

## REGULATORY COMMITTEE

Tuesday 25<sup>th</sup> October 2016 at 7.00pm

**PRESENT:** Councillors K Crawford (Chair), \*Aslam, Kaur Dheer, Gavan, Kelly, McCartan, \*Morrissey, Sumner, Woodroffe.

\*Substitutes

**1. Apologies for Absence**  
Cllr Conti and Cllr Dhami

**2. Urgent Matters**  
There were none

**3. Declarations of Interest**  
There were none

**4. Matters to be considered in private**  
There were none

**5. Minutes**  
It was agreed that the minutes of the meetings held on 12th January 2016, 28<sup>th</sup> June 2016 & 14<sup>th</sup> July 2016 were a true and correct record.

**6. Outsourcing on Low Risk Official Food Controls - Regulatory Services**

Helen Statham gave a presentation outlining the work that the Food Safety Team undertakes at Ealing Council. The presentation highlighted why the Service need to Outsource Low Risk Food Inspections. Some of the factors included;

- Ealing has over 50 approved establishments (most other Boroughs have 1 or 2 approved establishments).
- Inspections of food businesses are based on risk frequencies.
- It takes 4 years to qualify as an EH Officer (at Ealing there are approx. 15 Officers who have a degree but not fully qualified as an EHO).
- It has been difficult to recruit to posts as there is a high level of competency needed to premises risk and complexity and there are many retention issues.
- There is a high level of enforcement (last year Ealing's team closed over 40 food businesses temporarily).
- There is a high level of non-compliant businesses.
- The time taken up to issue a HEPN is potentially 18 hours of work.
- The time taken to audit an EU approved premise can be potentially up to 14 hours and 17 hours for a non-complaint business.
- Approved premises are inspected every 6-12 months
- The alternative options in recruiting are - a team of pay per inspection officers and admin staff, recruiting in house a team of pay per hour officer or recruiting a full complement of full time law enforcement officers.
- The reasons why outsourcing is the considered option is that the work is lower risk, less enforcement/follow up action, better value for money, previously

subject to ALT enforcement, currently not meeting the FSA requirements and more assurance from the provider that the work will be completed by a certain time.

- The outsourcing contract is worth less than £50,000 (1,200 inspections outsourced), the quality system consists of shadowed inspections and reality checks, access to a real time online system, competence in figures and numbers and the use of a competent supplier.

It was queried how many staff members will be working in the team, will they be working from home, what equipment will we be supplying them with and what are the terms and conditions of their employment. The Committee was informed by Helen Statham that we would provide the staff with a thermometer and probe, that there would be no need to provide laptops or computers to the staff as the reports that they would complete will be quality checked and uploaded to an Ealing in house database by qualified Ealing staff and Team leaders. There would also be no need for the agency staff to come into the staff building therefore no additional space will be taken up in Perceval House. It was confirmed that there are roughly 230 inspections every month and the company have a substantial amount of employees on their books.

It was suggested that the new provider will have all of the operative issues that Ealing Council have in terms of trying to complete a number of Inspections by a certain time, it was asked whether we have a backup plan in place. Helen Statham replied that there is a penalty to the provider if they do not meet the numbers that they have agreed to. The work is due to commence from next week and they are relatively confident that the work will be done and on time.

Jess Murray responded that we will monitor the inspections and if we did not see results within the agreed time scales we will flag this up along the way.

The Committee asked for clarification between a low risk and high risk business and how this is determined. Helen Statham explained that the service uses the Food Law Code of Practice to score the business on its food hygiene, management of the business, structure, etc and once the score has been given this then deems whether the business should be categorised as low or high risk.

Helen Statham then updated the Committee with a briefing note outlining charging for Food Hygiene Rating System Re-Rating which is a food hygiene rating that is given to businesses to reflect the standard of food hygiene found on the date of the inspection or visit by the Local Authority. There are currently 3 safeguards in place available if a business is not satisfied with the rating issued by the officer; 1- the right to Revisit, 2- the right to Reply and 3<sup>rd</sup> – the right to re-rate the business. The figures show that the number of re-ratings has decreased since 2014 and up until now the cost of rerating absorbed by the Local Authority could not be recovered. The FSA has introduced a pilot allowing for Local Authorities to charge for re-ratings. It was confirmed that Ealing would be taking part of this pilot scheme and as such can re-cover the costs associated with all re-rating visits that are accepted by the Local Authority. Helen Statham advised of a recruitment update in the Food Safety Team, 4 full time officers have been recruited to the food team and since this recruitment a further

officer has handed in their notice, the Team leaders are currently working on recruitment to this post.

It was also confirmed that as of the 14<sup>th</sup> November 2016 a seconded Compliance Partnership Manager will be in role falling under Regulatory Services and that their role will be crucial to tackling non-compliance for regulatory matters across a wide range of businesses.

#### **7a. Performance and Process Review update (including a report on Conservation)**

David Scourfield, Borough Planner, presented an update on performance and service projects in Planning Services. David explained that the key challenges for the Planning Department were balancing the needs for the planning applications, responsiveness and building relationships with residents, and making additional savings as required.

The report highlighted the performance summary for the Planning department including the statistics regarding the speed of processing application; 157a - Major applications 87.88% within time (National Target 60%, Service Target 62%), 157b - Minor Applications 88.9% within time (National target 65%, Service target 82%), 157c - Other Applications (Mainly Householder) 92.65% within time (National target 80%, Service target 92%).

The Planning department have similar issues regarding recruitment and retention and are currently working on recruitment via an external agency and are likely to recruit in the New Year.

It was asked if there was a plan to work with Regulatory Services on the new iDox system. David Scourfield explained that they do share the system with Regulatory Services; however they are currently focusing on getting the best value out of the system. The department has experienced some glitches with the implementation of the new iDox system which was mostly to do with the data transfer and this took up to 5 months to fix. Currently the department are looking at the electronic 'workflow' module called Enterprise, which will allow the validation and processing of the application and the issuing of the documents to be done electronically. The workflow system will simplify and quicken the process.

It was queried why the telephone responsiveness figure had fallen to 80% as it had been previously. Alex Jackson explained that the telephone management system that had been used over the past few years by Planning Service (Onyx) had been disabled due to major issues with functionality. A replacement system within Planning has been implemented linked to the Uniform ICT operating system so now the Service is looking at focusing on customer responsiveness.

It was commented on by a Committee member that the customer responsiveness was an issue as they had received complaints from residents who had failed to receive a response from the Planning department for over a month. Clarification of the current timescale to respond to a customer query was asked for. David Scourfield replied it is 10 working days and that the team are working on focusing their efforts on this area.

It was asked how we compare against other London Boroughs in terms of the time taken to process applications. David Scourfield said that we are amongst the top 5 London Boroughs.

An update on Site Notices was requested. Alex Jackson explained to the Committee that the format of the site notices have changed from that previously used, they are now on yellow waterproof paper with larger font and have had a change in wording. In addition two site notices are now displayed on each lamp post. Monitoring of the site notices consists of running daily reports and cross checking the notices that are displayed from photographic records and site notices are being removed after the end of a consultation period. Alex Jackson further explained that work is currently being undertaken to devise monitoring reports to show when notices have 'lapsed' in terms of the consultation period and in addition to this notices to include a request to the applicant/agent to remove the notice.

It was commented on that there are Local Authority Operatives on the Streets every day that could assist with taking down these site notices. There should be a more robust systematic method in place, perhaps the use of colour coded notices for each month.

Cllr Morrissey asked for an update on CIL (Community Infrastructure Levy), on how the funding will be applied and how transparent it will be. Steve Barton, Strategic Planning Manager explained that the schedule for this has been brought forward for formal adoption at the meeting of the Full Council in December and will be implemented in Spring 2017, subject to the member level approval. It will be after this point in time we will have more information regarding the funding and how it will be distributed and this information can be fed back to the Committee next year.

A member of the public asked the question about the new 'workflow' programme, what the timescale was and whether we have the resources to deliver it within the agreed timescale. David Scourfield replied that the IT system is a shared resource for which they can get support for and that they are due to have a scoping meeting soon to discuss the process.

## **7b. Conservation Area Review Programme – Planning Services**

David Scourfield presented a report on the requirements to review Conservation area appraisal and management plans setting out a programme to undertake these reviews. The report highlighted the past reviews and future suggested reviews anticipating that the reviews will take place 2017/2018 and that the timetable will be subject to monitoring by Senior Planning Officers.

It was queried whether the local residents will have information regarding what reviews are taking place and how will the Council be informed of the outcome of these reviews. David Scourfield replied that they would inform Councillors of when each area review has been completed.

It was asked whether there is a timetable with dates available for these reviews and what the process involved when grouping these Conservation areas together. David

Scourfield replied that the timetable is deliberately vague as they are still working on the timetable and also wanted the input from the Regulatory Committee on whether any of these listed Conservation areas needed urgent priority. It was agreed that a timetable would be sent to the Committee shortly and that the Planning department was confident that they can carry out these reviews in-house.

It was queried when the Planning Team would consult on these reviews and report back to the Regulatory Committee. David Scourfield replied that they will be consulting through the whole process and that they would provide an update at the next Regulatory Committee.

A member of the public asked whether the Council has a priority attached to the reviews of the Conservation areas and is there a criteria behind the list of Conservation List that have been selected. The member of the public conveyed their lack of faith in the Conservation Area review report and commented that there is an enormous amount of expertise required in this work and that the Council should look at Outsourcing the reviews. Alex Jackson replied to this by confirming that they have explored outsourcing the conservation review project but have found that there to be limited interest and only a small part of the brief being filled.

The Chair advised that the Officers have a good understanding of what needs to be done and how they are going to complete the work with the limited resources that they have.

The Chair suggested that there should be more frequent Conservation Forums during the Conservation consultation period and suggested that Officers from Planning and Councillors should be invited to these Forums.

**8. Date of next meeting – The next meeting will be held on Wednesday 22<sup>nd</sup> February 2017.**

COUNCILLOR KATE CRAWFORD (Chair)

The meeting finished at 9.15pm