

Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

Our ref: RH/Cabinet

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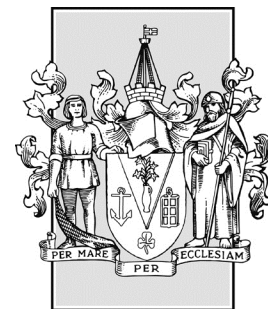
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Date: 16th June 2017

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Contact Name: Robert Harris

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Dear Councillor,

CABINET - TUESDAY, 20TH JUNE, 2017

Please find enclosed, for consideration at the next meeting of the Cabinet taking place on Tuesday, 20th June, 2017, the following report(s) that were unavailable when the agenda was printed.

Agenda No Item

20 Provision of Secondary School Places (Pages 1 - 8)

Report of Deputy Chief Executive (People) attached

24 The Official Feed & Food Service Plan (Pages 9 - 32)

Report of Deputy Chief Executive (Place) attached

Robert Harris
Principal Democratic Services Officer
Democratic Services
Southend Borough Council

Southend-on-Sea Borough Council

Report of the Deputy Chief Executive (People)

to

Cabinet

on

20th June 2017

Report prepared by:
Catherine Braun – Group Manager Access and Inclusion

The Future Provision of Secondary Places in Southend

People Scrutiny Committee
Executive Councillor: Councillor James Courtenay

A Part 1 Public Agenda item

1. Purpose of Report

- 1.1 To provide Cabinet members with a progress report on the strategy for the provision of secondary places as overseen by the School Places Working Party and to consider the proposal for a Free School.

2. Recommendations

- 2.1 That Cabinet notes current progress and agrees the progression of expansion projects to procurement stage at good and outstanding secondary schools for September 2018, namely Shoeburyness High School and St Thomas More High School.
- 2.2 That Cabinet agrees the continuation of expansion discussions with remaining Good and Outstanding Schools, namely Belfairs Academy, The Eastwood Academy and St Bernard's High School to secure the remaining 60 places still required for September 2018.
- 2.3 That Cabinet agrees that a free school is required for September 2019 for the required additional 180 places, this requires the identification of council owned land to support any application to the Department of Education.

3. Background

- 3.1 The local authority has a statutory duty to ensure that there are sufficient school places available in its borough for providing primary and secondary education. This can be achieved by provision of capital and/or land to both maintained and non-maintained schools. To date provision has been identified through expansions of existing primary schools through basic need funding.
- 3.2 On 23 June 2015, Cabinet resolved that officers undertake consultations with existing secondary schools (all are academy trusts) regarding expansions to meet

increases in pupil population demand. Long-term forecasts for secondary schools are reasonably accurate, as the numbers of primary pupils transferring to secondary schools are already known. The increased birth level indicates the continuation of high pupil numbers in primary and subsequently, in secondary schools remains stable with no current indication that numbers will reduce. By comparison, there has been a permanent increase of around 9 permanent forms of entry (FE) and nearly 3FE in bulge years within the primary sector. The total cost for the primary expansion was nearly £25 million.

- 3.3 Over the last four years we have seen an average net loss at secondary transfer (year 7) primarily to Essex schools of 300 pupils for mainstream places and a net gain from Essex, the London Boroughs and other sources of 567 pupils for selective places (those reaching the pass mark for the eleven plus examination and/or entering Southend Catholic faith schools).
- 3.4 Previous attempts to secure Essex County Council (ECC) accurate and reliable school planning data have not always proven successful or helpful. However, more recent communication indicates that their own pupil forecasts identify that due to their own pupil population increase and housing developments surrounding the Essex/Southend border, from 2018 they will only be able to offer limited secondary places to Southend children and from 2019 they will have no capacity to offer any secondary places to Southend resident pupils. Whilst this very recent information from ECC is helpful, officers will continue to work using this intelligence as a factor when determining accurate Southend predictions. This factor has increased the number of deficit places to beyond the primary expansions taking the need to 12 permanent FE plus 2 further FE in bulge years. A summary of the latest forecasts is included in Appendix 1.
- 3.5 The first shortfall of places appears in 2018 where 5 forms of entry are needed followed by a further 6 FE in 2019.
- 3.6 Secondary school place offer day was the 1st March 2017. Overall there was a 1.7% increase in the number of pupils applying for a school place (32 more pupils, which is just over one form of entry). Southend Borough Council was successful in ensuring that every child who had requested a school place was allocated a school place. However the underlying pressures alluded to in this report have started to manifest themselves, reflected in a slightly lower percentage of places offered to pupils for their first choice of school (76% compared to 79% in 2016). In addition there was a 2% increase in parents not receiving any of their preferences (7% for 2017 compared to 5% in 2016). Officers are currently working with school leaders in those schools where there are particular place pressures.
- 3.7 The following recommendations were agreed at cabinet on 17th March 2017:
(To meet immediate needs by September 2018)
- To agree the continuation of expansion discussions with Good and Outstanding Schools (to meet the additional need for September 2019).
 - To agree an initial exploration with a small number of Academy Trusts regarding a secondary free school.
 - To agree exploring expansion opportunities with schools that currently requires improvement.

4. Way forward to meet need and agreed Cabinet recommendations

4.1 2018/19 – Expansion of Good and Outstanding Schools:

4.1.1 To meet the initial need in 2018 discussions have progressed with 5 secondary academies graded good or better by Ofsted to expand by 1-2 FE per site. To date only Shoeburyness High School has progressed past planning to project management recruitment stage. Shoeburyness have committed to a permanent expansion of 1FE and a one year only bulge of 30 places. Shoeburyness are already the largest school in Southend and this will take their Pupil Admission Number (PAN) to 310 per year (340 for 2018 only due to the bulge year).

4.1.2 Discussions with secondary faith schools (St Thomas More and St Bernard's) have been delayed due to requiring assurances that any expansion would provide additional places for Southend residents. Agreements have now been reached with St Thomas More that meets SBC's requirements and plans are progressing to secure 1 FE. St Bernard's have demonstrated a willingness to reach the same agreement and expand by the same number but to date have not yet amended their admission arrangements (both are at feasibility stage).

4.1.3 The LA continues to work with Belfairs and Eastwood Academy, both of whom either have a feasibility plan or are pursuing one but neither as yet has made any firm commitments to expansion.

4.2 2019/20 – Free School

4.2.1 Any new school now must be a free school. The LA has investigated the feasibility of a free school and is in communication with an existing and proven academy trust who has confirmed that they will be submitting a bid to the DfE. This would be through a centrally funded route, whereby a trust puts a bid in directly to the DfE. According to current legislation, the department, using this route, would fund all capital costs associated but would reduce the basic need grant paid to the Council.

4.2.2 Legislation enables the DfE to appropriate council owned land deemed as possible for a new free school. This includes land that may not have previously been used for the purposes of a maintained school. Land would be transferred directly to the free school with no retention of ownership by the LA and with little or no recompense to the LA.

4.2.3 If no suitable council land is found, then public land or compulsory purchase may be followed. However in ensuring sufficient places for 2019 it is likely that the LA would need to secure any land to support the free school application and increase the likelihood of meeting timescales. Therefore, in order to meet a September 2019 opening, existing council owned land needs to be identified or the council needs to purchase land to meet this need, (it is unlikely that any recompense to council for any land would be forthcoming).

4.2.4 To date, applications for free schools have been submitted in September or March followed by a process of assessment by DfE which can take up to 6 months. Wave 13 should have been considered in March 2017 allowing sufficient

time for a 2019 opening. This was originally delayed by the minister to the “summer term” but due to the elections has since been further delayed to the autumn term 2017. This delay has placed increase pressure upon the LA to either identify council assets or purchase private land to secure the application and need for 2019 admissions. Due to the timeline it is likely that any free school would open in existing temporary accommodation (not necessarily for current education use), although the DfE avoid this where possible.

- 4.2.5 The Corporate Property & Asset Management Team have carried out a thorough survey of all council assets and sites under current private ownership that meet the required size to accommodate a 6 FE secondary school. According to Building Bulletin 103 the minimum recommended site size for secondary is 50 square metres per pupil (equates to 55,000 for 6FE plus 200 post-16). Survey results provide any site 25,000 square meters and upwards (based upon the current size for St Bernard’s 5/6FE). The government’s view is that schools no longer need to be single-story new builds surrounded by large grounds. As such, office building conversions and co-developments with residential and other uses will be considered. If the site is small, outside and sport provision can go underneath and on the roof.
- 4.2.6 A potential site has been identified which meets the minimum requirements regarding size and is not in close proximity to any existing non-selective mainstream secondary provision and is owned by Southend Borough Council. However a decision has yet to be made on the preferred site, as this would be subject to legal permissions relating to the site, to proper consultation and to succeeding with planning consent. As soon as the position of these aspects are clarified, the site will be subject to full consultation with interested parties.
- 4.2.7 If Southend Borough Council does not identify land to support a free school application it is very unlikely that any provision would be agreed and ready for 180 additional pupils in September 2019. The LA has a statutory duty to ensure that Southend resident children have a secondary school offer on National Offer Day.
- 4.2.8 Due to the Wave 13 free school application round being delayed twice, there remains a risk that if the DfE applied further delays or decided to not fund the free school that Southend Borough Council would then be required to fully fund these additional places either by building a new school or providing additional places at currently underachieving schools.
- 4.3 2020 and beyond Further Expansion of Good and Underperforming Schools
 - 4.3.1 The LA’s plans for expansions to meet needs from 2020 onwards is in relation to current underperforming schools, with the expectation that performance would have greatly improved by this time.
 - 4.3.2 The DfE expects that schools should not generally expand if they are eligible for intervention by the RSC. This is to safeguard underperforming schools becoming compromised by expansion. It is accepted that there will be exceptional cases where there is no viable alternative to ensuring sufficient school places locally.

- 4.3.3 One academy that falls under this area has raised an interest in expanding, and one current Foundation school (but soon to convert), although the latter remains very unpopular with parents and undersubscribed across most year groups. The LA is working in parallel with the RSC to improve learning and achievement at all schools on their trajectory to good and readiness to expand.

5. Reason for Recommendations

- 5.1 Southend Borough Council has a statutory duty to ensure sufficient places for all statutory school aged children
- 5.2 Need from September 2018 is intended to be met by expansion of 'good or better' secondary schools.
- 5.2 Additional need from September 2019 is expected to be met through a successful free school application to the DfE. For this to be achieved, agreement is required by members to agree that the identification of local authority land is required to strengthen the application and secure secondary school places for 2019.

6. Corporate Implications

- 6.1 Contribution to Council's Vision & Corporate Priorities
Ensure residents have access to high quality education to enable them to be lifelong learners and have fulfilling employment.
- 6.2 Financial Implications
A Capital Budget was agreed for the provision of secondary school places at Budget Council in February 2017. If the DfE funding allocations for free schools does not proceed nor are any funds in full or part provided for the building of a new school, then the full cost would fall to the Council and could be in the region of £25 million. The capital budget for the provision of secondary school places will need to be reviewed and agreed.
- 6.3 Legal Implications
If sufficient places are not supplied the council will not meet its statutory duties in supplying sufficient school places. In the event that the authority breaches its statutory duty, the authority could face judicial review action challenging the authority's failure to provide sufficient schools for the provision of education. The authority could also potentially face claims brought under the Human Rights Act 1998 (the right to education).
- 6.4 People Implications
Risk of a % of children not having a secondary school place in September 2018
- 6.5 Property Implications
DfE may commandeer local authority asset to build a free school (only those of sufficient size to meet a 6FE school would be at risk)
- 6.6 Consultation
None
- 6.7 Equalities and Diversity Implications

None

6.8 Risk Assessment

There is considerable risk in relation to the Wave 13 criteria once announced. Should the DfE prioritise a new school other than basic need, the funding for the free school will need to be met through other means, or an alternative solution will be required. The second risk relates to the Council not being in a position to offer a secondary place to all that require it on 1st September 2019.

6.9 Value for Money

None

6.10 Community Safety Implications

N/A at this present time

6.11 Environmental Impact

All proposed sites are green spaces, parks or farmland.

7. **Background Papers**

None

8. **Appendices**

Appendix 1 - Forecast Numbers with Illustrated Forms of Entry Expansions

Appendix 1 – Forecast Numbers including impact of Essex places and Illustrated Forms of Entry Expansions

	Year 7 Forecast	Essex Places pushed back to SBC	Year 7 Forecast + Pushback	Anticipated	Surplus/Deficit	Number of FE Required	Number of Places	Total Places	Surplus/Deficit
				PAN*	(B-A)		(D*28)	(B+E)	(F-A)
	A	Ai	Aii	B	C	D	E	F**	G
2017/18	2265	0	2265	2300	35	0	0	2300	35
2018/19	2361	60	2421	2300	-121	5	140	2440	19
2019/20	2525	75	2600	2320	-280	10	280	2600	0
2020/21	2540	90	2630	2320	-310	12	336	2656	26
2021/22	2583	105	2688	2320	-368	14	392	2712	24
2022/23	2585	105	2690	2320	-370	14	392	2712	22
2023/24	2547	105	2652	2320	-332	12	336	2656	4
2024/25	2476	105	2581	2320	-261	10	280	2600	19
2025/26	2508	105	2613	2320	-293	11	308	2628	15

*PAN is combined PAN as known for 2017/18. From 2019/20 including additional places at Cecil Jones.

**Column F indicates the anticipated increased combined PANs.

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Southend-on-Sea Borough Council

Report of Corporate Director of Place

To
Cabinet
On
20 June 2017

Report prepared by:
Elizabeth Georgeou Interim Group Manager

Agenda
Item No.

**The Official Feed and Food Control Service Plan 2017-18
Place Scrutiny Committee - Executive Council: Cllr Cox
A Part 1 Public Agenda item**

1. Purpose of Report

- 1.1 To agree the Official Feed and Food Controls Service Plan 2017-18 required by the Food Standards Agency (FSA).

2. Recommendation

- 2.1 That Cabinet agrees the official Feed and Food Controls Service Plan 2017-18 set out in Appendix 1 of this report and commend it to Full Council for approval.**

3. Background

- 3.1 The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan to ensure the highest achievable levels of food control (food safety, standards and feeding stuffs) are maintained throughout the borough. Every local authority is required to develop an annual food enforcement service plan, which is the basis on which the local authorities are monitored and audited by the FSA.
- 3.2 To ensure local transparency and accountability, it is a requirement that the official Feed and Food Controls Service Plan is submitted to the relevant Member forum for approval.
- 3.3 The Legislative and Regulatory Reform Act 2006 requires Regulators to have regard to the Principles of Good Regulation. This means that our regulatory activities should be carried out in a way that is proportionate, accountable, consistent, transparent and targeted to situations that need action when we carry out a regulatory function and to have regard to guidance issued. The Statutory Code of Practice for Regulators which will include the provisions

contained in the Regulators Code April 2014 contains details of how this should be carried out.

4 Official Feed and Food Service Plan 2017-18

- 4.1 The Service Plan for 17-18 is attached as **Appendix 1**, forming an integral part of the organisation of the Regulatory Services within Public Protection.
- 4.2 In accordance with the requirements contained within the Framework Agreement, the food service is a mix of enforcement, intelligence based work, investigation and education.
- 4.3 The service plan is to ensure all high and medium risk category programmed inspections are completed within the current financial year and appropriate alternative approaches adopted for the remaining inspections. In Southend there are 1727 food premises 954 premises requiring an official food hygiene intervention this year. In addition, there are 9 Approved Food Premises within Southend which includes the cockle processors which are inspected annually. There are 5 high risk food standards inspections that will be completed this year. All other food standards inspections will be undertaken at the same time as food hygiene inspections where they are due. The Inspection Programme is included at 2.4 in the Service Plan.
- 4.4 Regulatory Services assists businesses to comply with legislation and thereby protect the health of the public from food related illness. Resources will be targeted to ensure a balanced mix of services, which benefit the business sector, consumers and other stakeholders. In accordance with the amendments to the Food Law Code of Practice in 2017 and the published Regulatory Services Team Enforcement Policy, the service will continue to focus enforcement action on the poorer performing businesses.
- 4.5 Priority for inspections and interventions was given to premises which had been risk assessed as presenting the highest risk in terms of their activity and the conditions at the premises. All high risk inspections due during 2016-17 were completed.

5. Other Options

The Food Standards Agency Framework Agreement sets out the statutory duty for Southend on Sea Borough Council in developing the Service Plan. There is no alternative to the statutory duty.

6 Reasons for Recommendation

In order for the Council to comply with the Food Standards Agency Framework Agreement, and in line with the Food Standards Agency audit findings, which were agreed by Cabinet on 18th June 2013.

7 Corporate Implications

7.1 Contribution to Council's Vision & Corporate Priorities

The Plan contributes to the Safer, Prosperous and Excellent corporate priorities. Safe by ensuring those Southend residents, workers and visitors are protected from disease and harm. Prosperous - assisting local businesses to comply and protecting the reputation of the Southend on Sea as a tourist destination.

7.2 Financial Implications

The Service Plan for 2017-18 identifies the resource allocated to the inspection programme and the funding is set within the Service Areas overall budget.

7.3 Legal Implications

The FSA places a requirement on local authorities to develop and submit a Service Plan. Local Authorities are audited and assessed by the FSA on the basis of their food law enforcement service. The Council's constitution requires the adoption of the official Feed and Food Control Service Plan be reserved to Full Council and is funded from within the existing budget of the service.

7.4 People Implications

The Service Plan is seen as key in protecting public health of the town and critical in reducing the incidence of food related illness and thus assists in reducing the number of complaints and enforcement action associated with food businesses.

7.5 Property Implications

None

7.6 Consultation

The Service Plan has not previously been consulted on. It is developed utilising government guidelines. The Service Plan be published on the website and feedback encouraged.

7.7 Equalities and Diversity Implications

Equality and diversity implications have already been considered in the Regulatory Service Enforcement Policy and as part of the general work in the Service. A further equalities assessment was carried out when the Enforcement Policy was updated in 2015 in line with the updated Regulators Code April 2014.

7.8 Risk Assessment

Progress against the plan will be reviewed on a quarterly basis. The Plan seeks to explore new ways of working to better target resources and enhance protection with resources currently available.

7.9 Value for Money

The Service Plan is to be delivered within existing budget.

7.10 Community Safety Implications

None

7.11 Environmental Impact

Food related inspections and investigations place controls on commercial food waste and impact on the natural environment.

8 Background Papers

Food Standards Agency Framework Agreement

Food Law Code of Practice (England) 2017

Feed Law Enforcement Code of Practice (Issued May 2014)

Regulatory Service Enforcement Policy 2015

Food Standards Agency Audit and Action Plan - Cabinet Report Dated 18/06/13

9. Appendices

Appendix 1: Official Feed and Food Control Service Plan 2017-18

Southend on Sea Borough Council
Department for Place
Regulatory Services

Official Feed and Food Control Service Plan 2017-18

Elizabeth Georgeou

Regulatory Services Manager

May 2017

Introduction

The Service Plan was compiled within the Regulatory Services Group of Southend on Sea Borough Council.

The Service Plan is structured in accordance with the service planning guidance contained in the Framework Agreement on Local Authority Food Law Enforcement. Powers to enable the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999. In accordance with this guidance the plan is submitted to the relevant member or senior officer forum for approval to ensure local transparency and accountability.

The purpose of the Service Plan is to ensure that national priorities and standards are addressed and delivered locally in accordance with the relevant codes of practice and guidance. It is intended to ensure transparency and accountability and detail the contribution that the Group makes to the Corporate Strategy for Southend on Sea Borough Council.

1. Service Aims and Objectives

1.1 Aims and Objectives

The delivery of the plan aims to:

- Ensure that the highest achievable levels of food control (food safety, standards and feeding stuffs) are maintained throughout the Borough.

The objectives are to:

- Ensure hygienic conditions in the sale, preparation, manufacture and storage of foodstuffs and feeding stuffs.
- Ensure the wholesomeness and appropriate labelling / composition of foodstuffs and feeding stuffs within the Borough
- Focus on a risk-based approach to inspections and enforcement activity in accordance with the Regulatory Services Enforcement Policy
- Administer the legislation in compliance with the approved codes of practice and related official guidance.
- Promote a greater knowledge and understanding of food safety and nutrition within the Borough
- Continue participation in the Food Hygiene Rating Scheme
- Work with Public Health England (PHE) to deliver improved health outcomes for residents, visitors and those working in Southend.
- Focus on the local enforcement of illegal oyster harvesting.

1.2 The Corporate Aim of Southend on Sea Borough Council is to:

Provide a Safe, Clean, Healthy, Prosperous Southend and become an Excellent Council which is reflected through each level of service planning from the Corporate Plan, the Public Protection Plan and individual team plans. Our activities are linked to each of the Councils aims contributing to the Safe, Clean, Healthy and Prosperous priorities and the Public Protection Service Plan through delivering our objectives and the Excellent priority through enhanced IT systems and undertaking risk based interventions.

2. Background

2.1 Profile of Southend on Sea Borough Council

This unitary authority is a seaside town which is a tourist destination with local shopping areas and a thriving town centre covering 6,785 hectares. It is the closest seaside resort to London and is located within the Thames Gateway region and has over 6 million visitors each year. There are seasonal businesses within the town and the Council actively promotes events in the Borough to support the prosperity of the town.

The total population estimate for 2015 for Southend was 178,700. In 2016 the Business Survey identified, of those that responded, the main activity of their organisations as 22% in the wholesale and retail sector 11% in Manufacturing, 9% in Finance, 8% in Construction / Building / renovation, 8% in Health / Social Care and 7% in food / accommodation. There has been an increase to 67% of family run businesses with just over three quarters of businesses having between 1 and 5 employees. 20% of businesses surveyed rated tourism as important to their success rising to 40% for those businesses within the food / accommodation sector.

27% of Food / accommodation business reported having recruitment difficulties in the last 12 months. Whilst 66% of businesses were aware of all of the business support that the Council could provide only 23% found the Council useful to them. 41% of businesses indicated that they would be willing to pay for business advice of which only 1% of all businesses identified food safety as an area that advice was required.

2.2 Organisational Structure

(Annex 1) Council structure and details of responsibilities for food and feed.

Southend on Sea Borough Council sends food for microbiological examination to the PHE Laboratory at Colindale via a collection service.

Public Health England FW&E Microbiology Lab 61 Colindale Avenue London NW9 5EQ 0208 327 6548 /6550 Fax: 020 8327 6542 fwem@phe.gov. uk	CCDC, PHE East of England, Health Protection Team, Second Floor, Goodman House, Station Approach, Harlow CM20 2ET Tel: 0300 303 8537 Fax: 01223 724499 Email: EastofEnglandHPT@phe.go v.uk Secure email mailto:phe.eoehpt@nhs.net	Stool Samples Pathology First at Southend University Hospital NHS Foundation Trust, Caroline Cousins Laboratory Administrative Officer. Consultant Microbiologists Dr Meyers, Dr Elhag and Dr Barrett Microbiology Dept Prittlewell Chase, WOS, Essex SS0 ORY Tel: 01702 746514 (Direct Dial Admin) 01702 435555 (Switchboard) 01268 968287 (lab administration at Hub Caroline.Cousins@southend.nh s.uk
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The nominated Public Analysts for food and feeding-stuffs are located at:

Food and Feeding-stuffs Public Analyst Scientific Services Ltd 28 – 32 Brunel Road Westway Estate Acton London W3 7XR Tel: 020 8222 6070	Food Kent Scientific Services 8 Abbey Wood Road Kings Hill West Malling Kent ME19 4YT Tel: 01732 220001
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2.3 Scope of the Regulatory Services Team

The Regulatory Services Team is part of Public Protection which is within the Department for Place. With respect to food and feed the responsibilities of the Group are to:

- Undertake proactive food safety and standards inspections.
- Undertake proactive feed inspections
- Deal with imported food and feed matters
- Investigate complaints about food and feed.
- Investigate complaints about food and feed premises
- Investigate food poisoning and infectious disease referrals / complaints
- Deal with health and safety and public health matters at food premises related to drainage, industrial noise and rubbish
- Respond to emerging public health issues
- Deal with enforcement issues surrounding illegal oyster harvesting
- Provide consultation recommendations on planning, licensing and event applications
- Assist with the delivery of the Public Health England agenda regarding healthy eating and the Responsibility Deal.

2.4 Demands on the Regulatory Services Team

The Service uses Uniform database which is supported by IT and linked to the property gazetteer.

Food Premises profile as at 31/03/17

Primary Production	2
Manufacturers / producers* (includes cake makers - home caterers)	76
Distributors	11
Retailers	401
Restaurants / other caterers	1232
Importers	5
Total	1727

Food Hygiene Inspections:

FSA Category	No. of Premises	Frequency Required	Due 2016-17	Overdue
A	5	Every 6 months	5	0
B	107	Every 12 months	107	0
C	420	Every 18 months	253	0
D	541	Every 24 months	199	7
E	482	Every 36 months	175	159
Awaiting Inspection*	21	Within 1 month	21	28
Not in programme ⁺	144		0	0
Total Inspections due as at 31/03/17				954

+Includes premises undertaking very low risk activities e.g. selling pre-packed bars and providing teas and coffees.

*Fluctuation in year as premises are inspected and new premises register. This figure includes previously registered child-minders who have extended activities to cater for more than 5 children. This group is routinely inspected by Early Years. It also includes Home-caters where we have undertaken information gathering to identify low risk premises.

Category A and B food hygiene, Category A food standards and non-compliant C premises should be subject to an inspection, partial inspection or audit at the required interval. Broadly compliant C risk food hygiene premises and broadly compliant B risk food standards can alternate between inspection, partial inspection audit and other Official controls as defined in the Food Law Code of Practice.

Category D risk premises can only alternate between an intervention which is an Official Control and an intervention that is not an Official Control only if the potential hazard element is less than 30.

Premises rated E for food hygiene and C for food standards can be subject to an alternative enforcement strategy.

Approved Food Premises:

Types	No. of each Type
Cockle Processing	4
Fishery Products	2
Meat Products	1
Cold Stores	2

Food Standards Inspections:

FSA Category	No. of Premises	Frequency Required	Due 2016-2017	Overdue
A	5	Every 12 months	5	0
B	185	Every 24 months	73	39
C	1351	Every 60 months	97	178
Awaiting Inspection	21	Within 1 month	21	38
Not in programme	144		0	0
Total Inspections due as at 31/03/17				451

Feed Premises Inspections:

We have been co-ordinating with other authorities through the National Trading Standards Board (NTSB) and the Food Standards Agency (FSA) to ensure that regionally animal feed enforcement is effective and there are risk-based controls in place across the Region.

At 31/12/16 Southend has 23 businesses in the Borough registered under the Feed (Hygiene and Enforcement) Regulations 2005, for feed inspections. These are either manufacturers of animal feedstuffs or they are retail premises which distribute food on for feed purposes.

Feed Premises Profile as at 31/12/16:

Pet Food Manufacturers R06	6
Supplier of Surplus Food R07	17
Total	23

The Desktop Exercise for 2017/18 identified that 4 of these premises must be incorporated into the inspection programme as required by the FSA's Feed Law Code of Practice (England) as detailed below.

Inspections due 2017/2018

Category	No. In category	Due 2017-2018	Number planned
R6	6	1.0	1.0
R7	17	2.6	3.0

Concerns continue to be raised regarding the harvesting of oysters from the foreshore and allegations that these oysters which are entering the food chain without the required processing or being relayed.

Regulatory Services will respond to incidents of food fraud with respect to counterfeit products and to emerging public health issues.

The Team will undertake sampling around the National Priorities identified in the FSA's Guidance on the food sampling programme and sampling priorities. There is no funding available for imported foods. There are no identified sampling programmes for feed this year.

Service Requests:

Including:

Requests / Complaints	2016-17
*Food Safety and Standards	701
Infectious Disease	201
Nuisance / Noise / Planning in food premises	33

*Includes all request for service, including advice.

Officers are located in the main Civic Centre, Victoria Avenue. The service responds to inspections outside of normal hours. There is a contact centre which is staffed 24 hours.

Southend on Sea Borough Council is a seasonal location with impacts on the transient nature of the businesses in the borough.

2.5 Regulation Policy

There is a Regulatory Services Enforcement Policy which was approved by Council in 2015. This policy was developed and consulted upon meeting the requirements of the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

The team will continue to raise awareness with businesses of the requirements of the Food Information Regulations 2014.

3. Service Delivery

3.1 Interventions by Regulatory Services Officers for Food and Feeding stuffs

Details of inspections due in each category are listed in 2.4. Regulatory Services Officers will prioritise for inspection premises which are:

- A and B rated for food hygiene

- A-rated for food standards

- Approved food premises: The premises approved for processing shellfish will be inspected at the start of the season and other approved premises where due.

- Feed establishments identified through the National Trading Standards Board (NTSB)

- C rated food hygiene, targeting those which are non-compliant.

- D rated food hygiene, targeting those which are catering or overdue in the first instance.

- Premise where notices have been served.

- Premises rated 0 or 1 under the Food Hygiene Rating scheme, following consideration of the area of non-compliance.

- Requests made under the FHRS for re-score visits, appeals and right to reply.

Regulatory Services Officers for food and feed are authorised in line with qualification and competency requirements detailed in the respective Codes of Practice. Those inspecting for food are allocated interventions by ward(s) in which they co-ordinate inspections, complaints, planning, event applications and the inspection of new premises. Co-ordination of feed is through the Lead Feed Officer.

Officers have access to expertise and peer support through attending local liaison group meetings, detailed in section 3.8.

Suitably qualified and competent Enforcement Officers will support the service where possible.

There are five businesses rated as high risk for food standards which will be inspected this year. The team will continue to complete all other food standards inspections at the same time as the food hygiene inspection where they are due, overdue or likely to be due before the next food hygiene inspection.

All new premises will be evaluated as to the risk they represent. New premises should be inspected within 28 days of registration, those undertaking high risk activities will be prioritised over low risk inspections.

Childminders are no longer required to register directly with Environmental Health. An up to date database on childminders is held by Early Years. Early Years visit Childminders and have undertaken to raise any concerns noted during inspection with Environmental Health. Inspections will be carried out where childminders are providing care for 5 or more children. All other childminders will be categorised as no inspectable risk with no intervention required, unless indicated by Early Years. Information may be provided to this group as an alternative intervention.

Questionnaires will be used to assess Home caterers to determine the activities being undertaken. Inspections will always be prioritised where high risk activities are being undertaken and where lower risk activities are being undertaken they will be inspected where resource is available.

Alternative methods of intervention are to be undertaken to ensure that changes to those previously rated as low risk for food hygiene are assessed for change.

Enforcement Officers will assist in alternative interventions for other premises and sampling.

Regulatory Services Officers who inspect food premises also undertake:

- Health and safety interventions and inspections. Health and safety inspections will be undertaken in line with the Health and Safety Executive priorities for proactive inspections. They will also be undertaken where hazards are found.
- Public health and nuisance complaints at food premises
- Responses to planning applications for food premises

Regulatory Services Officers who inspect feed premises also undertake activities relating to:

- Consumer Protection
- Product Safety
- Fair Trading
- Weights and Measures

The team will participate in the Safety Advisory Group process for events to ensure that compliant caterers operate at these events. These will normally be those rated 3, 4 and 5 under the FHRS.

Where inspections of mobile traders are carried out at events or markets outcomes will be reported to their registered local authority in line with the Code of Practice.

Regulatory Services Officers for food safety, standards and health and safety, will determine whether pro-active inspections are required within their inspection areas.

Southend will continue to participate in the Food Hygiene Rating Scheme to promote transparency and enable individuals to make informed choices about where they eat. It is proposed that details of the scheme be included on the Visit Southend website.

Southend on Sea Borough Council will continue to utilise and develop the Uniform database to improve reporting capability.

3.2 Regulatory Services Group Food and Feed Complaints

The demand on the service for 2017-18 is detailed above in 2.4. It is anticipated that the number of complaints received in 2016-17 will be similar this year.

All food complaints will be allocated in accordance with Officers inspection area and for feed to the Lead Feed Officer. Investigations of service requests / complaints will be based on intelligence and will be proportionate to the risk.

3.3 Primary Authority Partnership and Home Authority Scheme

Southend on Sea Borough Council does not have any formal arrangements in place for food hygiene, standards or feeding-stuffs. The Enforcement Policy requires all Officers to give consideration to any partnerships and formal intervention strategies prior to taking enforcement action. As part of an informal Home Authority arrangement this authority will continue to undertake sampling for examination of the cockle processing establishments in liaison with the City of London Corporation Port Health Authority.

All Officers have access to the Primary Authority Scheme website and will adhere to inspection plans or priorities identified through this scheme.

3.4 Advice to Business

The level of demand from businesses last year is included in section 2.4 but does not take account of advice given during inspection. Advice to businesses will continue to be given particularly in respect to our obligations under both the Food Hygiene Rating Scheme and the Regulators' Code to assist businesses to grow and for those within the FHRS to achieve a higher rating.

Ad-hoc advice will be given on request and where necessary businesses will be advised of specialist support that they can obtain for themselves. Further improvements will be made to the Council's web pages to provide advice to businesses and links to other providers of businesses.

Details of what to expect during an inspection are included on the reverse of the inspection report which is left on site following an inspection together with the Officer's contact details. Advice is also given on any further correspondence and will include the Officer's contact details.

Feed and Food Sampling

The food sampling policy is set out in the Food Team Manual. The Regulatory Services Team will continue to participate in the Essex Food Group programme as well as take samples to support local work. It is planned that sampling will be

undertaken in accordance with the sampling plan (Annex 2). Enforcement Officers support this work.

PHE continues to provide a free allocation for microbiological sampling but there is no funding available this year from the FSA to support national priorities. Where resources allow the team will participate in the East of England Trading Standards Association (EETSA) programme undertaking compositional food sampling and standards as well as taking samples in support of local work. The team will complete a local project for imported foods.

UKFSS has continued to be utilised for reporting sampling and there is currently uncertainty as to whether the FSA will continue to support this service. Sampling information will need to be uploaded manually this year for the LAEMS return.

Samples for food examination will be submitted to PHE Laboratory at Colindale. Samples for food and feed analysis will be sent to the Public Analyst Scientific Services Ltd.

3.5 Control and Investigation of Outbreaks and Food Related Infectious Disease

Investigations will be undertaken of outbreaks; other incidents of suspected food poisoning will be monitored and responded to if necessary. The demand for last year is detailed in 2.4 and it is expected to be similar for this year. There are working instructions that detail the responses to be made. Southend Borough Council has signed up to the Memorandum of Understanding Outbreak Control Plan.

Pandemic flu or similar will increase the demand on time and will result in a reduction in the pro-active programme.

3.6 Incidents

The team will continue to respond to incidents of illegal harvesting of oysters from the foreshore. The team will remove from the food chain oysters which commercial harvesters have not demonstrated that the oysters will be subject to the correct controls.

There are working instructions for incidents in the Food Team Manual and the Codes of Practice. Where required by the Agency or DEFRA resources will be provided which will result in a reduction in the pro-active programme. Resource may also be required to support Southend Borough Council's emergency control plan.

3.7 Liaison with Other Organisations

Southend Borough Council will continue to participate locally in liaison arrangements with:

- the Essex Food Liaison Group (including microbiological sampling)
- EETSA Food Group
- EETSA Feed Group
- Essex Occupational Health and Safety Group
- Thames Liaison Group for Shellfish
- Food Hygiene Focus Group
- Environmental Health Managers Group

- Public Health England
- Planning Major Projects Board

and with national bodies as appropriate, Food Standards Agency, Chartered Trading Standards Institute, Chartered Institute of Environmental Health, Department for Environmental, Food and Rural Affairs, Department for Business, Energy and Industrial Strategy, Local Government Association.

3.8 Promotional Work and other non-official controls interventions for food and feed

Participation will be as part of a larger exercise organised nationally or through the County, these will be evaluated in line with corporate objectives.

Support of initiatives identified through the public health agenda including those identified in action plans for Health and Wellbeing. This will include:

- the promotion of the Healthy Eating Awards within Southend and delivery of Responsibility Deal with PHE and

where funding has been made available.

The team will also participate in:

- Health Promotion Events organised by SBC
- Targeted events

Any promotional work undertaken will be evaluated to measure its effectiveness

4. Resources

4.1 Financial Allocation

	<i>£ Budget 2017-18</i>
<i>Travel and Subsistence</i>	<i>3,060</i>
<i>Equipment</i>	<i>0</i>
<i>IT & Legal (included in management, administration and technical services)</i>	<i>15,430</i>
¹ <i>Sampling Budget</i>	<i>7,000</i>
<i>Staffing Costs</i>	<i>215,989</i>
<i>Additional funding from Centre (includes PHE grant for project)</i>	<i>22,300</i>

¹*Microbiological samples are taken as part of our free allocation with the FWE.*

4.2 Staffing Allocation

Staff	FTE 2015-16	FTE 2016-17
Management Food and Feed	0.5	0.5
Regulatory Services Officers Food	3.7	3.7
Enforcement Officers Food	0.52	0.49
Contracted food inspections	Not recorded	0.31

Total Officers	4.72	4.9
Administration	1.1	0.6
Regulatory Services Officers Feed	0.03	0.09

4.3 Staff Development Plan

Training will be identified as part of the appraisal system to meet the needs of the service to be delivered. Registered Environmental Health Practitioners are responsible for managing their own CPD training which will mostly be provided externally and funded by the Council.

Continued assessment of competencies in line with the Code of Practice is undertaken as part of the appraisal system.

Officers who support areas of food, feed, infectious disease and legal processes will receive appropriate training which will be provided both in-house and externally as appropriate.

One Enforcement Officer is undertaking work to complete their log book. There is also one Regulatory Services Officer who has completed the learning element of the Environmental Health degree. These Officers will be supported to complete log books, their learning portfolios and professional interviews. Support will be given to these trainees to help them to achieve their registration.

4.4 Projected Resource Required to deliver programme

Activity (does not include Business Support time)	FTE
Food Hygiene Inspections	2.00
Approved Premises	0.03
Food Standards (if undertaken at time of food hygiene inspection)	0.02
Revisits to check compliance / FHRS	0.5
Service Requests	1.1
Events applications	1.13
HA / Primary Authority	0.16
Advice to Business	0.3
Formal action	0.2
Co-ordination liaison	0.17
Promotional work	0.04
Sampling activities	0.23
Food poisoning (does not take into account outbreak)	0.02
Incidents (including illegal harvesting of oysters)	0.50
Training for competency (Code of Practice requirement) & internal	0.14
Auditing	0.05
Management of activities (service and improvements)	0.9
Total Food (excluding dedicated administration	7.49
All Feed Activities	0.09

There is resource available to undertake contracted food inspections to assist with meeting the Code of Practice requirements on high risk interventions to be completed in year. Feed inspections are being funded through the EETSA Feed Group.

5. Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Southend participated in the Essex Food Group internal audits against the Brand Standard in 2015. An action plan was developed and implemented. Audit procedures were updated to include checks for Brand Standard compliance.

The Food Standards Agency undertook a thematic audit of Southend in December 2012. An Action Plan was agreed with Council and has been implemented and progress against the Action Plan has been reported to the FSA. The audit review by the FSA was completed in April 2014 and the service has been signed off as compliant.

The Regulatory Services Group continues to support the concepts of Peer Review and Inter-Authority Auditing. A Regulatory Services Self-Assessment and Peer Challenge took place in 2009.

A Data Protection Audit took place in November 2012 and there were no issues raised.

There is an internal audit team within the Council who select areas for review on an annual basis. There is also Member scrutiny through the scrutiny process as appropriate. An audit of the Regulatory Services restructure was carried out during 2013.

6. Review

6.1 *Review against the Service Plan 2016-17*

There is continued support for report writing and there are a range of performance reports available.

Food Safety:

FSA Category	Numbers Due	% Achieved
A	9	100
B	173	100
C	365	100
D	448	98
E	47	23
Unrated (includes changes in year)	237	89
Totals of those due	1279	

The team continued to achieve 100% of all A, B and C rated inspections for food hygiene and 98% of D rated, compared to 71% of D rated inspections completed the previous year. The team focussed its attention on higher risk inspections with the number of E rated inspections completed being lower than the previous year. The number of overdue inspections for D categories was reduced, there were only 6 D risk premises overdue at the end of the year and this was due to access issues.

We achieved 89% of unrated inspections during the year. The majority of those that were not inspected were low risk activities or where they had previously advised that they were not currently trading. The number of unrated premises has been reduced.

Food Standards:

FSA Category	Numbers Due	% Achieved
High	1	100
Medium	106	77
Low	207	65
Unrated (includes changes in year)	222	83
Totals of those due	536	

Food standards were not separately targeted in line with the previous plan, apart from the A-risk premises. Through inspecting those due, overdue and due before the next food hygiene inspection the number of overdue food standards inspections has reduced. The number of overdue inspections was reduced.

Feed Premises Profile as at 31/12/15 (for the 2016-17 inspection programme):

Pet Food Manufacturers R06	5
Supplier of Surplus Food R07	19
Co Product Producer R12	1
Total	25

Inspections completed in line with the desk-top study at 31/03/2017

Category	No. In category	Due 2016-2017	Completed	% Achieved
R7	17	3.8	4	100
R6	6	1.0	1	100
R12	1	0	0	100

Training and competency programme for feed is ongoing.

Enforcement in Food Premises:

	2016-17	2015-16	2014-15
<i>Prosecutions</i>	3	0	1
<i>Simple Cautions</i>	0	1	0
<i>Improvement Notices</i>	17	15	5
<i>Prohibitions</i>	1	0	4
<i>Seizure and Detentions (including voluntary surrender)</i>	12	15	23
<i>Remedial Action and detention notices</i>	0	1	0

There has been an increase in notices served targeting the non-compliant premises. There continues to be voluntary surrenders of oysters illegally harvested from the seafront.

Requests

	2016-17	2015-16	2014-15
<i>Food Safety and Standards</i>	701	553	580
<i>Infectious Disease</i>	201	284	253
<i>Nuisance / Noise / Planning in food</i>	33	44	28

Requests for service have increased significantly this year and may be attributable to additional requests received via the FSA portal.

Sampling

	2016-17	2015-16	2014-15
<i>Microbiological Samples Taken</i>	215	214	224
<i>Analytical Samples Taken</i>	13	34	16

No samples were required to be taken for feed analysis in 2016-17.

Food sampling has continued at a similar level as previous years and UKFSS has been used for recording sampling activity. Sampling was undertaken following successful bidding for FSA funding for targeted activities relevant to Southend.

Improvements have continued to be made to the Uniform system and we have upgraded to version 10. There are procedures in place for the use of the system and enhanced reporting tools available.

Questionnaires continue to be used as a method of assessing the risk of the activities of unrated Home Caterers. This group tends to operate sporadically and often do not continue their operation. Undertaking the questionnaires enables the team to target the higher risk activities for inspection within 28 days of opening. Home Caterers already on the inspection cycle will be inspected in line with the priorities detailed in 3.1. Home Caterers assessed as undertaking low risk activities will be inspected outside of these time scales.

Southend on Sea Borough Council has continued to participate in the Food Hygiene Rating Scheme. Support has been given to the national campaigns around raising the profile of this scheme.

The team successfully continued its project of undertaking assessments of the nutritional quality of foods being delivered in Residential Care Homes and have reported the results.

The team continued to deliver the targets set by PHE for health eating. There were 17 Awards for premises providing healthy alternatives.

6.2 Identification of any Variation from the Service Plan 2016-17

Officers have continued to support enforcement activity in relation to illegal oyster harvesting.

The team continues to support the Safety Advisory Group to provide guidance to event applicants.

An alternative intervention strategy has not been implemented for E rated premises.

6.3 Areas for Improvement

- Continue to improve the use of the database
- Continue to develop reports for performance management purposes
- Adopt further areas of Uniform to maximise reporting and intelligence
- Utilise Uniform to extract the sampling part of the LAEMS return to provide resilience to UKFSS not being supported.
- Standardising work where possible and process improvements
- Continue to vet and prioritise new premises inspections
- Training of Officers to support work areas and identified competency requirements
- Continue to raise awareness with business of the requirements of the Food Information Regulations
- Determine where 'other official controls' are possible and how IT would need to be mapped to report this.
- Develop the process for alternative enforcement for low risk food hygiene interventions and to include an alternative enforcement approach for food standards.
- Identify areas where support from businesses is required, including using the Business Survey.
- Work with Essex Environmental Managers Group to develop links with Better Business for All objectives.
- Work with Business development on the Visit Southend website to provide information to residents and visitors to Southend on the food hygiene rating scheme and healthy options.
- Assist the Authority to ensure that potable water is available at Events through a testing regime.
- Complete a projects to assist Butchers with compliance.
- Integration on Uniform for all feed establishments and process controls.
- Complete competency assessment and identification of training needs for feed
- Review provision for feed inspections.

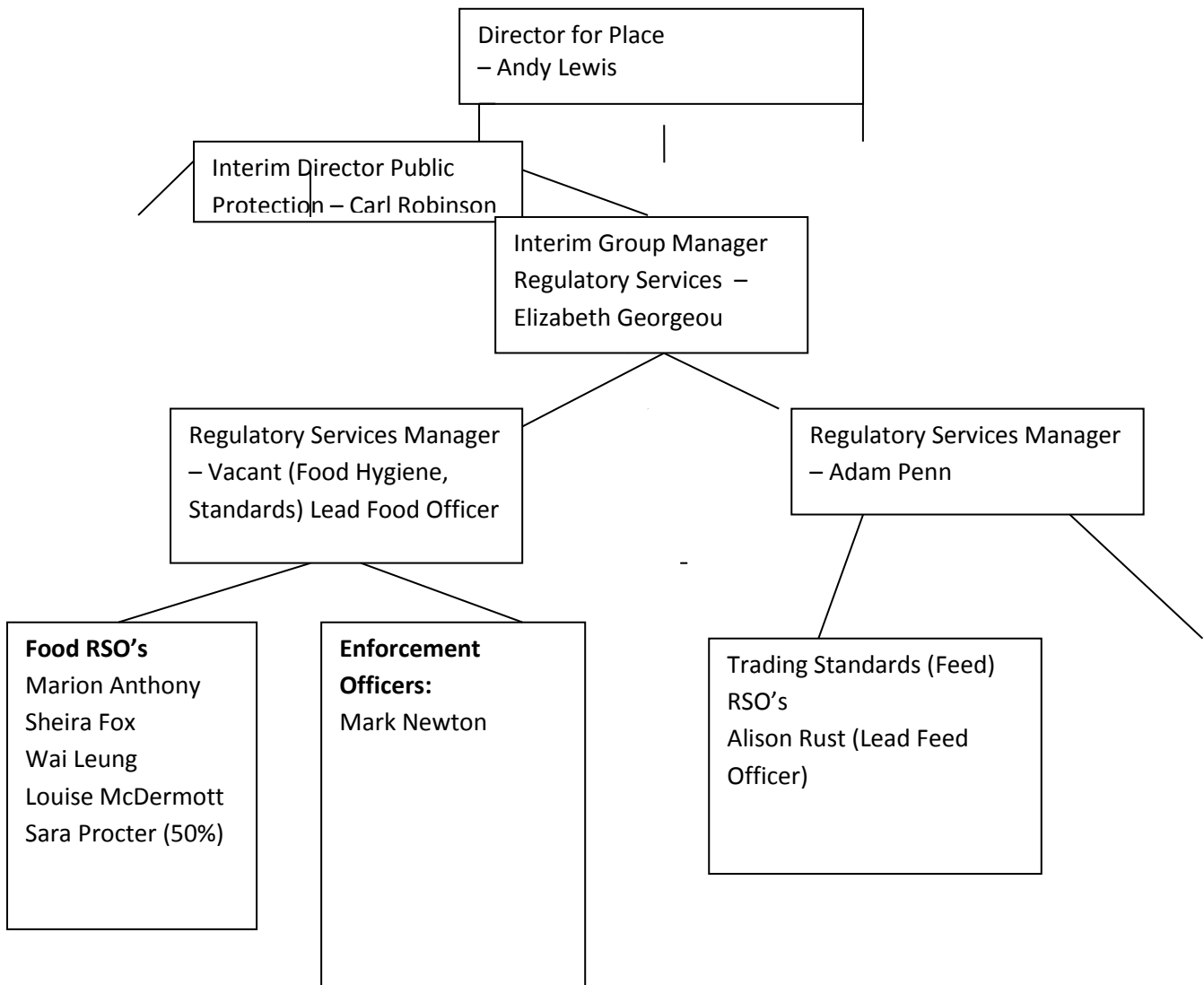
Annex 1

Leader and Cabinet Portfolio for Public Protection:

Leader Cllr Lamb

Public Protection Cllr Cox

Food Service – Officers undertaking food work only:



Annex 2

SOUTHEND-ON-SEA BOROUGH COUNCIL SAMPLING PROGRAMME;

1st April 2017 – 31st March 2018

Food Std Sampling Dates	Microbiological Sampling Dates				
		Sampling Projects In-house, HPA, FSA funded, Eastern Region	Rossi	Fuud	Cockles (June-
	Weds	Easter break			
	12/04/2017	In-house scooped & machine ice cream	YES		
	26/04/2017	In-house scooped & machine ice cream			
	10/05/2017	In-house scooped & machine ice cream *RESAMPLES*			
	24/05/2017	In-house rte seafood, dressed crab etc			
	07/06/2017	In-house rte seafood, dressed crab etc		YES	
	21/06/2017	In-house rte seafood, dressed crab etc			
	05/07/2017	In-house project – Environmental Swabs including cloths			
	19/07/2017	In-house project – Environmental Swabs including cloths	YES		
In house imported food control (food products from third countries)	02/08/2017	In-house project – unpasteurised fruit/ veg juices, smoothies			
	16/08/2017	In-house project – unpasteurised fruit/ veg juices, smoothies			
	30/08/2017	In-house project – unpasteurised fruit/ veg juices, smoothies			
	13/09/2017	HPE Study 60 Paan etc Leaves		YES	
	27/09/2017	HPE Study 60 Paan etc Leaves			
	11/10/2017	In-house project – healthy ready meals, sliced cooked meat from butchers and pulled meat from restaurants			
	25/10/2017	In-house project – healthy ready meals, sliced cooked meat from butchers and pulled meat from restaurants	YES		
	08/11/2017	In-house project – healthy ready meals, sliced cooked meat from butchers and pulled meat from restaurants *RESAMPLES*			
	22/11/2017	In-house project: Xmas meals – roast dinner, meat based gravy, hot holding buffet foods		YES	
	06/12/2017	In-house project: Xmas meals – roast dinner, meat based gravy, hot holding buffet foods			
	20/12/2017	MERRY CHRISTMAS/HAPPY NEW YEAR *NO SAMPLING ACTIVITY*			
	03/01/2018	NEW YEAR - *NO SAMPLING ACTIVITY*			
	17/01/2018	In-house project – emerging risks	YES		
	31/01/2018	In-house project – emerging risks			

	14/02/2018	HPE/Regional project – TBC		
	28/02/2018	HPE/Regional project – TBC		YES
	14/03/2018	HPE/Regional project – TBC AND *RESAMPLES* AND Water samples (Event)		
	28/03/2018	*NO SAMPLING ACTIVITY*		