inspections were completed. The target is to achieve 100%, as prescribed by the Food Standards Agency. For the period 2013/14 98.57% for 2014/15 97.93%, for 2015/16 95.61% and for 2016/17 96.67%, and for 2017/2018</p>
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6.2 Areas for development	<p>99.36%.</p> <p>The percentage of premises that are broadly compliant with food hygiene has remained consistently high at 95.98% in 2014/15 to 95.65% in 2015/16 to 96.23% in 2016/17 to 94.67% in 2017/18 to 95.94% in 2018/19.</p> <p>The percentage of samples taken against the target number set by PHE for 2017/18 is 100% (excluding non food swabbing). The high percentage figures represent the value this food authority places on the valuable intelligence that sampling provides.</p> <p>The following Service developments are planned for the period 2019/2020:</p> <ul style="list-style-type: none">• Continue the review and updating of the Standard Operating Procedures and Policies for this Service.• Continue to meet performance targets where possible, however due to difficulty in recruiting a full time SEHO post, aim to meet targets on a risk based priority basis.• Adapt to any changes as a result of the FSA Regulating our Future review and any implications of Brexit https://www.food.gov.uk/about-us/regulating-our-future• Follow guidance provided by FSA/APHA/DEFRA to ensure officers are competent to carry out duties such as the predicted increase in export health certificates as a result of Brexit.• Continue with participation in the public health 'Tuck In' project.• Review the existing team enforcement policy to ensure it reflects national and local policy and guidance.• Develop the Idox Uniform Enterprise IT application. The Enterprise system is a management
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	tool which helps ensure high quality service delivery.
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REPORT TO: LICENSING COMMITTEE

DATE: 19 NOVEMBER 2019

TITLE: ELECTRONIC PAYMENT OF FARES IN LICENSED VEHICLES

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER (01279) 446114

CONTRIBUTING OFFICER: CHRIS BENNETT, PRINCIPAL ENVIRONMENTAL HEALTH OFFICER (01279) 446113

RECOMMENDED that:

- A** The Committee approve consultation with the Hackney Carriage trade and travelling public the proposal that the Council require that a suitable form of electronic fare payment be available for all journeys.
- B** Subject to A, authority to approve the details of consultation be delegated to the Environment and Licensing Manager, in consultation with the Chair of the Licensing Committee.

BACKGROUND

1. The Council licenses Hackney Carriage Vehicles under the provisions of the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976, and licenses Private Hire vehicles under provisions in the latter. Conditions may be attached to Hackney Carriage vehicle licenses, and to the licences of Private Hire vehicles operators and drivers. Bye laws can be made to regulate the conduct of Hackney Carriage drivers. The primary purpose of both licensing regimes is public safety.
2. Private Hire vehicles may only carry passengers who have booked their journey through an Operator. A Hackney Carriage need have no Operator and can “ply for hire” (be hailed in the street) and “wait on a Hackney Carriage stand” (use a taxi rank). There are currently three taxi ranks in Harlow; the Playhouse, Terminus Street and Harlow Town railway station.
3. Rank etiquette requires that the vehicle at the front of the rank takes the next available fare. When a Hackney Carriage driver is approached at a rank, the driver is to take that person to the destination requested.

4. Electronic payment for everyday purchases is increasingly common and many travellers find it more convenient than cash. Further, it might be supposed that some potential customers of Hackney Carriage or Private Hire services, happening to be without cash at a time when they wished to make a journey, might perceive that they could not pay electronically and therefore might choose to walk or use some other option that might be less safe than a licensed vehicle. There is a case that this could make such potential customers more vulnerable than they need be.
5. Officers have, at the request of the Committee, considered whether there is sufficient case to ensure that electronic payment can be used for all journeys in licensed vehicles and some of the practical issues that might arise in that case.

ISSUES / PROPOSALS

6. Officers have sought information from licensing authorities elsewhere that have made electronic payment a licensing requirement. Transport for London (TfL) have, after considerable work, set out detailed requirements. It appears that outside London, only Liverpool, Reading and Guilford have made a requirement of this kind.
7. Officers have taken some soundings within the licensed trades. It appears that approximately a third of the Hackney Carriage trade accept fares electronically, and of those that do not, many prefer not to do and have some concerns about the additional cost of equipment and processing fees that might be charged. At times accommodating a passenger without cash at a rank can be confusing and cause some disarray, as that passenger would not always be able to take the first Hackney Carriage waiting at the rank and would have to ask each until they found one willing to take them. It might arise that there were no Hackney Carriages at a rank who would take electronic payment, in which case there is a potential concern that the passenger would walk or find another less safe way of completing their journey.
8. In the case of Private Hire journeys, the contract to travel is made in advance with the Operator and the passenger in has wider choice. If the operator selected first is not willing to provide a vehicle equipped to take fares electronically, another operator can be chosen. In many cases operators are able to accept cash less fares by telephone at the point of booking, even when the driver is not equipped to take cash less fares. While operators generally appear positive about a requirement on drivers to take fares electronically, anecdotally many drivers are more reluctant. This may be due in one case to the understanding that it might benefit business while enforcement of availability would become a Council responsibility and, on the other, to concern about equipment and transaction costs.

9. Enforcement of a licensing requirement for electronic payment raises a number of issues. In the case of Hackney Carriages, conditions may be placed on the vehicle licence, but drivers' licences may have no conditions. Outside London, while it might be reasonably straightforward to require that a cashless device be present, requiring the driver to use it might be more challenging. Making replacement bylaws which are to be approved by a minister is less straightforward and more costly than applying conditions which would lie within Council control. Arguably a vehicle condition would require any device to be fixed safely within to the vehicle, which may increase the costs involved, exclude the simplest and cheapest systems, and reduce flexibility. If proprietors are required to provide equipment, proprietors of multiple vehicles potentially could face considerable costs.
10. Whilst it might appear straightforward to adopt wholesale the rules and requirements introduced by TfL, the Council should be aware that licensing in London has a different basis in law than outside London. Furthermore, TfL have done considerable research and understand the reasons behind their requirements. Adopting them wholesale without research is likely to lead to unintended consequences and possibly costs. It is the case, for example, that TfL require the capability to issue printed receipts. This restricts the type of device that may be used and significantly increases cost, possibly without a strong justification in the Harlow market.
11. If payment devices were to become a vehicle requirement, they would become part of the compliance testing requirements and this would place an additional burden on the test station, of which they were not aware when tendering for the contract. Whilst the Council would wish to be sure that transactions were safe and low risk, it would be prudent to ensure that any testing requirements were as straightforward as possible.
12. If payment devices were to become driver licensing requirement, checking compliance would become a new burden for the Licensing team, which has limited staff resources.
13. Any condition imposed is subject to appeal by licensees, and whilst the Council will defend its position if necessary, so the Council would wish to be sure that its proposals were no more contentious than necessary, and that it could demonstrate that conditions were reasonably necessary.
14. Considering the issues outlined above, it appears that there is a reasonable public safety case for ensuring electronic payment can be taken universally by the Hackney Carriage trade in Harlow, and that the case in respect of Private Hire trade is less easy to defend. Further, there is a strong case for consulting the trade formally before imposing any requirements to ensure that any contention is minimised by avoiding unnecessary costs and operational

difficulties which should help the trade in implementing any proposals, and minimise the risk of any challenge.

15. Following consultation, a further report will be presented to the Committee setting out the outcome of consultation with recommendations regarding the way forward with electronic fare payment. Consideration of a requirement for electronic fare payment in the Private Hire Trade will therefore be deferred pending the outcome of the consultation.

IMPLICATIONS

Environment and Planning (includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

None specific.

Author: Andrew Murray, Head of Housing

Community Wellbeing (includes Equalities and Social Inclusion)

Reducing barriers to safe modes of transport where practicable will assist community safety objectives.

Author: Jane Greer, Head of Community Wellbeing

Governance (includes HR)

The report only commits the council to consultation at this stage therefore there are no direct legal implications at this stage. The results of the consultation will be summarised in a further report back to Cabinet.

The report recommends that Cabinet instructs officers to conduct a public consultation on proposals to introduce cashless payments in Hackney Carriages. The consultation must be undertaken when proposals are at a formative stage, it should provide sufficient reasons to enable the consultees to be able to consider the proposal and formulate a response. There will need to be sufficient time to for considered responses to be formed, and the outcome of it must be conscientiously taken into account when the ultimate decision is taken.

Similarly due regard must be had to the impact a proposal may have on persons with protected characteristics under the Equality Act 2010, if any.

Author: Amanda Julian, Legal Services Manager, on the behalf of Simon Hill, Head of Governance

Glossary of terms/abbreviations used

TfL – Transport for London