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**MINUTES OF A MEETING OF THE
ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE
Town Hall, Main Road, Romford
2 October 2012 (7.30 - 9.50 pm)**

Present:

Councillors Jeffrey Brace (Chairman), John Mylod (Vice-Chair), Linda Trew, Billy Taylor and Nic Dodin (In place of Barbara Matthews)

Apologies for absence were received from Councillor Dennis Bull, Councillor David Durant and Councillor Barbara Matthews

4 MINUTES

The minutes of the meeting of the Committee held on 12 June 2012 were agreed and signed by the Chairman.

5 SCORES ON THE DOORS UPDATE

The Committee received a presentation on the National Food Hygiene Rating Scheme. This was an update on the previous scheme called "Scores on the Doors" which the Committee had been briefed on in the previous year. Since this was not an award scheme it had been agreed to join the national scheme.

The scheme comprised six tiers from 0 – 5, with 0 being urgent improvement necessary and 5 being very good. The criteria on the rating was based on three areas; hygiene and safety procedures, structure and cleaning and confidence in management. The Committee noted that 3 was classed as broadly compliant and anything below 3 meant there was serious non-compliance in some areas of food law. This meant that further action from the food safety division would always follow. Premises that fell below 3 would not automatically be re-rated on these follow up visits. The brand standard requires a standstill period of three months before a re-rating inspection can be requested to ensure that any improvements are sustained.

The Committee were shown the website and informed that there was an Ipad/Iphone app which could be used to check the rating of any business. The live system launched in June 2012, and the Food Standards Agency had paid for a central mail out of letters informing businesses of the change together with new certificates and stickers in the week before the launch.

Officers explained that the display of stickers and certificates stating what rating the business had been given was voluntary.

Members asked if the scheme was compulsory and as the display of stickers and certificates was voluntary, how could customers check the business was compliant. The officer explained that inspections were compulsory as Environmental Health were obliged by the FSA to inspect all businesses. Both the FSA and Environmental Health were encouraging businesses to display their stickers and certificates. Wales had already moved to mandatory display of stickers and certificates.

If a business is not happy with the rating they have been given, they can appeal within a 14 day period or ask to be revisited after 3 months.

Members asked what happened if a good restaurant was to fail? Officers explained that the rating is removed at each inspection ready for the new one to be sent. Risks could include lack of staff training, failure to implement management systems and controls as well as poor maintenance and cleaning. These types of issues can affect the overall rating. If there was no documented management system, then the score has to be 20 under confidence in management which brings the rating down to 1. The Committee noted that the score ratings were from 0-25 for Hygiene and Safety, 0-25 for Structure and Safety and 0-30 for Confidence in Management. The latter included looking at previous history and completing a mapping exercise to come to the final score.

The officer explained that inspections are carried out unannounced, often in the evening and at weekends. It is important to inspect the business during its busiest time as well as at quiet times.

The Committee noted that there were only 3 businesses in the borough that had a rating of 0 and 139 on a rating of 1. The officer explained that those businesses rated 0 were at the point of prosecution or closure. The businesses with a rating of 1 had been inspected and revisited and had taken steps towards food law compliance but the rating could not be changed until after the standstill period and only then if the business requested the visit. A number of premises were awaiting inspection as newly registered businesses or had changed hands and required a re-inspection. The officer stated that if businesses are non-compliant then officers would work with them to put measures in place and help them comply. The enforcement policy allowed escalating action to ensure compliance. It was the responsibility of the food business to comply with food law.

A member raised concern about the rating of Queens Hospital. The officer explained that Queens Hospital had been rated as 5, and had stringent guidelines issued by the NHS on the standard of food served. The officer explained that, as with all inspections, the quality of the produce is inspected to ensure it is fit for human consumption, but there are differing levels of quality based upon cost. The food served to patients at the hospital

is produced elsewhere, chilled and frozen and reheated at the hospital. There were strict cook-chill guidelines issued by the food standards agency which the hospital observed for this type of food production and service. As with large businesses like Queens Hospital an industrial microwave is used to ensure consistency.

Food sampling is carried out in the Borough in accordance with regional and national programmes. The officer mentioned a recent scam which involved substitution of a cheaper grade of rice and mixing it with basmati rice and although this was not unsafe, it was misleading and illegal.

The officer explained the difference between Best Before Dates and Use by Dates. Food should not be consumed after the use by date had expired. Notice should also be taken of the explanation on the packet detailing how long the food should be kept once opened. Best before dates are only an indication of quality so food can be consumed after the best before has expired unless it is obviously mouldy or unfit.

Members enquired as to whether a charge can be made to the business for the inspections. The officer informed the Committee that charging was not allowed by law. The Officer stated that if the law changed they would wish to possibly charge businesses rated 0,1 or 2 as they were the ones that created the work for the department as they were not compliant with food law.

The Committee thanked the officer for an informative presentation.

6 BLUE BADGE CRITERIA

The Committee received a brief update on the Blue Badge Assessment process. The issuing of Blue Badges was outsourced by TfL to Northgate. There are two criteria for obtaining a blue badge, one by automatic qualification and the other by assessment. The Committee were informed that between 70 and 100 applications were received a week. Given the change due to the outsourcing there had been backlogs due to the high demand. A second assessor had been employed bringing those that were awaiting assessments down to 10%

The Committee raised concerns about badges being issued wrongly in the past. The Officer stated that as this was now a national system the badges would not be issued wrongly as checks were in place.

The Committee asked for information on the percentage of badges that had not been reissued and the reasons why. It was agreed that a full update would be given at the next Committee meeting.

7 HIGHWAY CLAIMS

The Committee received a presentation on Highway Claims. The Committee noted that under section 41 of the Highways Act 1980 the Highway Authority is responsible for “highways maintainable at the public expense” and has a statutory duty to maintain that highway. For Havering this includes all roads and pavements currently defined in the Highways Register, which is updated by Legal Services, and is a graphical representation of the adopted highway.

The Committee noted that if someone wishes to make a claim, they have up to 3 years from the incident date in the case of personal injury, and up to 6 years for property damage.

The Committee were informed that a Highway Incident Report Form (HIRF) was introduced some years ago to aid residents in submitting a claim for compensation. This included detail such as national insurance number and date of birth. Assistance could be given in completing the form however it was down to the claimant to explain how the incident happened. It was noted that if the claimant had a solicitor then the HIRF was not used. The Committee were given details of the number of HIRF forms sent out and those returned over the last 5 years. The Committee noted that there were more sent out than were returned.

Details of how a claim is investigated were explained to the Committee from the receipt of the HIRF or Solicitor’s letter of claim, through to the review of outcome. As soon as a defect or claim is reported officers go out and check the location. The location has to be agreed by both parties through a joint meeting if necessary.

There were 6 officers who carried out 6400 planned inspections along with 4800 ad hoc inspections, with approximately 6000 works orders raised per annum. All defects identified for repair must be repaired within strict timescales.

Members asked about damage caused by contractors. Officers explained that whilst this did not fall within the subject of highway claims, it did fall under reclaiming costs. The Committee were informed that the Council would endeavour to reclaim the cost of any repairs necessary, where

damage had been caused to the public highway, by either contractors or private residents.

Officers explained that there was always ongoing maintenance of the public highway. Accidents could happen at any time, whether these are due to actionable defects or not. Due to the planned and ad-hoc inspections that were carried out, the Council had a section 58 defence in Court against third party claims, but also prevented accidents occurring in the first place.

Where an actionable defect had been identified, this was repaired within the strict timescales. If an accident occurred on an identified actionable defect which had not been repaired within the appropriate timescale, then the Council may be deemed to be liable, but this is not always necessarily so as there may be justifiable reasons why the defect had not been repaired. The Committee requested that an estimate of the mileage of scheduled inspections be made available. Officers agreed to provide this to Committee Members.

The Committee were informed of the number of tripping claims attributed to footways and carriageway and claims of damage to vehicles caused by defective carriageways over the last 6 years, together with the cost of the claims and the potential cost savings.

The Committee were informed of future threats and challenges that may affect the service including reduction in the number of officers which could have a detrimental effect on the number of accidents that occur, the authority's ability to successfully defend claims and the budget spend on reactive maintenance. There were a number of IT systems that could assist but all current system had issues and would have a knock on effect in the Council's ability to successfully defend claims.

8 SERVICE PERFORMANCE INFORMATION

The Head of Streetcare tabled the Performance Information to the Committee, however due to the time taken on previous items, the Chairman stated that if members of the Committee had any questions they should be directed to the officer after the meeting.

9 FUTURE AGENDAS

A member of the Committee requested that a written quarterly report be given on the budget information appertaining to the Committee. The Chairman stated that budgetary information could only be sought through the Value OSC, and suggested that members write with their requests to the Chairman of the Value OSC.

Environment Overview & Scrutiny
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The Committee discussed a letter which had been sent to all members of the Council from the Havering Friends of the Earth stating that they wished to speak with members about their concerns and campaigns. It was agreed to invite representatives to the next meeting.

Chairman