

AGENDA

Page No

1. MINUTES

To confirm the minutes of the meetings held on 23 March and 26 May 2015 (LC.15 - LC.18 and LC.1 – LC.2) and the meetings of the Licensing Hearings Panel held on 6 May and 16 July 2015 (LHP.23 and LHP.1) previously circulated.

2. APOLOGIES FOR ABSENCE

3. FOOD SERVICE PLAN 2015/16

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Report of the Executive Director

4. HEALTH AND SAFETY IMPLEMENTATION PLAN 2015/16

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Report of the Executive Director

5. GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

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Report of the Executive Director

6. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
21 July 2015

From: Executive Director

Subject: **FOOD SERVICE PLAN 2015/2016**

All Wards

1.0 PURPOSE AND BACKGROUND:

- 1.1 This report is required to demonstrate that food safety services and their enforcement within Hambleton District are properly organised in order to minimise the risk of food poisoning or harm to consumers within Hambleton and beyond.
- 1.2 The Plan is required to comply with the requirements of the Food Standards Agency (FSA) and the Regulators' Code in relation to the development of food enforcement services and their enforcement.

2.0 INFORMATION AND ANALYSIS

- 2.1 A Code of Practice was issued under section 40 of the Food Safety Act 1990, regulation 26 of the Food Safety and Hygiene (England) Regulations 2013 and regulation 6 of the Official Feed and Food Controls (England) Regulations 2009. This prescribes how food legislation must be enforced by Food Authorities.
- 2.2 As part of the Food Standards Agency's work to strengthen and develop links with local authority enforcement, an Enforcement Liaison Group was established. This group developed a Framework Agreement on Official Feed and Food controls by Local Authorities. The 5th amendment was published in April 2010. This takes into account the Government's better regulation agenda and the principles of good regulation.
- 2.3 The Framework Agreement requires that three principle policy documents should receive member approval:-
 - a) The Food Service Plan (appendix 1) ensures that national priorities and standards are addressed and delivered locally. It also enables services to reflect local needs and priorities and provides a means for monitoring compliance with the Code of Practice.
 - b) The Food and Environment Sampling Policy is required to indicate the Authority's basis for the sampling programme and an estimate of the numbers and types of samples that will be taken from establishments, or submitted in relation to complaints. This is unchanged since 2014.
 - c) The Food Safety Enforcement Policy should be up to date, available to food business operators and should cover all areas of food law that the Food Authority has a duty to enforce and include criteria for the use of all the enforcement options that are available. A generic Environmental Health Enforcement Policy has been produced which covers general issues. This is also unchanged since 2014.

2.4 The proposed Service Plan has been expanded from that of previous years to include the detailed breakdown of service costs, allocation of resources, key achievements in the previous year and plans for service improvement in the coming year. This information was specifically required following a recent audit by the FSA of a neighbouring Authority and will therefore apply to all Authorities.

3.0 LEGAL IMPLICATIONS:

3.1 The Food Service Plan has been developed in accordance with the FSA 'Standard' and Guidance which set out the required format and contents of such a plan.

4.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES:

4.1 There are no financial implications in this report. All services will provided from within existing budgets.

5.0 RISK ASSESSMENT:

5.1 There are no risks associated with this report.

6.0 DIVERSITY:

6.1 Equality issues will be taken into account during future Service Plans once the levels of representation of minority communities and the perceptions of communities have been ascertained and their needs understood.

7.0 RECOMMENDATIONS:

7.1 That the Food Service Plan 2015-2016 be approved.

MICK JEWITT

Background papers: The Framework Agreement on Official Feed and Food Controls by Local Authorities – amendment 5, April 2010 – Food Standards Agency Regulators' Code. BRDO. July 2013.

Author ref: Philip Mepham

Contact: Philip Mepham
Environmental Health Manager
Direct Line No: (01609) 767037

210715 food service plan

HAMBLETON DISTRICT COUNCIL
ENVIRONMENTAL HEALTH SERVICE

FOOD SERVICE PLAN
2015/2016

Date of Issue

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Maria Bentley	8/4/15
1.1	Maria Bentley	21/04/15
1.2	Maria Bentley	29/05/15

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Executive Summary

This Service Plan sets out how Hambleton District Council will work over the coming year and focuses on ensuring that food made or sold, wholesome in Hambleton is safe and complies with the law.

The overall cost of the Environmental Health service in the coming year will be around £86003 which is equivalent to around 98.5p per Hambleton resident.

This Service Plan details the food safety enforcement service for 2015/16. The plan reflects the work required of food authorities by the Food Standard Agency (FSA), in its national “Food Standard” and guidance documents. It is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and the resources we have available to us to. Food Standard Agency is able to assess the services that we offer, so that they can ensure that our services meet the standards required and that we are effectively implementing and enforcing national law at a local level.

The main focus of work will be in the following areas:

A planned programme of food safety interventions in accordance with the Food Standards Agency Code of Practice targeting in particular those premises that are not currently ‘broadly compliant’ with food safety legislation;

- Complete all overdue interventions;
- The use of alternative interventions as defined by the Food Standards Agency Code of Practice for businesses that are ‘broadly compliant’;
- A coordinated food sampling programme in support of the above making use of the Public Health England allocation;
- Investigation of food and food premises complaints, and all outbreaks and incidents of food related illness;
- Develop existing officers to maintain competence and increase flexibility.
- Food Hygiene Rating Scheme – assessment of all businesses that have not been rated.
- Improvements to the Uniform Database accuracy and validity.
- The provision of information and advice on food safety to food businesses and consumers.
- Consider any requests from local businesses for the Council to enter into a Primary Authority Agreement.

Introduction

The Council, being a Food Authority, is responsible for the enforcement of food safety in approximately 1119 premises within the area of Hambleton District Council (HDC). This includes premises at all stages in the food chain with the exception of primary production of food, ranging from farm producers of food, food manufacturers and processors through to retail food premises, food vehicles, restaurants and other premises involving catering.

The FSA amended its Framework Agreement in April 2010 to take into account the Agency's new Vision for food law enforcement, and the FSA Framework for Regulatory Decision Making, which takes account of the Government's better regulation agenda and principles of good regulation. This Framework Agreement requires all local authorities to prepare a Food Service Plan which reviews the implementation of the previous year's plan and details the delivery of their food safety enforcement responsibilities for the current year.

This plan is seen as an important document ensuring that national priorities and standards are addressed and delivered locally.

This service plan will also:

- Focus debate on key delivery issues;
- Provide an essential link with financial planning;
- Set objectives for the future, and identify major issues that may cross service boundaries;
- Provide a means of managing performance and making performance comparisons.

This Food Service Plan has been drafted having regard to the FSA "Standard" and guidance and has been produced by the Environmental Health Service.

The plan seeks to ensure that all national priorities and standards are delivered locally and provides a balanced approach to local food safety enforcement. This is achieved by not merely directing resources towards the programmed inspection and intervention process, but also by ensuring that adequate provision is made to address food complaints, food poisoning notifications and other reactive work, advice to businesses, and also the ability to follow-up intelligence driven areas of work such as food fraud, sampling and targeted inspections.

Local authorities are permitted to select the most appropriate action to be taken to drive up levels of compliance by food establishments with food law.

Service Objectives and Links

The Aim of the food service plan

The Aim of the service is to ensure the safe and hygienic production, storage, distribution and sale of food and drink through the enforcement of legislation, the provision of advice and information to consumers and the operators of food businesses, and the collection of information about the microbiological quality of food produced or bought within the District

Objectives of the food service plan

- Delivery of an annual programme of food hygiene interventions including inspections and enforcement in accordance with statutory requirements, codes of practice and guidance.
- Supporting the annual interventions programme with an annual microbiological food and water sampling programme.
- Investigating complaints within service standards and to take appropriate action in accordance with Codes of Practice and Guidance.
- Supporting food businesses through the Business Friendly Scheme with targeted promotional advice and educational initiatives together with providing information and advice on food safety to food businesses and co-ordinating training.
- Taking appropriate enforcement action in accordance with the Council's Food Safety Enforcement Policy.
- Investigating cases and outbreaks of food borne infections in close co-operation with Public Health England and, where appropriate, other health care professionals.
- Ensuring that public and private drinking water supplies are safe and wholesome.
- Investigating and assessing the fitness of food and the hygienic conditions of food premises, practices and personnel.
- The inspection of hygiene on food vehicles and mobile food premises trading within the District.
 - Providing information about the hygienic standards of food premises through the Food Hygiene Rating Scheme
 - The provision of food safety advice to consumers, including taking part in food safety seasonal promotions.
 - Working with others to encourage healthy eating
 - Improving the way information is collected, analysed and used.
 - Ensuring that food imported from outside the EU, complies with the EC Regulations and, where this is found not to be case, taking appropriate action.

We will deliver this service in accordance with the 5 principles of good regulation:

1. Targeting (to take a risk based approach)
2. Proportionality (such as only intervening where necessary)
3. Accountability (to explain and justify service levels and decisions to the public and to stakeholders);
4. Consistency (to apply regulations consistently to all parties)
5. Transparency (being open and user-friendly)

Our work, detailed within this document aims:

- To achieve high levels of compliance with food law
- To assist businesses to understand and meet their legal obligations
- To target resources at those businesses in most need;
- To seek and respond to customer feed back;
- To minimise the risk of food poisoning and control outbreaks should they occur.

Links to corporate priorities

The Council's Plan sets out the prioritises as

- Providing Customer Excellence
- Driving Economic Development
- Promoting Health and Wellbeing
- Improving Waste and Recycling
- Delivering Services for a Changing Population

The Priorities for the Director of Planning and Environmental services are:

SERVICE AREA	PRIORITIES 2015/16
Development Management	Customer Care and Performance Supporting Council Priorities North Northallerton Implementation of CIL
Environmental Health and Licensing	Public Health Initiative Business Friendly Scheme Housing and Health Scheme
Housing	Gold Standard for Housing Options Service Affordable Housing Delivery
Pest Control	New Structure
Planning Policy and Conservation	New Local Plan Implementing the LDF

Waste and Street Scene

Waste Management Strategy
New Recycling Service
Procurements of Vehicles and
treatment of Recyclables
Health and Safety

The Business Friendly Scheme links with the Food Service plan by adding to the assistance given to business to aid compliance and promote good practice. The Food Service is an integral part of the Environmental Health Service.

Background

Profile of the Local Authority

Hambleton District Council
87,300 population
131,117 hectares
28 Local District Councillors
177 Parishes
78 Parish Councils
5 market towns
2 Parliamentary Constituencies

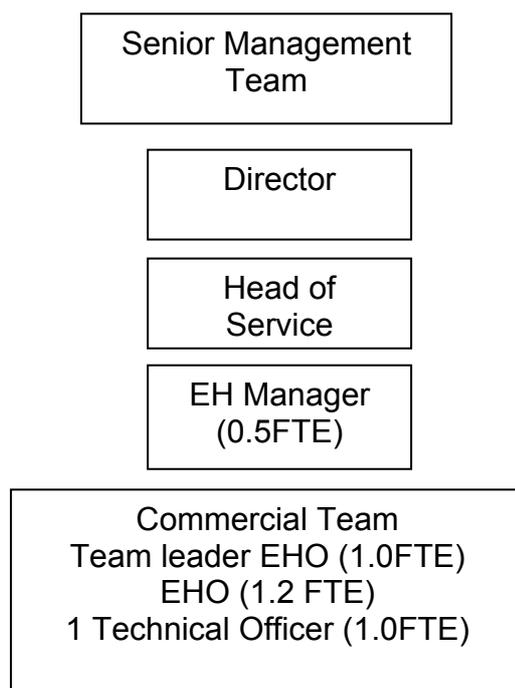
The District is a mixed area of urban and rural landscape. Predominant employment is associated with rural/farming and food manufacturing.

Being a rural district, there are 280 private water supplies. Many food businesses, outside the main towns and villages, are served by private water supplies and this poses additional problems in ensuring the safe operation of these businesses.

Political Arrangements

Under the Constitution of the Council the Director of Environment and Planning Services has delegated authority for all enforcement including food safety.

This Food Service Plan is reported to the Senior Management Team and the Licensing Committee



The Scope of the Environment Health Service

As the competent food authority the District Council is responsible for the full range of food hygiene duties under the Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013

With the following exceptions:

The North Yorkshire County Council, Trading Standards Service. is responsible for:

- Primary Production of Food,
- Food Standards (including Allergens labelling)
- Animal Feeding Stuffs
- Animal By-products

The FSA is responsible for:

- Meat Production,
- Egg Production
- Raw Cows Drinking Milk.

The environmental health commercial team deliver the following services:

- Food Hygiene Interventions
- Health & Safety Inspections, complaints and the investigation of accidents.
- Infectious Disease Control
- Animal Welfare Licensing
- Smoking enforcement
- Water Supplies (Private and Public)

The competencies of officers carrying out enforcement activities are based on qualifications, training and experience. These are reviewed as part of the annual performance review process, and whenever new legislation is introduced. Officer competency is a priority for the coming year, given the change in the Food Law code of practice.

Specialist External Services/Partners

Food Analytical Services	West Yorkshire County Analysts plus specialist service providers as necessary
Food Examiner	Public Health England - Microbiological Services, Food, Water and Environment Microbiology Laboratory at York
Proper Officer	Public Health England – Yorkshire and the Humber Consultant in Communicable Disease Control
Public Health	Director of Public Health, North Yorkshire County Council

Service Delivery Point:

Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU
Tel: 01609 767085
Fax: 01609 767248
Website: www.hambleton.gov.uk
Email: ehealth@hambleton.gov.uk

Demands on the Environmental Health Service

The area contains a mix of manufacturing, retail and catering premises. Catering and retail are the dominant sectors within this mix. The businesses are predominantly small to medium sized enterprises..

<i>Types of Premises</i>		
Laems cat.	Laems description	
A	Primary producers	16
C	Manufacturers etc	64
E	Importers/exporters	5
F	Distributors/transporters	30
G	Retailers	230
H	Restaurants & caterers	774
Total		1119
Of which:		
Approved premises (including egg packing establishments)		23
Large Food Manufacturers (Not Approved but supplying food on a national and European basis.		10
Premises where the Service acts as Primary Authority		0

Enforcement Policy

The Food Safety Enforcement Policy has been approved by members that incorporates all aspects of the food enforcement activity.

All enforcement action will be undertaken having regard to the Food Safety Enforcement Policy. This may range from informal action, through to the service of formal hygiene improvement or hygiene emergency prohibition notices, or ultimately the issue of simple cautions or recommendations for prosecution.

The aim of the food enforcement policy is to ensure that all food businesses within the District produce food that is safe to eat and that they comply with the requirements of food safety legislation. This enforcement policy is available through the Council's website.

In 2012 The Food Standards Agency completed a consultation exercise of the Framework for Policy Making in the FSA and we are awaiting the revision of the document. In the meantime we will continue to work the Framework Agreement Document dated April 2010.

Quality Management System

The Food Standards Agency requires that enforcement work be carried out in a consistent way throughout the United Kingdom. The mechanism for this is using Liaison Groups. The North Yorkshire Chief Environmental Health Officers have vested this work to the North Yorkshire Food Liaison Group. The North Yorkshire Quality Management System, is overseen by the North Yorkshire Food and Safety Liaison Group, and has been developed to address the issue of consistency.

The Council is a signatory to the North Yorkshire Chief Environmental Health Officer's Food Safety Quality Management System (QMS) It is the Council's policy to carry out all areas of food service delivery in accordance with this system and in particular to fulfil the inter authority audit requirements as set out in the quality system. The QMS helps to deliver a consistent service across the region. The implementation of local procedures within the QMS, and monitoring, has to be undertaken by the Lead Officer for Food.

Food Liaison Meeting and associated paper work 20 x 7.4	148 hours
File Monitoring across all enforcement activity	20 hours
Accompanied Inspections	15 Hours
Team meetings	80 hours
Development of local procedures	148 hours
Total Estimated Hours required to implement QMS	411 hours

In addition to improved consistency the QMS helps operational staff to build better working relationships with staff within other authorities, removes any insularity and helps to improve the speed at which best practice is developed, as officers recognise the value of their own input.

The authorities have a pragmatic approach to the use of such systems and they recognise they are there to push standards forward not just develop paper mountains. The integrity of the system must however stand up to examination and in this respect the Chief Officers Group challenges the integrity of the system through the review system.

The main purpose of the participating Authorities is the enforcement of legislation but within that work are a number of discrete areas.

The QMS aims to:

- Carry out inspections and investigate complaints to a consistently high standard. To achieve this, checks will be carried out on various stages within the process and recorded in an appropriate manner consistent with either the QMS or the authority's internal systems.
- Continuously monitor performance of the system and make changes and improvements where appropriate. To achieve this, the QMS will be subject to audits and management reviews.
- Ensure that only properly qualified, experienced and competent personnel are involved in Food Enforcement. To achieve this Nominated Officers have specific responsibilities for assessing officers against the QMS competency matrix.

- The QMS has been designed to suit the needs of each individual authority whilst maintaining consistency. The discrete Law Enforcement processes are detailed in the Framework documents and will be reflected in local procedures. All personnel dealing with these areas of Law Enforcement are expected to contribute to the quality effort and comply with the relevant Quality Management and Local Procedures.

The issue of consistency is discussed at Food and Safety Liaison Group and we regularly conduct consistency exercise within the team and across North Yorkshire.

The food service operates out of the Council's Civic Centre with members of the public having access during office hours. A range of information concerning Food Safety and enforcement is available on the Council's web site which allows online application for registration of a food business establishment, and queries and complaints to be submitted via e-mail.

Much of the service is delivered at the business premises and officers also visit residents to complete questionnaires, collect/deliver specimen pots and collect statements etc. Although most work is carried out during normal office hours, inspections, complaints and food complaint/premises investigations can also be undertaken outside of office hours.

The Council has an emergency call out system outside normal office hours with access to advice in the event an emergency.

Service Delivery

Interventions at Food establishments

The Council's policy is to carry out programmed interventions in accordance with the minimum frequencies specified in the current Food Safety Act; Food Law Code of Practice (England) (April 2015).

The Code defines the different types of interventions that Food Authorities may use and the circumstances in which they should be applied. Interventions are key to improving compliance with food law by food business operators. The range of possible interventions allows authorised officers to use their professional judgement to apply a proportionate level of regulatory and enforcement activities to each food business. Interventions are applied in a risk-based manner such that more intensive regulation is directed at those food businesses that present the greatest risk to public health.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to, "official controls".

"Official controls" are defined at EU level at Article 2(1) of Regulations 882/2004. They are any form of control for the verification of compliance with food law. Interventions that are official controls include:

- Inspections

- Monitoring
- Surveillance
- Verification
- Audit and
- Sampling where the analysis/examination is to be carried out by an Official Laboratory

Other interventions, i.e. those which do not constitute official controls include:

- Education, advice and coaching provided at a food establishment; and
- Information and intelligence gathering (including sampling where the analysis or examination is not be carried out by an Official Laboratory).

Where possible, any intervention delivered at a food establishment will be undertaken without prior notification. There will, however be circumstances when it is advantageous to give advance notice, particularly when the purpose of an intervention is to see a particular process in operation. Authorised officers will exercise discretion in this area guided by the overriding aim of ensuring compliance with food legislation.

Inspections/audits are all prioritised in accordance with the food safety risks posed by the premises. This is assessed in particular, in relation to the nature of the food handling involved, the level of compliance, and the quality/confidence of management.

The Code sets out how to risk-rate businesses and sets the minimum frequency of inspection. The risk categories range from A to E and inspection frequencies are shown below, alternative enforcement strategies may be used for low risk E rated premises.

Premises Risk category (and minimum inspection frequency)	Total Number of premises April 2015	Number of Premises due Inspection In 201516	Number of Premises Overdue As of 1 April 2015	Time (hours) required for each Intervention	Total Time Required for Intervention Program
Category A (6 Months)	8	16	1	17	225
Category B (12 Months)	67	67	2	7.5	517.5
Category C (18 Months)	331	184	17	5	269
Category D (24 Months)	199	118	5	4	492
Category E * (36 Months)	272	62	20	3	246
Unrated and others not recently visited*	266	(266)		3.5	931
Total	1143	447**			1503.5***

*Alternative enforcement strategies will be implemented for the majority of these low risk food premises in accordance with the Food Safety Act Code of Practice, and the North Yorkshire Chief Environmental Health Officers' Quality Management System procedures. This has not been done for over 5 years.

** Not including unrated premises

*** Not include E's or unrated premises

		Total Time (hrs)required
Estimated number of revisits	92	184
Estimated number of additional inspections to new premises	138	207
Estimated FHRS Revisits	50	100
Estimated Enforcement Formal Action 8% of all Interventions	35	138
Total	289	629 hours

Performance Indicators:	100% Category A premises 90% Category B premises 85% Category C premises 70% Category D
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National additional prioritises

The Food Standards Agency has issued guidance that requires all cold stores handling products of animal origin, without a genuine retail element to the final consumer to be approved under Regulation EC 853/04 within this financial year. Work will need to be conducted to identify such premises, request applications and subsequently approve them or take appropriate enforcement action. Initial investigations suggest that is appropriately 5 of cold stores within the district.

An neighbouring District Council was audited as part of focussed Food Standard Agency Audit in 2015 following a Food and Veterinary Office (FVO) mission to the UK on implementation of the EC Official Dairy controls in the UK., All Milk and Dairy Establishments will need to be visited in 2015 to ensure that controls are in place and the files comply with the current Code of Practice Guidance.

All premises with a FHRS score of 0, 1 or 2 are required to be re-included in the Intervention program after 3 - 6 months regardless of the risk rating, to stop consumers losing confidence in the Food Hygiene Rating Scheme.

FHRS Score	Number of Premises	Total Time (hrs) required to include these inspections prior to program inspection.
0	3	15
1	25	125
2	15	75
3	52	
4	109	
5	406	
Unrated	151*	
Total	761	215 hours

*As of April 2014

In addition to the Intervention program we have identified several local areas of targeted intervention.

- Approved premises (food manufacturers not selling to the final consumer)
- Festivals and outdoor events
- Category E premises not included in the FHRS, where the consumer would expect them to be included, for example B&B's and home caterers.
- Category E's that have not had an alternative intervention for over 5 years.
- Schools which have fallen out of the Food Hygiene program as they were rated as a Category E premises.

All premises subject to inspection are risk rated in accordance with the Code of Practice, and the details entered on the database so that future inspections can be programmed.

Each year, the number of inspections to be carried out in the following year are calculated, based on their risk, the date of the last inspection and other factors as appropriate, and these are then included in the Service Plan.

All new food establishments registered for the first time will be subject to an initial inspection and intervention ratings determined. When a Food Registration form is received it will be entered onto the Uniform database and added to the inspection programme for the year. New premises should be inspected within 28 days or as soon as is practicable and where appropriate, having regard to the likely risk the premises present in terms of their size and the types of operation carried out. In order to establish the risk a pre-inspection questionnaire is sent out with an “awaiting inspection” sticker, in order to prioritise inspections.

Premises registered with the authority cannot be subject to immediate inspection where they are not yet ready to open for business and/or where they are low risk. We aim to inspect all new premises where a desk top assessment indicates that they are high risk within 60 days and the remaining within 180 days of registration.

Premises requiring approval under EC Directives will be inspected, and conditional approval issued prior to opening for business by experienced officers with specialist knowledge of the process and appropriate legislation, and by suitably qualified staff thereafter.

When intelligence is received, in the case of a justified complaint or unsatisfactory sampling result, the Council will consider whether it is appropriate to conduct an inspection, partial inspection or audit to investigate the matter on a risk based approach.

Food Enforcement Interventions

All interventions will be carried out at appropriate intervals in accordance with the frequencies specified in the code of practice.

Establishments intervention rated category E

Establishments that have been given an intervention rating of category E for food hygiene may be subject to an Alternative Enforcement Strategy. Establishments will continue to be subject to official controls when investigating complaints. They must, as a minimum, be subject to an intervention which may take the form of an Alternative Enforcement Strategy, not less than once every three years.

Alternative enforcement strategies will be considered for the majority of low risk E category food establishments in accordance with the Food Safety Act Code of Practice, and the North Yorkshire Chief Environmental Health Officers' Quality Management System procedures.

However where the establishment in question is subject to approval under Regulation 853/2004 (Egg packing establishment) the use of Alternative Enforcement Strategies is not an appropriate form of intervention and will require a formal intervention.

The alternative enforcement strategy will involve questionnaire surveys to assess the hazards and risks associated with the businesses. Where risks are perceived as low and outside the scope of the FHRs these premises will be put on a 3 year inspection programme and not receive an inspection. Premises such as those providing only Bed and Breakfast will now require an inspection in order to receive a food hygiene rating. Inspections of these premises will only be undertaken upon request by the food business operator. Where intelligence is received suggest that problems may exist, those premises will be inspected as a matter of course.

New legislation is responded to, as necessary, through additional inspections and/or information for affected businesses. Where the impact of new legislation is known in advance, it will be included in the Service Plan and in the resource planning process as appropriate.

Food Information Regulations 2014

The Authority has entered into a memorandum of understanding with North Yorkshire Trading Standards Service. The MOU states that we will provide information and signposting to Food Business Operators (FBO) on allergens during programmed interventions and referred concerns about non-compliance to the North Yorkshire Trading Standards Service.

The National Food Hygiene Rating Scheme

On the 1st October 2010, the Food Standards Agency launched its 'Food Hygiene Rating Scheme' (FHRS). The FHRS has been designed to provide consumers with an indication of the food hygiene standards within premises within the scope of the scheme. The aim of the scheme is to give consumers an informed choice about hygiene standards when choosing where to eat or buy food.

Hambleton District Council launched the scheme in September 2011, the scores for businesses included in the scheme and inspected since 2008 can be found on the Food Standards Agency website.

The promotion of the FHRS is seen as a priority for the environmental health service and the Director, has stated that safe Food is important to every resident and visitor to the district.

In December 2014 we received a FSA grant to increase display of the FHRS stickers among premises with a rating of 3, 4 and 5 in the 5 market towns. This was part of a national initiative. The number of FHRS 5 premises displaying a sticker after a visit increased by 21% in Hambleton. We will continue to promote FHRS via targeted press releases and other initiatives.

One of the safeguards for food businesses is the ability to request a re-visit following an inspection. The revisits cannot take place until after a standstill period of 13 weeks following the initial intervention.. The re-inspection which is a full invention, will be undertaken within 13 weeks of the request, following the end of the standstill period.

There has been a steady increase in requests for revisits to check changes in score

Year	12/13	13/14	14/15	15/16
Number	11	12	32	50*
Hours	44	48	128	200

We predict that as the more members of the public become aware of the scheme, FBO are more likely to request a revisit or appeal, especially when the score is reduced from 5.

The time implication is the same as for the initial inspection as the majority of premises are rated A, B or C an average time taken to re-inspect is 4 hours per premises.

Appeals against the FHRs score.

The FHRs was launched in September 2011. When businesses were first notified of the score which was based on last inspection we had on record we received 3 appeals; the scores were based on the FSA guidance at the time and were amended in line with the FHRs guidance.

We received no further appeals until 2014/15. In 2014/15 we received 2 appeals, which were both upheld. We have already received one appeal this financial year again the appeal was upheld.

The time it takes to review the file and associated paper work is approximately 6 hours per appeal. Again this is likely to place increased burdens on the service and have allocated the time for 4 appeals within the calculation, for the resources required to operate the food service.

This is one of the FHRs scheme safeguards for business.

Actions following inspections

Each premises inspected will receive a written report of that inspection giving, where appropriate, information on any contraventions found, the action needed to remedy these contraventions and an appropriate timescale for any work, and any recommendations being made by the inspecting officer. Information and advice will also be given as appropriate, including a range of leaflets, face to face advice and information on-line via our web-site.

The actions that can be taken by the officer following an inspection are outlined in the Environmental Health Enforcement Policy and the Food Enforcement Policy, these will include the full range of enforcement action available including informal letters and advice, statutory notices, voluntary and emergency closure procedures through to prosecution where appropriate. In most instances, statutory and formal actions are only considered in the most serious cases, where informal action is unlikely to succeed or has previously failed to bring about improvements, or where there is a clear need to take such action to protect the public interest. Repetitive poor performance over the last 6 years will be criteria for appropriate enforcement action. This will also include those premises that improve after a formal intervention but standards deteriorate substantially between formal interventions.

Food hygiene premises may require re-visits to ensure compliance. The decision to make a revisit is based on;

- The seriousness of the risk to health represented by the work required and/or the nature of the non-compliance with appropriate legislation.
- The likelihood that the business will carry out the work and the period of time allowed for the work compared to the date of the next inspection.
- Premises with a FHRs score 0, 1 or 2 will be prioritised for re-visit and will re-programmed back into the inspection program early. It is important that consumers do not lose confidence in the FHRs and the up to date hygiene data is available,

However we will also revisit establishments as specified in the Code of Practice Intervention rating scheme, when a Food Business scores;

Hygiene	15 or greater
Structure	15 or greater
Confidence in Management	20 or greater

Establishments scoring one of the above scores will also be considered for formal action in accordance with the enforcement policy.

Recording Inspections

Premises inspections are recorded on our Uniform database for commercial premises, which generates the inspection program and statistical reports as required by the FSA. This information is backed up and saved as appropriate to minimise the risk of corruption or the loss of data.

Food hygiene records of premises, premises inspections and any contraventions found are kept on electronic file, along with details of any food complaints and other correspondence relating to that premises. Premises records are maintained for a minimum of 6 years with all earlier data deleted.

Food Complaints

Requests for service about the condition of food, food premises, practices or personnel are investigated. The Council’s policy is to give a first response within 3 working days to all food and food premises complaints. The performance standard is to respond to 95% of complaints within 3 working days.

	Time (hr) per complaint	Resource required in hours	
			Total
Estimated number of food complaints per annum	15	10	150
Estimated number of food premises complaints per annum	87	7	609

Home and Primary Authority Scheme

The operation of the Primary Authority scheme is a statutory responsibility of the Better Regulation Delivery Office (BRDO). The Primary Authority scheme ensures that businesses trading across authority boundaries are regulated in a consistent way. Companies have the legal right to form a partnership with a 'primary authority', providing robust and reliable advice on compliance that other councils must take into account, and setting inspection plans to guide and coordinate activity.

The Council is currently in conversation with several possible partners. A briefing paper has been prepared to senior management team and we are seeking approval from cabinet in summer to be able make formal agreements. This will done on a cost recovery basis.

The Council will continue to comply with the requirements of the Home Authority Scheme.

Advice to Business

The Council has a policy of offering advice to any business that has trading premises within our area unless the trader has a Primary Authority arrangement with another Local Authority.

Advice is also given when planning applications are submitted relating to new food businesses

The Council is continually developing its website in order to improve, in particular, the access to specialist food safety advice.

	14/15	Resource required in Hours
Estimated number of advice contacts per annum:	106	53*

*No time is specified within the service plan for further development of advice leaflets or the website.

Food and Environment Sampling and Inspection

The Council has a written and approved Food and Environment Sampling Policy in compliance with the Food Law Code of Practice. The Policy is to sample food and drink supplied, produced or sold within the District, in accordance with a planned sampling programme, to assess its safety and quality and where necessary in response to food complaints/investigations. The Council will also participate in North Yorkshire, Regional, National and European sampling programmes where relevant.

		Resource required	
Estimated number of routine food samples as part of the sampling programme per annum	305	1 hr per sample	305
Estimated number of complaint samples which will be	4	2 hours	8

submitted for examination/analysis			
Estimated number of surrender visits	1	4 hours	4
Number of Formal Samples submitted to Public Health England	1	4 hours	4
Investigations into unsatisfactory results including follow up samples.	45	2 hr per sample	90
			411

All formal food samples will be submitted to the West Yorkshire County Analyst for analysis or to Public Health England, Microbiological Services, Food, Water and Environment Microbiology Laboratory at York for examination.

All sample details will be submitted, where possible to the PHE Laboratory by UKFSS (a FSA software package.) and we will investigate uploading the results from the PHE laboratory to Uniform by UKFSS, to improve the accuracy of the data and prevent double handling.

Control and investigation of Outbreaks and Food Related Infectious Disease

The Council investigates all outbreaks and notifications of food related disease in accordance with procedures agreed with its North Yorkshire partners and advice from its Proper Officer. Close working links exist with North Yorkshire & York Community Infection and Control service, and other health organisations and groups in the region.

	14/15	Hours
Estimated number of notifications of food related infectious diseases per annum*	18	26
Investigation into case of E.coli 0157	3	37
Estimated number of outbreaks	1	37
Total		100

Note: The numbers reduced due change in notification of Campylobacter isolations, which are no longer reported to food authority by Public Health England.

Food Safety Incidents

The Council will comply with the Food Law Code of Practice in relation to the handling of national food safety incidents and alerts. This now includes Allergy Alerts.

	14/15	Hours
Estimated number of food alerts where action is required p.a.	12	24

Liaison with other organisations and partnership working

The Council participates in the following liaison groups or organisations related to food safety issues in an endeavour to ensure that the service and/or any enforcement action taken within the District is consistent with those of neighbouring local authorities, that service improvements can be identified, and that competence based training can be assessed.

- North Yorkshire and York Community Infection Prevention Team
- Public Health England – Yorkshire and the Humber team
- North Yorkshire Chief Environmental Health Officers Group and Associated Food Liaison Groups
- Uni-*form* User Group (Environmental Health IT system)
- Care Quality Commission (CQC)
- North Yorkshire District Control of Infection Committee (NYDCIC)
- North Yorkshire Health Protection Board
- Yorkshire Zoonoses Group
- Public Health England, PHE Food, Water and Environment Microbiology Laboratory, York Sampling Liaison Group
- Yorkshire Water
- Northumbrian Water
- OFSTED
- Better Regulation Delivery Office

The resources required for this work depends on the nature of issues discussed and frequencies of meetings, which are largely beyond the control of the Council.

We will work with other organisations to undertake joint initiatives and extend our effectiveness through this increased capacity.

Food Safety Promotion

We will be considering bidding for funds to undertake food safety promotions. The Service aims to be active in food safety promotions and tries to employ innovative approaches to ensure the food safety message reaches the widest possible target audience.

To assist proprietors of small businesses in meeting the legal requirements which came into force in January 2006, (the legislation was amended in 2013 the requirements remained the same.) In 2006 the Food Standards Agency introduced a simplified food safety management system, “Safer Food Better Business”, that they suggest should be promoted to catering businesses that need help. In 2015/16 we will continue to promote the uptake of this food safety management model within the District.

We promote food safety with messages on the Council’s website and with leaflets available from the Council offices.

We have promoted and will continue to promote Food Safety Week.

Since 2011/12 40 advice leaflets have been developed and publicised concerning food hygiene and safety. We will continue to develop this source of advice to the food trade and consumers.

We currently have a supply of SFBB packs available to assist for new and existing business comply with the legal requirements.

Food and Nutrition

The development of the new Public Health arrangements will result in opportunities for Local Authorities to develop food nutrition initiatives. These are especially valuable in this District because of the high levels of obesity and comparatively low levels of consumption of fruit and vegetables. This will be part of the Healthy Business Scheme.

Staff Development Plan

The Council's policy is to comply fully with the requirements of the Food Law Code of Practice in relation to staff training and the qualifications of Authorised Officers. This requires that food safety work is only undertaken by appropriately trained and experienced officers. This necessitates access to external training on specialist topics, supplemented by regular in-house and liaison group arranged update training for authorised food safety officers.

The Food Code of Practice which came into force on the 7th April 2015, states that we must implement the requirements of Chapter 4 in full by April 2016.

Lead and Authorised officers must now possess the relevant baseline qualification (or equivalent).

A staff competency scheme will be prepared to incorporate the existing national food competency schemes and to conform with the Council's Competency Scheme. This will be reviewed during 2015/16 and will incorporate the RDNA Tool on the BRDO website.

This is estimated to take over 40 hours per officer, plus the additional training.

The Authority has a Staff Development Scheme and general staff development is subject to annual appraisal and ongoing monitoring. In addition the Environmental Health Service subscribes to the North Yorkshire Chief Environmental Health Officers' Training Group and is able to influence training delivery based upon known training needs.

The revised code of practice also requires that we review training needs and CPD requirements of their officers on an annual basis and Lead Food Officers and Authorised Officers must obtain a minimum of 20 hours CPD per year, split into:

- A minimum of 10 CPD hours on core food matters directly related to the delivery of official controls;

- 10 hours on other professional matters (could include training needs identified by the Lead Food Officer during competency assessments/appraisals.)

The cost in hours of the training based on the existing team of 4 Officers is 240 hours.

Resources required

Financial Allocation

The Food Safety Service financial costs are contained within the 'Food Safety' cost centre. Further work will be undertaken during 2015/16 to ascertain the true cost of the service. The budget for the total food hygiene service is as follows.

Food Safety Service	2015/2016 budget
Staff costs	£88503
Transport costs	£4000
Supplies & services	£4000
Recharges	£1500
Total costs	£98003
Income	£12000
Net costs	£86003

Staffing Allocation

The Environmental Health Service is responsible for the delivery of a range of services in addition to food safety i.e. health and safety, health promotion, licensing, pollution control, air quality, contaminated land, environmental protection, housing standards & abatement of nuisance.

	f.t.e
The total resource currently available for the Commercial service	3.4
Technical Support	2.4
Of the above, the estimated in-house resource to deliver the food safety service of Technical support	0.8

Hours required to run the service.

Based on a Full time officer working 1736.5 hours per year, the Food service at Hambleton requires **2.65 FTE** Officers working solely on Food Safety

	Hours
NY QMS	411
Intervention Program and Enforcement	1503.5 + 629 = 2132.50
FHRS	215 + 200+24 = 439
Food / Premises Complaints	609+150 = 759
Advice to Business*	53
Sampling Program	411
Infectious Disease	100
Incidents and Alerts	24
Training	240 hours
Primary Authority	20
Total	4589.50

Managing the lack of resource.

The service will prioritise work by focusing on the following priority areas:

- Intervention Program, Officers will focus on premises which are rated A B or non-broadly compliant C's, in accordance with the FSA Code of Practice.
- New food premises registrations, We will prioritise the premises producing or handling high risk foods.
- Premises with a FHRS score of 0, 1 or 2 - including targeted enforcement action where progress is inadequate.
- Infectious Disease investigations, especially in relation to E.coli 0157, Listeria and Salmonella.
- FSA Incidents and Alerts for action, in all cases where we have a responsibility.
- Approved premises Interventions- in all cases we will maintain our involvement.
- Primary authority we aim to develop one or two arrangement's as part of our business friendly scheme.
- Advice and support to FBO's via the business friendly scheme.
- The business friendly scheme will be implemented by using where possible, external funding to provide additional staff.

Review

Reviews against the Service Plan

This Service Plan is prepared by the Commercial team leader together with the Environmental Health Manager. The draft plan is then agreed with the appropriate Director and submitted for approval by the Licensing Committee.

The Service Plan will be reviewed by the Environmental Health Manager against the 5 key service monitoring indicators identified in Annex 3 of this Service Plan at least annually and results reported to the Portfolio Holder. The review will be linked with the annual budgetary process and the review of service performance. Performance is monitored monthly within the service with a quarterly management review of progress reported to Hambleton District Council's Senior Management Team.

The Plan is reviewed every year or whenever legislation or Guidance is published that affects the content of the plan and in the light of previous performance, feedback from food businesses, consumers, other stakeholders and partners

Identification of any variance from Service Plan 2014/15

Last year has again been another exceptionally busy year with the staff involved in working on developing the District's services and developing processes.

Our involvement in work associated with the approval of new manufacturing premises under the product specific legislation, has continued. This work requires a high level of technical skill and is very demanding on resources.

Significant input was made to the food hygiene standards in readiness for the Tour de France in July 2014.

Key Service Achievements 2014/15

Key service achievements over the period of the plan included:-

- Produced information leaflets to help food businesses during Tour de France in July 2014.
- Changed all documents, letters and notices following changes in food hygiene legislation;
- Whistleblowing Policy created and approved;
- Promotions undertaken in relation to food hygiene in Village Halls, The use of eggs in catering establishments and the dual use of vacuum packing machines;
- Participation in a North Yorkshire exercise in relation to theft and illegal slaughter of sheep;
- Work started with Fire and Rescue Service promoting joint issues in bed and breakfast premises;
- FSA funded coaching on the 4 C's to 14 Takeaway premises with a FHRS score of 2 or below.

- FSA grant funded work on encouraging the display of FHRS scores in the 4 Market Towns for premises with FHRS of 3 or above.
- Considerable amount of time and effort was put into defencing an appeal against service of Remedial Action Notice on a home producer of pate which required approval. As well as the appeal, the FBO went through the council's complainants procedure to the ombudsman where the complaint was dismissed and the Council insurance company.

Details of further achievements in relation to the service plan 2014/15 in Annex 3.

Customer Satisfaction Survey

Business perception of the service was surveyed during 2014/2015. The responses were as follows:-

FOOD HYGIENE INSPECTION SURVEY							
2014 summary							
42 paper responses received							
Please indicate below:							
				Yes	No	Not sure	
	Did the officer clearly explain the reason for the visit?			42 (100.0%)	0 (0.0%)	0 (0.0%)	
	Were you given the opportunity to ask questions?			42 (100.0%)	0 (0.0%)	0 (0.0%)	
	Was the contact helpful?			42 (100.0%)	0 (0.0%)	0 (0.0%)	
	Did you feel you were treated fairly?			41 (97.6%)	1 (2.4%)	0 (0.0%)	
	Did you understand what actions were required after the visit?			42 (100.0%)	0 (0.0%)	0 (0.0%)	
If you felt you were dealt with unfairly, what issues caused you concern?							
1) Excellent and helpful Inspector. Jane was very informative and approachable.							
		<i>Very satisfied</i>	<i>Fairly satisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Fairly dissatisfied</i>	<i>Very dissatisfied</i>	N/A
	Your satisfaction with the overall service provided?	37 (88.1%)	5 (11.9%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)

Areas for Improvement 2015/16

The following areas of service development have been identified for 2015/16: and are included in Annex 2.

Glossary of Terms

Duty Holder

The individual or corporate body with the primary responsibility for meeting the legal requirements in the area under consideration.

Enforcing Authority

All authorities are enforcing authorities and accept that, notwithstanding the Home Authority Principle, each local authority retains its ultimate statutory responsibility for the enforcement of the law.

Food Business Operator.

Food Business Operator means the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control;

Food Hygiene Interventions

Food hygiene interventions are activities which are designed to monitor, support and increase Food Law compliance within a food establishment. These include 'official controls' such as monitoring, surveillance, verification, audit, inspection and sampling. In addition, there are other interventions which are not classed as 'official controls' which should assist in supporting food businesses achieve compliance with Food Law. These include the provision of targeted educational and advisory visits that take place at food establishments and also information and intelligence gathering.

Food and Veterinary Office FVO

The FVO carries out audits, inspections and related non-audit activities to ensure that EU legislation on food safety, animal health, animal welfare, plant health and in the area of medical devices is properly implemented and enforced. This means EU citizens enjoy a high level of safety, and that goods are traded under safe conditions.

Home Authority

A local authority acting as home authority has a particularly important role within the system. The function of giving advice on regulation, good practice and remedial action is a legitimate aspect of enforcement. The home authority will prioritise surveillance of the practices and policies of businesses based within its area. In particular it will:

North Yorkshire Chief Environmental Health Officers (NYCEHO) Food Safety Quality Management System

A quality system developed through the Chief Environmental Health Officers Group within North Yorkshire in order to raise standards and consistency of food safety enforcement within the region.

Originating Authority

An originating authority will closely monitor production and should acknowledge that advice and surveillance at source minimises duplication, enabling enforcing authorities to concentrate on hazard, fraud and complaint. It may also:

QMS

Quality management system (QMS) is a collection of business processes focused on achieving quality policy and quality objectives to meet customer requirements. It is expressed as the organizational structure, policies, procedures, processes and resources needed to implement quality management

Primary Authority

The operation of the Primary Authority scheme is a statutory responsibility of the Better Regulation Delivery Office. The Primary Authority scheme ensures that businesses trading across council boundaries are regulated in a consistent way. Companies have the legal right for the first time to form a partnership with a 'primary authority', providing robust and reliable advice on compliance that other councils must take into account, and setting inspection plans to guide and coordinate activity.

Portfolio Holder

Elected Councillor with specific responsibility for food safety matters.

Regulators' Code

A code of practice developed by the Better Regulation Delivery Office (BRDO) intended to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses, charities, public sector bodies and other regulated entities.

RDNA Tool

rdna-tool.bis.gov.uk/

The RDNA self-assessment tool is an interactive website that provides a robust process enabling regulators to identify and prioritise their development needs.

“Safer Food Better Business” (SFBB)

SFBB is a food safety model which has been adopted by the FSA in England, to assist small businesses with the implementation of suitable management arrangements to control food safety within their business.

Simple Caution

An alternative to prosecution which aims to:-

- deal quickly and simply with less serious offenders,
- divert offenders where appropriate from appearing in the criminal courts, and
- reduce the chances of people re-offending.

Stakeholder

A person or body, both within the community or the organisation in question, who either uses, or is affected by, or has some interest in, the service in question.

UKFSS

The UK Food Surveillance System (UKFSS) is a national database for central storage of analytical results from feed and food samples taken by enforcement authorities (local authorities and port health authorities) as part of their official controls

Annex 1 Food Service Plan - Monitoring Criteria

	Service Plan Section	Indicator	Standard	Target
1	4.1	To deliver the required number of premises inspections while maintaining quality.	Sec 7 – FSA*	100% A , 90% B, 85% C, 70% D All within the reporting year (April to March)
2	4.2	To resolve all food complaints and food premises complaints.	Sec 8 – FSA	95% first response within 1 working day 95% resolved within 3 months
3	4.3	To pursue the Home and Primary Authority Principle.	Sec 9 – FSA	To provide advice to all food businesses where Home and Primary Authority arrangements are in place.
4	4.4, 4.9	To promote safe food through advice to business and promotional activity.	Sec 10 - FSA Sec 21 – FSA	To include each year at least 1 of the FSAs examples within their enforcement mix.
5	4.5	To achieve the target demanded by the food sampling programme.	Sec 12 – FSA	90% of target within the local food sampling plan of which 10% is of imported food.
6	4.6	To investigate all incidents of food borne illness notified to the authority.	Sec 13 – FSA	To be determined by North Yorkshire Infectious Disease sub group (reporting to the North Yorkshire Food Liaison Group).
7	4.7	To investigate and take action on all food hazard warnings.	Sec 14 – FSA	100% actioned in accordance with local decisions.
8	4.8	To promote liaison with other key organisations.	Sec 18 – FSA	Each authority will be represented at the North Yorkshire Food Liaison Group, have liaison arrangements with their Public Health England Laboratory Service and the North Yorkshire Control of Infection Committee.
9	3.7	To monitor compliance of enforcement decisions with Enforcement Policy		To be fully developed following revision of the Food Safety Enforcement Policy

Annex 2 FOOD SERVICES

1. Proactive services

Ref.	Action	Anticipated outcome	Timescale	Progress
F.1.1	Carry out full or partial inspections or audits at all category A premises	Achieve 100% intervention rate within 28 days of due date at 6 monthly intervals	31/3/2016	
F.1.2	Carry out full or partial inspections or audits at all category B premises	Achieve 90% intervention rate within 28 days of due date of all premises not inspected within past 12 months.	31/3/2016	
F.1.3	Carry out full or partial inspections or audits at all category C premises that are not broadly compliant and interventions at all broadly compliant category C premises	Achieve 85% intervention rate at all targeted premises not inspected within past 18 months	31/3/2016	
F.1.4	Carry out interventions at all category D premises	Achieve 70% intervention rate alternating between inspections and other planned interventions at targeted premises not inspected within past 24 months	31/3/2016	
F.1.5	Participate in Inter-authority auditing scheme	Compliance with NYQMS requirements	31/3/2016	
F.1.6	Revisits to premises where significant statutory requirements have been identified *	Achieve 90% revisits to premises requiring a revisit.	31/3/2016	
F.1.7	Devise and implement proactive sampling programme	Achievement of 90% of programme of which 10% is of imported food.	31/3/2016	
F.1.8	Undertake private water sampling programme and risk assessments,	Compliance with PWS Audit Report 2014 and Regulations	31/3/2016	

	updating records on Uni-form			
F.1.9	Carry out routine calibration programme for temperature measurement equipment	Equipment maintained in efficient working order	31/3/2016	
F.1.10	Complete LAEMS return and submit to FSA	Completed statistical return.	30/6/2015	

*Defined as non-broadly compliant premises or FHRS score 0, 1, or 2

2. Reactive services

Ref.	Action	Anticipated outcome	Timescale	Progress
F.2.1	Investigate all requests for service in relation to defective food	Compliance with Food Enforcement Policy.	31/3/2016	
F.2.2	Respond to requests from other Authorities as the Originating Authority in relation to food complaints involving producers situated in the District	Provision of requested information	31/3/2016	
F.2.3	Respond to information obtained or provided in relation to food incidents/hazards and ENF letters	Compliance with requirements according to the nature of the food hazard	31/3/2016	
F.2.4	Respond to information obtained or provided in relation to food alerts	100% compliance with requirements according to the nature and priority of the advice from the FSA.	31/3/2016	
F.2.5	Consider applications for approval of premises under 853/04 Products of animal origin, and provide information to FSA	Efficient enforcement of product-specific legislation within time limits in procedure	31/3/2016	
F.2.6	Registration of new food businesses and amendment to existing registrations	Efficient maintenance of public register.	31/3/2016	
F.2.7	Inspection of new food premises following receipt of information.	Visits to all premises nominally rated A, B or C to check rating.	31/3/2016	
F.2.8	Implementation of Primary Authority Scheme	Development of Primary Authority scheme if requested by business	31/3/2016	
F.2.9	Provision of advice and information to food businesses	Respond to requests for information.	31/3/2016	
F.2.10	Investigation and control of cases	Efficient control of food borne	31/3/2016	

	and outbreaks of food borne infections	infections.		
F.2.11	Provide reports on PWS to Defra	Compliance with requirements	PWS	31/1/2016
F.2.12	Respond to matters of evident concern raised by whistleblowers, colleagues or other agencies.	Compliance with legislation		31/3/2016
F.2.13	Investigate all requests for service in relation to food premises, practices and personnel	Compliance with Enforcement Policy	Food	31/3/2016

3. Service development and improvement

Ref.	Action	Anticipated outcome	Timescale
F.3.1	Develop and implement private water supplies module on Uniform v10	Full electronic recording of information and data	31/12/2015
F.3.2	Investigate the feasibility of introducing electronic collection of information and data during food interventions (subject to IT availability)	Improved efficiency of recording information and reducing administration time.	31/3/2016
F.3.3	Develop and implement process to monitor quality and sufficiency of public water supplies and take action as required.	Provision of information to both Districts	31/3/2016
F.3.4	Undertake an interventions project involving all category E premises	Achieve 50% intervention rate in accordance with Alternative Enforcement Scheme at all premises not visited within past 36 months.	30/9/2015
F.3.5	Evaluate the feasibility of using standard phrases and revised reports for leaving on site following interventions	Satisfactory means of communicating results of inspections	30/9/2015
F.3.6	Review the laboratories used for drinking water analysis and examination in conjunction with procurement colleagues.	Approved contractor for competence and value for money	30/9/2015
F.3.7	Develop and host a private water supply training event for supply owners	Raised level of awareness of PWS requirements and how to comply with them	31/3/2016
F.3.8	Develop, market and hold SFBB hygiene training courses, 2 English, 1 Bengali and 2 Chinese	Raised level of knowledge about SFBB amongst attendees	31/3/2016
F.3.9	Develop Advice visit for new	New service to prospective food	31/3/2016

	businesses to be offered prior to first inspection visit	businesses		
F.3.10	Develop market and hold Level 2 food hygiene course using external trainer.	Raised level of knowledge amongst attendees.	31/3/2016	
F.3.11	Carry out a survey of food businesses to find out what they expect or want from us	Intelligence upon which services can be based	31/3/2016	
F.3.12	Improve process for assessing the risk associated with new premises and visiting in accordance with rating	Risk rated interventions at new premises.	31/3/2016	
F.3.13	Develop and implement BFDO financed initiative (if approved)	Support to businesses	31/3/2016	
F.3.14	Support Food Safety Week	Promotion of Food Safety in the home	15/05/15	
F.3.15	Review the Food Hygiene Inspection forms and develop new one to reflect the type of business and the requirements of the Code of practice.	A series of new aide memories	30/09/15	
F.3.16	Develop a documented procedure for enforcement	Develop a procedure for enforcement including model form which can be used on site.	30/06/15	
F.3.17	Development of a new competence framework for officers in accordance with Code of Practice.	New framework will be introduced	30/06/15	
F.3.18	Increase the use of UKFSS to submit samples to official laboratories and investigate the uploading of the results via UKFSS directly back into Uniform	Reduce handling	30/09/15	
F3.19	Develop a new website for all aspect of the food service	Develop new pages.	30/06/15	

Annex 3 ACHIEVEMENTS OVERALL SERVICE QUALITY OBJECTIVES for 2014-2015

COMMERCIAL SERVICES

FOOD SERVICES

Indicator	Target	Achieved	RAG	Definition
1. % of first responses to routine requests for service actioned in 3 w.d	90%	90%		A first response is the date when a response has been given to the requestor, either orally or in writing, with an explanation of what can be done, who will do it, their contact details, approximately how long it might take and what will happen next.
2. % compliance with quality procedures	90%	Not done		Quality procedures will be produced covering all significant services – an agreed list of services within each function. Internal monitoring systems will be developed to monitor compliance with procedures, each with a scoring system to represent the degree of compliance
3. % compliance with inspection programmes	95%	Unable to measure accurately		Inspection programmes.
4. % of compliant businesses	88%	80%		Compliant businesses will be rated according to service specific schemes
5. % of customer satisfied	90%	100%		Customer satisfaction processes to be implemented in relation to all significant services (as agreed). Satisfaction to be measured on a 5 point scale. Scoring to be undertaken by allocating scores of 5, 4,3,2,1 with 5 representing strong satisfaction. Scores to be aggregated on each quarter. Satisfaction will be the % of responses received with an average score greater than 3.

1.0 Proactive services

Ref.	Action	Anticipated outcome	Timescale	Achievements
F.1.1	Carry out full or partial inspections or audits at all category A premises	Achieve 100% intervention rate within 28 days of due date at 6 monthly intervals	31/3/2015	2 premises rated A were not inspected within target of 28 days.
F.1.2	Carry out full or partial inspections or audits at all category B premises	Achieve 90% intervention rate within 28 days of due date of all premises not inspected within past 12 months.	31/3/2015	Achieved
F.1.3	Carry out full or partial inspections or audits at all category C premises that are not broadly compliant and interventions at all broadly compliant category C premises	Achieve 85% intervention rate at all targeted premises not inspected within past 18 months	31/3/2015	Achieved
F.1.4	Carry out interventions at all category D premises	Achieve 70% intervention rate alternating between inspections and other planned interventions at targeted premises not inspected within past 24 months	31/3/2015	Achieved
F.1.5	Participate in Inter-authority auditing scheme	Compliance with NYQMS requirements	31/3/2015	Due to review of the NY QMS inter audit auditing was suspended until the system has been fully reviewed in accordance with FSA auditing toolkits
F.1.6	Revisits to premises where significant statutory requirements have been identified	Achieve 90% revisits to premises requiring a revisit.	31/3/2015	Achieved
F.1.7	Devise and implement proactive sampling programme	Achievement of 90% of programme of which 10% is of imported food.	31/3/2015	Sampling Programme achieved but no imported food samples taken.

F.1.8	Undertake private water sampling programme and risk assessments, updating records on Uni-form	Compliance with PWS regulations	31/3/2015	All Regulation 9 supplies were assessed but 65 Regulation 10 remains outstanding.
F.1.9	Carry out routine calibration programme for temperature measurement equipment	Equipment maintained in efficient working order	31/3/2015	Achieved
F.1.10	Complete LAEMS return and submit to FSA	Completed statistical return.	30/6/2014	Achieved

1. Reactive services

Ref.	Action	Anticipated outcome	Timescale		
F.2.1	Investigate all requests for service in relation to defective food	Compliance with Food Enforcement Policy.	31/3/2015		Achieved
F.2.2	Respond to requests from other Authorities as the Originating Authority in relation to food complaints involving producers situated in the two Districts	Provision of requested information	31/3/2015		Achieved
F.2.3	Respond to information obtained or provided in relation to food incidents/ hazards	Compliance with requirements according to the nature of the food hazard	31/3/2015		Achieved
F.2.4	Respond to information obtained or provided in relation to food alerts	100% compliance with requirements according to the nature and priority of the advice from the FSA.	31/3/2015		Achieved
F.2.5	Consider applications for approval of premises under 853/04 Products of animal origin, and provide information to FSA	Efficient enforcement of product-specific legislation within time limits in procedure	31/3/2015		Achieved
F.2.6	Registration of new food businesses and amendment to existing registrations	Efficient maintenance of public register.	31/3/2015		Achieved
F.2.7	Inspection of new food premises following receipt of information.	Visits to all premises nominally rated A, B or C to check rating.	31/3/2015		Premises were not nominally rated. XX % of new premises were inspected.
F.2.8	Implementation of Primary Authority Scheme	Development of Primary Authority scheme if requested by business	31/3/2015		Achieved
F.2.9	Provision of advice and information to food businesses	Respond to requests for information.	31/3/2015		Achieved

F.2.10	Investigation and control of cases and outbreaks of food borne infections	Efficient control of food borne infections.	31/3/2015	Achieved
F.2.11	Provide reports on PWS to Defra	Compliance with PWS requirements	31/1/2015	Achieved
F.2.12	Respond to matters of evident concern raised by whistleblowers, colleagues or other agencies.	Compliance with legislation	31/3/2015	Achieved
F.2.13	Investigate all requests for service in relation to food premises, practices and personnel	Compliance with Food Enforcement Policy	31/3/2015	Achieved

Service development and improvement

<i>ef.</i>	<i>Action</i>	<i>Anticipated outcome</i>	<i>Timescale</i>	<i>Achievements</i>
F.3.1	Develop and implement private water supplies module on Uniform v10	Full electronic recording of information and data	31/12/2014	Uniform was not up graded version 10
F.3.2	Investigate the feasibility of introducing electronic collection of information and data during food interventions (subject to IT availability)	Improved efficiency of recording information and reducing administration time.	31/3/2015	Ongoing
F.3.3	Develop and implement process to monitor quality and sufficiency of public water supplies and take action as required.	Provision of information to the Districts	31/3/2015	Achieved
F.3.4	Undertake an interventions project involving all category E premises	Achieve 50% intervention rate in accordance with Alternative Enforcement Scheme at all premises not visited within past 36 months.	30/6/2014	Ongoing questionnaires started to be developed.
F.3.5	Evaluate the feasibility of using standard phrases and revised reports for leaving on site following interventions	Satisfactory means of communicating results of inspections	30/9/2014	Paragraphs have been developed and currently investigating how to up load them on to uniform.
F.3.6	Review the laboratories used for drinking water analysis and examination in conjunction with procurement colleagues.	Approved contractor for competence and value for money	30/9/2014	Placed on hold until the service was repatriated.
F.3.7	Develop and host a private water supply training event for supply owners	Raised level of awareness of PWS requirements and how to comply with them	31/3/2015	Achieved
F.3.8	Develop, market and hold SFBB hygiene training courses, 2 English, 1 Bengali and 2	Raised level of knowledge about SFBB amongst attendees	31/3/2015	To be developed as part of the Business Friendly Scheme.

	Chinese				
F.3.9	Develop Advice visit for new businesses to be offered prior to first inspection visit	New service to prospective food businesses	31/3/2015		To be developed as part of the Business Friendly Scheme.
F.3.10	Develop, market and hold Level 2 food hygiene course using external trainer.	Raised level of knowledge amongst attendees.	31/3/2015		To be developed as part of the Business Friendly Scheme.
F.3.11	Carry out a survey of food businesses to find out what they expect or want from us	Intelligence upon which services can be based	31/3/2015		To be developed as part of the Business Friendly Scheme.
F.3.12	Improve process for assessing the risk associated with new premises and visiting in accordance with rating	Risk rated interventions at new premises.	31/3/2015		New procedure and system developed.
F.3.13`	Develop and implement BFDO financed initiative (if approved)	Support to businesses	31/3/2015		Ongoing
F.3.14	Implement Food Information Regulations in relation to allergens	Raise awareness of implications in relation to allergens	31/12/2014		MOU developed with NYCC TS and information sheets made available to business.

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HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
21 July 2015

From: Executive Director

Subject: **HEALTH & SAFETY INTERVENTION PLAN 2015-2016**

All Wards

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to present for approval the Health & Safety Intervention Plan for 2015-2016 in order to meet a requirement of the National Local Authority Enforcement Code published by the Health & Safety Executive.
- 1.2 The Code provides direction to Local Authorities on meeting the requirements and reporting on compliance. It is given legal effect as HSE guidance to LAs under section 18(4)(b) of the Health & Safety at Work etc. Act 1974.

2.0 INFORMATION AND ANALYSIS

- 2.1 In May 2015 the Health & Safety Executive published its circular LAC 67/2 (Rev 4.1). This provides guidance under section 18 and the tools for priority planning and targeting interventions to enable them to meet the requirements of the National Local Authority Enforcement Code.
- 2.2 The Code requires Local Authorities to consider a range of regulatory techniques (interventions) to influence the management of risk by a business.
- 2.3 Annex G of the Code sets out the list of activities/sectors for proactive inspection by Local Authorities. Only these activities should be subject to proactive inspection.
- 2.4 The priorities detailed in the proposed intervention plan have been devised following discussion amongst enforcement staff at other North Yorkshire Local Authorities in order to develop a co-ordinated approach. Further local priorities have been identified in the light of local knowledge.
- 2.5 Two significant interventions being implemented this year is the Environmental Health Service's Business Friendly Scheme and Healthy Business Scheme. The aim of the first scheme is to expand our services based on research into the needs of local businesses in order to help businesses comply with regulatory requirements. The second scheme is aimed at encouraging improvements in the health and welfare of employees, and through them the businesses in which they work, by working with Public Health colleagues and others tackling major causes of ill health caused by alcohol, tobacco, poor diet and physical inactivity.

3.0 LEGAL IMPLICATIONS:

- 3.1 The Local Authority has a duty to enforce the provisions of the Health and Safety at Work etc. Act 1974 and its associated legislation. This plan sets out how this Council will comply with its duty

4.0 FINANCIAL IMPLICATIONS:

4.1 Implementation of the Health & Safety Intervention Plan will be within existing budgetary provisions.

5.0 RISK ASSESSMENT:

5.1 There are no significant risks associated with this Plan.

6.0 EQUALITY/DIVERSITY ISSUES

6.1 The Health and Safety Intervention Plan contributes to overall service objectives to protect and improve people's living and working environment, air, food and water and our physical surrounds and contribute to the reduction in health inequalities.

7.0 RECOMMENDATIONS:

7.1 That the Health and Safety Intervention Plan 2015-2016 be approved.

MICK JEWITT

Background papers: Health & Safety at Work etc. Act 1974
National LA Enforcement Code. HSE. May 2013
Regulators' Code. BIS. July 2013
Business Friendly Scheme. Environmental Health Service. 2013
Healthy Business Scheme. Environmental Health Service . 2013

Author ref: PM

Contact: Philip Mepham
Environmental Health Manager
Direct Line No 7037

210715 HS intervention plan 2015 -2016

HAMBLETON DISTRICT COUNCIL
ENVIRONMENTAL HEALTH SERVICE

HEALTH & SAFETY INTERVENTION PLAN

2015/2016

Date of Issue

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Matthew Saxon	19/6/15

What are your priorities? Decide your intervention priorities ¹	Why intervene? Evaluate your evidence ² .	Where to intervene? Consider the sectors and activities to be targeted ³ .	How to intervene? Consider the range of interventions ⁴ available.	When to intervene? Time your interventions ⁵ .	Who should intervene? Determine resources ⁶ .
Retail/wholesalers and distribution premises					
<p>Fatalities/injuries resulting from being struck by vehicles</p> <p>Fatalities/injuries from falls from height</p>	<p>To achieve better management of workplace transport and work at height</p>	<p>Retail/wholesalers and distribution premises</p>	<p>1. Letters sent to all industrial retail/wholesale premises with questionnaire to enable risk rating and to offer advice and support</p> <p>2. Risk rating undertaken using returned questionnaire and follow up calls to non-responders</p> <p>3. Proactive inspection to those deemed the highest risk to ensure adequate control of work at height and work place transport</p>	<p>Stage 1 mid July to mid Aug</p> <p>Stage 2 middle to end of Aug</p> <p>Stage 3 Sep to Mar 2015</p>	<p>MS to lead</p>
HSE national priorities - issues to be raised if appropriate during general visits					
<p>1. Raise awareness of Construction (Design and Management) Regulations (CDM) 2015</p> <p>2. Falls from height – work on/adjacent to fragile roofs/materials</p> <p>3. Respirable silica dust</p> <p>4. Duty to manage asbestos</p>					
<p>Raise awareness of Construction (Design and Management) Regulations (CDM) 2015 at</p>	<p>To contribute to compliance with new CDM Regs by</p>	<p>At commercial premises where owners/occupiers</p>	<p>1. Officers to be familiar with the HSE short guide for clients on CDM so that they can advise owners/occupiers</p>	<p>Reactive – at team meetings in August</p>	<p>All officers likely to visit relevant commercial</p>

commercial premises where owners/occupiers appear likely to be clients for construction work	raising awareness of legal duties amongst clients	appear likely to be clients for construction work	appropriate and refer them to appropriate guidance	premises to be briefed by MS during team meetings
Falls from height – work on/adjacent to fragile roofs/materials – when identified during visits Officers to discuss the associated risks, to ensure that prospective clients for repair work are aware of their duties under the CDM 2015 AND maintenance work at height is done using a safe system with prior assessment of risks	Nationally falls through fragile roofs occur frequently and often lead to fatalities or serious injuries. This can include simple jobs like employees cleaning gutters out for their employer	During proactive inspections looking at work at height at retail/wholesalers and distribution premises AND when identified during the course of other visits	1. To raise awareness of the issue during proactive inspections - Officers to be familiar with the Fragile roofs – Safe working practices guidance 2. Reactive MEC dealt with during visits or referred to HSE	All officers likely to visit relevant commercial premises to be briefed by MS during team meetings – details of actions to be recorded under new Uniform ref
Respirable silica dust – during visits Officers may come across minor construction work that is generating significant quantities of silica dust that give rise to MEC	Dust containing harmful respirable silica can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors	When identified during the course of other visits	Poor standards addressed with dutyholders using HSE guidance and referred to HSE if appropriate	All officers likely to visit relevant commercial premises to be briefed by MS during team meetings – details of actions to be recorded under new Uniform ref
Duty to manage asbestos		In premises likely to	Raise awareness of duty to manage with	Reactive– Briefing done in August

			contain asbestos (i.e. built before 2000)	dutyholders and relevant guidance AND MEC dealt with when identified regarding failure to manage the risks (e.g. failure to maintain in a safe condition or minor construction work that breaches fabric of building without proper surveys, controls or planning)	August	to visit relevant commercial premises to be briefed by MS during team meetings – details of actions to be recorded under new Uniform ref
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Infection control at animal visitor attractions

Infection control at animal visitor attractions	History of poor infection control issues at animal visitor attractions including 2 cryptosporidiosis and 2 E-coli outbreaks linked to one premises alone within our district. Need to visit to ensure that they are aware of and implementing controls identified in the Industry Code	6 premises in HDC. Those with animal contact will be prioritised for a visit.	Inspection	Inspections undertaken at same time as animal welfare licensing visits	MS and CW
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	of Practice.				
Carbon monoxide poisoning / Gas safety					
		<p>1. Where we become aware of solid fuel being burnt e.g. solid fuel stoves then inspections will be undertaken to ensure risks from carbon monoxide exposure being controlled.</p> <p>2. Food Inspectors will be briefed on signs of poorly maintained gas appliances/installations, and checks on these will be undertaken routinely by adding a section to the Food Inspection Record Form. Appropriate action taken where necessary.</p> <p>3. 1 x Article for Food Newsletter to remind premises of their legal obligations.</p> <p>4. Gas safety information sent out with food premises registration documents.</p> <p>5. Link from Food pages on website to be put on to info on Gas Safety.</p> <p>6. Explore other avenues for raising awareness and checking compliance such as through the</p>	<p>1. Food inspectors briefed of risks in August then MEC – reactive</p> <p>2. Separate briefing session and changes to inspection form for September</p> <p>3. For next food newsletter</p> <p>4. From September</p> <p>5. When new website is up and running info to be added</p> <p>6. To be considered by the SAG chair</p>	<p>1. MS</p> <p>2. MS</p> <p>3. MB</p> <p>4. MB</p> <p>5. SB/MB</p> <p>6. PM</p>	
	<p>Neighbouring authority has done a project on this and found a large number of local issues within fixed and mobile food premises.</p>	<p>Commercial catering premises</p>			

				licensing regime for temporary events. Liaise with SAG.		
Business friendly scheme						
To develop mechanisms by which we can provide advice and support to local businesses	TBC	To explore ways of establishing 2 way communication with local business forums	Establish a Business friendly scheme	Awareness days at events or forums to target specific messages	Promoting compliant practice at business forums	Develop and market advice service in relation to health and safety
Reactive – investigating incidents and concerns						
Discretionary investigations will be prioritised for reports relating to higher risk activities published by the	Injuries related to these activities indicate that risks	As detailed	Accident investigation	Reactive	Commercial Team EHOs	

HSE alongside the national code	may not be effectively managed and warrant further investigation				
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Work at height – steel stockholders

To determine if improvements can be made to control risks from work at height at steel stockholders	During the course of 4 accident investigations it has come to light that the work at height regulations are not being fully complied with at 3 premises visited. One accident specifically related to work at height.	Steel stockholders	<ol style="list-style-type: none"> Undertake proactive inspections/revisits following accident investigations to determine range of activities and approaches to work at height at the 3 steel stockholders in our district Liaise with LA contact for Steel Stockholding Lead Authority Partnership Alison Stephens at Wolverhampton CC 	<ol style="list-style-type: none"> July to November Ongoing to check information as needed 	MS/RAC
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Skin piercing activities

To improve the skin piercing service and where possible drive up standards.	Consultation with registered tattooists showed majority in favour of introduction of THRS.	Registered skin piercers	<ol style="list-style-type: none"> Review skin piercing service inc adoption of amended byelaws; review of service documents inc registration documents and fee rules Adopt Tattoo Hygiene Rating Scheme in partnership with Harrogate BC to: 		
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	<p>Intelligence from registered tattooists suggests that people are presenting themselves to them (having been worked on by unregistered tattooists) in order to have their poor quality tattoos redone. Suggesting that unregistered and potentially unsafe practices are ongoing.</p>		<p>i. Inform the public about the hygiene standards in the premises at the time of the most recent inspection to help them make informed choices and avoid non-registered premises</p> <p>ii. Drive up standards and adoption of Best Practise amongst tattooists</p> <p>iii. Reduce the risk of incidents of infection and of transmission of infectious disease from tattooing procedures.</p> <p>Revised byelaws being adopted</p>		
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HAMBLETON DISTRICT COUNCIL

Report To: Licensing Committee
21 July 2015

From: Executive Director

Subject: **GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**

All Wards

1.0 PURPOSE AND BACKGROUND

1.1 The purpose of this report is to provide background information concerning a proposed revision of the Gambling Act 2005 Statement of Principles and to seek approval to commence consultation with interested parties.

2.0 INFORMATION AND ANALYSIS

2.1 Licensing Authorities are required under the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. The Statement must be published at least every three years.

2.2 The existing Statement of Principles was adopted on 31 January 2013 and therefore the revision must be completed by no later than 31 January 2016.

2.3 The Statement, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act.

2.4 Hambleton District Council, as the licensing authority, is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives, namely:

2.4.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

2.4.2 Ensuring that gambling is conducted in a fair and open way; and

2.4.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.5 The licensing authority must have regard to the Statement of Principles along with the Gambling Act 2005 and the Gambling Commission's Guidance when considering applications in respect of the following:

2.5.1 Premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops)

2.5.2 Permits (to authorise the use of gaming machines and/or prize gaming)

2.5.3 Small society lotteries (raffles, tombolas etc promoted for the benefit of a non-commercial society)

2.5.4 Temporary use notices and occasional use notices (for short-term gambling events).

2.6 The revised Draft Gambling Act 2005 Statement of Principles is attached at Annex A.

- 2.7 The existing Statement of Principles appears to be serving its purpose well and therefore no significant changes have been incorporated beyond the revisions made to maintain consistency with legislation and the Gambling Commission's guidance.
- 2.8 Amendments that have been proposed include the following:
- 2.8.1 Minor alterations to the wording and order of some of the content;
 - 2.8.2 Removal of duplicated points;
 - 2.8.3 The inclusion of a more comprehensive local area profile;
 - 2.8.4 The inclusion of additional content in relation to local risk assessments;
 - 2.8.5 The inclusion of additional content in relation to enforcement.
- 2.9 When revising its Statement of Principles, the Council is required to consult with:
- 2.9.1 the Chief Officer of Police for the Authority's area;
 - 2.9.2 one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - 2.9.3 one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 2.10 If approved, all of the persons and bodies listed on the final page of the Statement of Principles (Annex B, page 28) will be consulted. The Draft Statement of Principles will also be available to view in the Council's offices and on the Council's website.

3.0 FINANCIAL IMPLICATIONS AND EFFICIENCIES

- 3.1 There are no additional financial implications related to the revision of the Statement of Principles.
- 3.2 The costs associated with carrying out the consultation on the draft policy would be covered by existing budgets.

4.0 RECOMMENDATIONS

- 4.1 Members are asked to approve the amendments to the Statement of Principles subject to consideration of any responses that are received during a six-week consultation period with the trade, the public and any other interested parties, commencing forthwith.

MICK JEWITT

Background papers: None
Author ref: SF
Contact: Simon Fisher
Licensing Officer
Direct Line No: (01609) 767209

GAMBLING ACT 2005
DRAFT STATEMENT OF PRINCIPLES

JULY 2015

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1.0 INTRODUCTION

1.1 HAMBLETON

- 1.1.1 Hambleton is a local government district situated in the County of North Yorkshire. The Council area is mainly rural with five market towns. These areas are shown on the map at Annex 'A'.
- 1.1.2 Hambleton covers an area of 1,311.17 km² most of which, 1,254.90 km², is green space. In 2011, Hambleton had an estimated population of 89,140.
- 1.1.3 There are currently 12 licensed premises located within the district of Hambleton (11 betting premises and 1 track betting premises).
- 1.1.4 Authorisation is frequently sought for small society lotteries and for gaming machines to be made available in premises licensed to sell or supply alcohol.

1.2 CONSULTATION

- 1.2.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The revised statement must then be re-published.
- 1.2.2 The Gambling Act requires that the following parties are consulted by Licensing Authorities:-
- The Chief Officer of Police.
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the authority's area.
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.
- 1.2.3 Hambleton District Council consulted widely upon this Statement before prior to publication. A list of those persons consulted is attached as Annex B.
- 1.2.4 The consultation for this statement revision was for the period from ***** until *****. Copies of the statement were placed in the public libraries of the area as well as being available at the Civic Centre.
- 1.2.5 The full list of comments made and the consideration by the Council of those comments is available upon request to: The Licensing Team, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU.
- 1.2.6 The statement was approved at a meeting of the Full Council on ***** and was published on www.hambleton.gov.uk on *****.
- 1.2.7 It should be noted that this Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.3 DECLARATION

- 1.3.1 In producing the final Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

2.0 RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

2.1 RESPONSIBLE AUTHORITIES

2.1.1 Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.

2.1.2 Section 157 of the Act gives the Council discretion to designate, in writing, a body which is competent and most appropriate to advise the authority about the protection of children from harm.

2.1.3 The Council has had consideration of the following principles:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

2.1.4 In accordance with the Act, and with regard to the Guidance and the above principles, this authority designates the Local Safeguarding Children Board for this purpose.

2.1.5 The Responsible Authorities are:

- The Council's Licensing Team
- North Yorkshire Police
- North Yorkshire Fire and Rescue Service
- The Council's Planning Team
- The Gambling Commission
- The Local Safeguarding Children Board
- The Council's Environmental Health Team*

*this will also include the function of local enforcement agency under the Health and Safety at Work etc Act 1974

2.1.6 The contact details of all the Responsible Authorities under the Act are available via the Council's website.

2.2 INTERESTED PARTIES

2.2.1 Similarly to responsible authorities, interested parties can make representation to the licensing authority in relation to applications for, and in relation to, premises licences.

2.2.2 A person is an interested party in relation to an application for, or in respect of, a premises licence if, in the opinion of the Council:-

- the person lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy either of the above bullet points.

2.2.3 When determining whether a person is an interested party, the Council will apply the following principles:-

- Each case will be decided upon its merits;
 - The Council will not apply a rigid rule to its decision making;
 - The Council will consider the examples of considerations provided in the Guidance; and
 - The Council will consider the Guidance that the term "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.2.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents the ward likely to be affected.
- 2.2.5 Likewise, Parish Councils likely to be affected will be considered to be interested parties.
- 2.2.6 Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 2.2.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.
- 2.2.8 Anyone wishing to make a representation concerning an application will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 4.0 of this statement.

3.0 LICENSING AUTHORITY FUNCTIONS

3.1 RESPONSIBILITIES

3.1.1 The Council is responsible for the licensing of premises where gambling activities are to take place.

3.1.2 The following functions are administered by the Council:-

- Premises Licences (betting, bingo, gaming centres and casinos)
- Provisional Statements
- Club Gaming Permits and/or Club Machine Permits
- Licensed Premises Gaming Machine Permits
- Notifications from alcohol licensed premises for the use of two or fewer gaming machines
- Family Entertainment Centre Gaming Machine Permits
- Prize Gaming Permits
- Small Society Lottery Registrations
- Occasional Use Notices
- Temporary Use Notices
- the provision of information to the Gambling Commission regarding details of licences issued
- maintaining registers of the permits and licences that are issued under these functions

3.1.3 Licensing authorities are not responsible for licensing remote gambling. This is regulated by the Gambling Commission via operating licences.

3.2 EXCHANGE OF INFORMATION

3.2.1 The Council will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to the Guidance on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

3.2.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

3.3 DECISION MAKING

3.3.1 In making decisions about premises licences and temporary use notices, the Council will, in accordance with section 153 of the Act, aim to permit the use of premises for gambling insofar as it considers it:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

3.3.2 Moral objections to gambling, as well as unmet demand, are not valid reasons to reject applications for premises licences (except as regards any 'no casino resolution' - see section 6.3 on Casinos).

3.4 COMMITTEE

3.4.1 The Council has established a Licensing Committee to administer the wide range of licensing decisions and functions for which it is responsible.

3.4.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them. A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.

3.4.3 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to officers. In these instances, a record of the decision will be available to view on the Council's website. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or Full Committee, or Full Council if considered appropriate in the circumstances of any particular case.

3.4.4 Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

3.4.5 Where a Councillor who is a member of the Licensing Sub-Committee is making, or has made, representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

3.4.6 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

3.4.7 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed.

3.4.8 The Council's licensing officers will deal with all other licensing applications either where no representations have been received, or where representations have been received and withdrawn, or it is agreed by the parties that a hearing is not necessary.

3.4.9 "Frivolous" or "vexatious" representations need not be taken into consideration by the Council. Whether a representation is frivolous or vexatious is a matter of fact, however, matters which this Licensing Authority may consider in deciding whether a representation is frivolous or vexatious include the following:-

- Who is making the representation and whether there is a history of making applications that are not relevant;
- Whether it raises a relevant issue; or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

3.4.10 Where representations are rejected, the person making the representation will be given written reasons as to why this is the case. There is no right of appeal against a determination that representations are not admissible.

4.0 LICENSING OBJECTIVES

4.1 OVERVIEW

4.1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.1.2 The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

4.2 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME

4.2.1 The Gambling Commission takes a leading role in preventing gambling from being a source of crime but licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as the provision of door supervisors.

4.3 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

4.3.1 The Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail in section 6.6 of this statement.

4.4 PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING

4.4.1 The Guidance explains that this objective means preventing children from taking part in gambling, as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children. The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

4.4.2 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition, for regulatory purposes, it will assume this group includes:-

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

5.0 PREMISES LICENCES

5.1 MEANING OF PREMISES

- 5.1.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building, however, could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit, premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. Licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 5.1.2 The Guidance states that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 5.1.3 The Council will take particular care when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and will have regard to the following principles:-
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
 - Customers should be able to participate in the activity named on the premises licence.
- 5.1.4 Other factors that may be taken into account when considering applications are:-
- Is there a separate registration for business rates for the premises?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

5.2 PREMISES 'READY FOR GAMBLING'

- 5.2.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 5.2.2 If the construction of any premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 5.2.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at any premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- Whether the premises ought to be permitted to be used for gambling; and
 - Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 5.2.4 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 5.2.5 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

5.3 PREMISES LICENCE CONSIDERATIONS

- 5.3.1 In determining applications the Council has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.

5.4 CONDITIONS

- 5.4.1 Any conditions attached to licences will be proportionate and will be:-
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 5.4.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 5.4.3 The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.

5.4.4 The Council will also ensure that where category C, or above, machines are on offer in premises to which children are admitted:-

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only persons aged 18 years or over are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.4.5 These considerations will apply to premises including buildings where multiple premises licences are applicable.

5.4.6 This Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Council will consider the impact upon the objective "protecting children and other vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

5.4.7 The Council cannot attach to premises licences:-

- any condition which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes.

5.5 PLANS

5.5.1 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to coordinate future premises inspection activity.

5.5.2 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

5.5.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

5.5.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting

events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundary does not need to be defined.

- 5.5.5 The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

5.6 LOCATION

- 5.6.1 With regards to the location of premises, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

5.7 LOCAL RISK ASSESSMENTS

- 5.7.1 The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their premises.

- 5.7.2 From 6 April 2016 all non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. These risk assessments should be submitted to the Licensing Authority when submitting applications for new premises licences and also when varying existing premises licences.

- 5.7.3 The Licensing Authority will expect Operators to identify the local risk factors surrounding the premises and consider matters such as:-

- whether neighbouring facilities may present risks when located near gambling premises (e.g. schools, hospitals, community centres, homeless centres);
- whether the premises is located in an area of deprivation;
- whether the premises is located in an area which is subject to high levels of crime and/or disorder.

- 5.7.4 Operators should also include control measures to mitigate the risks that have been identified. Control measures could include:-

- Staff training with regards to excessive gambling;
- Updated policies and procedures;
- The use of security personnel;
- Age verification schemes;
- Installation of CCTV;
- Provision of signage relating to gambling care;
- The layout of the premises to ensure staff have, where possible, unobstructed views of persons using the premises.

5.8 PLANNING

5.8.1 When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have, or comply with, the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

5.9 REVIEWS

5.9.1 A request for a review of a premises licence can be made by interested parties or responsible authorities. The request will be subject to consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

5.9.2 In deciding whether to carry out a review, the Council will have regard to the Guidance, this statement of principles and the relevance of the request with the licensing objectives.

5.9.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

5.9.4 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

5.9.5 Reviews will be carried out as soon as possible after the 28-day period for making representations has passed. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

5.9.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

5.9.7 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:-

- The licence holder;
- The applicant for review;
- The Commission;
- Any person who made representations;
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

6.0 PREMISES LICENCE TYPES

6.1 ADULT GAMING CENTRES

6.1.1 The holder of an adult gaming centre premises licence may make available for use gaming machines in accordance with Section 172(1) of the Act and regulations.

6.1.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

6.1.3 The Council may consider measures to meet the licensing objectives such as:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

6.1.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

6.2 FAMILY ENTERTAINMENT CENTRES

6.2.1 The holder of a family entertainment centre premises licence may make available for use gaming machines in accordance with Section 172(2) of the Act and regulations.

6.2.2 In terms of accessing a family entertainment centre, no customer shall be able to access the premises directly from:-

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track

6.2.3 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

6.2.4 This licensing authority may consider measures to meet the licensing objectives such as:-

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;

- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare; and
- Measures/training for staff on how to deal with suspected truant school children on the premises.

6.2.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Where premises wish to provide category D gaming machines only, it may do so under the benefit of a Family Entertainment Centre Gaming Machine Permit (refer to section 7.1).

6.3 CASINOS

6.3.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

6.3.2 In terms of accessing a casino premises:-

- The principal access entrance to the premises must be from a street;
- No entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons; and
- No customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence.

6.4 BINGO PREMISES

6.4.1 The Council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

6.4.2 This authority notes the Guidance regarding the unusual circumstances in which the splitting of any pre-existing premises into two adjacent premises might be permitted.

6.4.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6.4.4 In terms of accessing a bingo premises, no customer shall be able to access the premises directly from:-

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track.

6.4.5 Where category B and/or category C machines are available in premises to which children are admitted, applicants will be expected to ensure that:-

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

6.5 BETTING PREMISES (OTHER THAN TRACKS)

6.5.1 Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. When considering the number/nature/circumstances of betting machines an operator wants to offer, the Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

6.5.2 In terms of accessing betting premises:-

- Access must be from a street or from another premises with a betting premises licence; and
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services.

6.6 TRACK BETTING PREMISES

6.6.1 The Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.6.2 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

6.6.3 The Council may consider measures to meet the licensing objectives such as:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes; and

- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 6.6.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 6.6.5 Where the applicant holds a pool betting operating licence and intends to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 6.6.6 The Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 6.6.7 In terms of general access to a track betting premises, no customer shall be able to access the premises directly from a casino or an adult gaming centre.

7.0 OTHER AUTHORISATIONS

7.1 FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

7.1.1 Where an operator wishes to provide gaming machines at any premises that does not hold a premises licence, he/she may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

7.1.2 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

7.1.3 It should be noted that a licensing authority cannot attach conditions to this type of permit.

7.2 AUTOMATIC ENTITLEMENT FOR UP TO 2 GAMING MACHINES ON PREMISES LICENSED TO SELL ALCOHOL

7.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be entitled to make available 2 gaming machines of categories C and/or D. The holder of the premises licence (issued under the Licensing Act 2003) merely needs to notify the licensing authority in writing, pay the prescribed fee and comply with any relevant codes of practice.

7.2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

7.3 LICENSED PREMISES GAMING MACHINE PERMIT

7.3.1 If the holder of a premises licence (issued under the Licensing Act 2003 to authorise the sale of alcohol for consumption on the premises) wishes to make available more

than 2 gaming machines, an application will need to be made for a permit. The licensing authority must consider the application based upon:-

- the licensing objectives;
- any guidance issued by the Gambling Commission issued under Section 25 of the Act; and
- such matters as they think relevant.

7.3.2 The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that can monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

7.3.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.

7.3.4 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

7.3.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

7.4 PRIZE GAMING PERMITS

7.4.1 In applying for a Prize Gaming Permit, the applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law; and
- the steps to be taken to protect children from harm.

7.4.2 In making its decision on an application for a prize gaming permit, the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

7.4.3 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

7.5 CLUB GAMING AND CLUB MACHINE PERMITS

7.5.1 Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit to enable the premises to provide:-

- 3 gaming machines of categories B, C or D;
- equal chance gaming; and
- games of chance as set out in regulations.

7.5.2 Members' Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit to enable the premises to provide:-

- 3 gaming machines of categories B, C or D.

Note: Commercial Clubs may not make category B3A gaming machines available for use.

7.5.3 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

7.5.4 The Guidance also notes that licensing authorities may only refuse an application on the grounds that:-

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years;
- an objection has been lodged by the Commission or the police.

7.5.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the Council can refuse a permit are:-

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

7.5.6 There are statutory conditions imposed on club gaming permits to ensure that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

7.6 SMALL SOCIETY LOTTERIES

7.6.1 A lottery promoted wholly on behalf of a non-commercial society whose proceeds do not exceed £250,000 in a calendar year is referred to as a small society lottery (Schedule 11, Part 4 of the Act defines a small society lottery in more detail). Small Society Lotteries are exempt from registration with the Gambling Commission, but are required to be registered with the local authority.

7.7 TEMPORARY USE NOTICES

7.7.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice would include hotels, conference centres and sporting venues.

7.7.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

7.7.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

7.7.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

7.7.5 As recommended in the Gambling Commission's Guidance to Licensing Authorities, the Council would expect to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

7.8 OCCASIONAL USE NOTICES

7.8.1 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will, however, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7.9 TRAVELLING FAIRS

7.9.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Council is responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

7.9.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

7.9.3 There is a statutory maximum period of 27 days per calendar year for land being used as a fair. This applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

7.10 PROVISIONAL STATEMENTS

7.10.1 Developers may wish to apply for provisional statements before entering into a contract to buy, or lease, property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

7.10.2 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

7.10.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

7.10.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

7.10.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of

a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:-

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

7.10.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances;
- or
- where the premises has not been constructed in accordance with the plan submitted with the application*.

*Note: This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

8.0 ENFORCEMENT

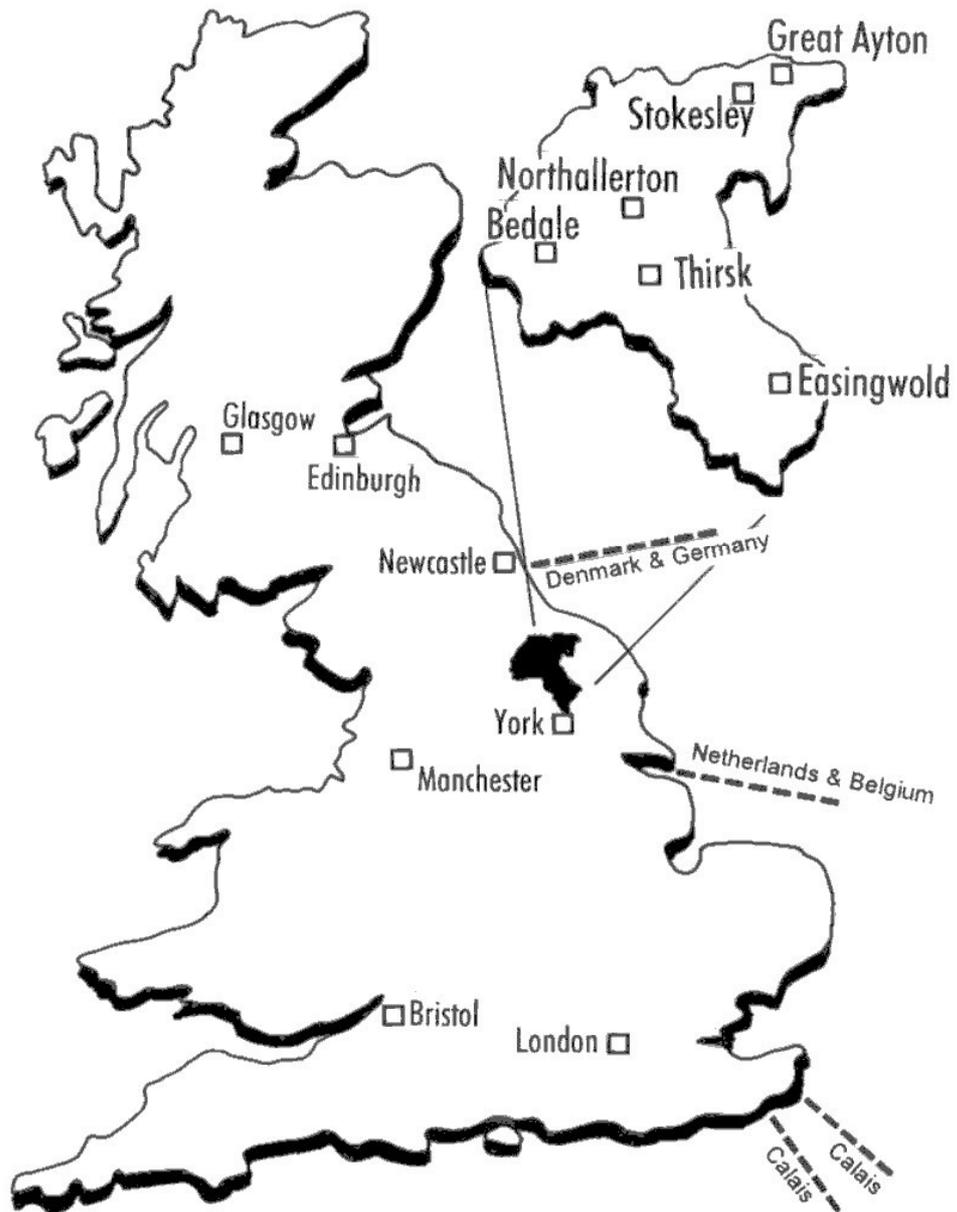
8.1 EXERCISE OF POWERS

- 8.1.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 8.1.2 The Council recognises that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The Council has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators' Code (to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business).
- 8.1.3 The main enforcement and compliance role for the Council is to ensure compliance with the authorisations for which it is responsible. The Gambling Commission is the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are also the responsibility of the Gambling Commission.

8.2 COMPLAINTS

- 8.2.1 The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 8.2.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence review, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections. Similarly, it will not override the right of any licence holder to decline to participate in a conciliation meeting.

MAP OF HAMBLETON



PERSONS AND BODIES CONSULTED

Chief Constable
County Fire and Rescue Officer
North Yorkshire Children Safeguarding Board
Director of Public Health
Local Planning Authority
North York Moors National Park
North Yorkshire Trading Standards Service
Environmental Health Service, Hambleton District Council
Hambleton District Council's Ward Councillors
HM Customs and Excise
Bedale Town Council
Easingwold Town Council
Northallerton Town Council
Stokesley Town Council
Thirsk Town Council
Existing Licence Holders
Hambleton Citizens' Advice Bureau
Barnados North East
NSPCC
Association of British Bookmakers
Lotteries Council
Bingo Association
British Amusement Catering Trade Association
British Casino Association
Remote Gambling Association
Bingo Association
British Horseracing Authority
British Greyhound Racing Board
Carousel Games
Casino Operators Association
Business in Sport and Leisure
Gambling Commission
The GREat Foundation
Independent Betting Adjudication Service
The Lotteries Council
GamCare
Gam-anon
Gamestec Leisure Ltd
National Casino Industry Forum
The Racecourse Association
Responsibility in Gambling Trust
The Jockey Club
Gamblers Anonymous

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HM Customs and Excise
Bedale Town Council
Easingwold Town Council
Northallerton Town Council
Stokesley Town Council
Thirsk Town Council
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Hambleton Citizens' Advice Bureau
Barnados North East
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Lotteries Council
Bingo Association
British Amusement Catering Trade Association
British Casino Association
Remote Gambling Association
Bingo Association
British Horseracing Authority
British Greyhound Racing Board
Carousel Games
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