

At a meeting of the ECONOMIC PROSPERITY SCRUTINY COMMITTEE held in COMMITTEE ROOM 1, CITY HALL on TUESDAY 12TH SEPTEMBER 2023 at 4.30 p.m.

Present: -

Councillor Burrell in the Chair

Councillors Ali, Dixon, Foster, Leonard, Reed and Warne.

Also in attendance: -

Mr James Diamond, Scrutiny Officer, Sunderland City Council

Mr Paul Wood, Principal Governance Services Officer, Sunderland City Council

Mr Colin Rudd, Principal Environmental Health Officer, Sunderland City Council

Ms Pamela Collins, Regulatory Compliance Manager, Sunderland City Council

Members of the Press

The Chairman welcomed everyone to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Edgeworth, Fagan, O'Brien and Watson

Minutes of the last ordinary meeting of the Committee held on 11th July, 2023

A copy of the minutes of the last ordinary meeting held on 11th July, 2023 were submitted.

(For copy reports – see original minutes).

1. RESOLVED that the minutes of the last ordinary meeting held on 11th July 2023 (copy circulated), be confirmed and signed as a correct record subject to the following amendment:-

In relation to Page 2 Paragraph 6 and Page 3 Paragraph 3 – it be made clear that the data wasn't the responding Officers data and would need to be created from Council Tax information to be analysed before it could be provided to Committee.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest.

Feed and Food Controls Service Plan 2023/2026

The Assistant Director of Law and Governance submitted a report (copy circulated) to seek the advice and consideration of this Committee on a report to be considered by Cabinet on 7 September 2023. The report presented the Feed and Food Law

Service Plan for 2023-2026 to be used by the Authority to undertake all relevant Food and Food Safety Enforcement across the city and has been formulated to comply with the current recommendations of the Food Standards Agency Framework Agreement.

The Cabinet, at its meeting held on 7 September 2023, gave consideration to the attached report of the Executive Director of City Development. The report sought comments from Cabinet and asked them to refer the report to the Economic Prosperity Scrutiny Committee for their consideration. Cabinet was further requested to give delegated authority to the Executive Director of City Development, in consultation with the Portfolio Holder for Clean, Green City, to make any amendments to the plan that were considered appropriate in the light of comments from the Economic Prosperity Scrutiny Committee, prior to it being referred to Council for endorsement.

(For copy report – see original minutes)

Colin Rudd, Principal Environmental Health Officer, presented the report along with Pamela Collins, Regulatory Compliance Manager and were on hand to answer Members queries.

In response to Councillor Reed's query over flexibility when creating these plans, Mr Rudd advised that they were developed from a framework agreement from the Food Standards Agency and were pretty rigid however in general they could determine how they implement inspection schemes for instance, and whether they were full or targeted etc.

Councillor Reed referred to paragraphs 4.6 and 4.7 of the report, the intention to move to a 3-year term and that the Executive Director, in consultation with the Portfolio Holder be authorised to make any changes that were considered appropriate. Councillor Reed enquired if these possible changes handed over to the Executive Director would be minor and if the Portfolio Holder was considered to be more of a consultant than the decision maker.

Mr Rudd advised that any changes made over the three years period were not likely to be significant or major swinging policies and that it was not standard for this Food Law Service Plan to be brought before Scrutiny in every Local Authority. Mr Rudd added that should there be a significant disagreement on any possible changes then they would come back before this Committee however the changes would likely be minor.

In response to Councillor Dixons query over the inspection of ships visiting the Port of Sunderland, Mr Rudd advised that all inspectors were Senior Environmental Health Officers and whilst broad standards applied to all inspections, there was only slight differences when dealing with ships and additional training was given for this but the principles remained the same.

Councillor Dixon referred to a recent zero rating on a local pizza establishment and enquired as to what the process would be after this has been given. Mr Rudd informed that after every inspection, should a rating be 0-2, those establishments have the opportunity to request a re-rate where they could submit how they have improved, another inspection would take place and a new rating could be given. Establishments can pay for an early re-rate or wait three months for a free reinspection.

Mr Rudd also advised that should a zero rate be given, Officers did not just leave the businesses to continue to operate in a poor condition and monitored the situation behind the scenes as the business must be raised to a better standard. This did usually take place whilst the zero rating was still shown.

Councillor Dixon enquired if they served improvement notices or prosecutions if there was a continuous pattern of low marks. Mr Rudd informed that there was a lot of churn with regards to businesses and whilst the names may stay the same the owners can change so not every premises was served a notice. In relation to the process involved when change of ownership, Mr Rudd advised that they didn't usually find out until the inspection was to take place.

Councillor Dixon referred to Page 27 of the agenda in which the continuing increasing cost of living had placed extra pressures on local businesses and commented that the general feeling in Sunderland was that businesses were doing quite well and enquired if they had any information on the outlets in the City and how they were performing.

Mr Rudd commented that it was difficult for them to assess this as their inspections for the bigger businesses were carried out every two years and they didn't go in every week. Mr Rudd commented that he would probably say that during the pandemic a lot more restaurants opened light takeaway services and perhaps the continued presence of this had helped.

Councillor Warne enquired if the Officers inspections look at compliance in relation celiac food and cross contamination etc. Mr Rudd confirmed that allergens were included and cross contamination was considered. Allergen training was also given to staff.

In response to Councillor Ali's query over the three year period, Mr Rudd advised that due to this being an Article 4 Plan they had historically brought this back every year. As it takes a period of time to develop, we were already well into the year before it was brought for consideration and therefore the longer plan allowed them to obtain the data in advance and they were happy with the three year proposal.

Councillor Ali commented that he felt the system could be a little friendlier to help the businesses, giving the example that an establishment could have excellent food preparation and cleanliness, but should their toilet/hot water be out of order on the day of inspection then they could receive a zero rating.

Mr Rudd acknowledged that public perception when viewing a zero rating automatically assumed it was due to Rats etc, which wasn't the case. However, Officers had to score and rate a premise based on what they viewed on the day. This may be something reviewed by the Food Standards Agency but Officers only implemented the rules given and they tried to be fair and consistent when taking action.

Councillor Leonard commented that whilst she understood Councillor Ali's point he was making, if an establishment didn't have a working toilet or hot water, this would have an impact on the standards. Councillor Leonard also queried the staffing allocation of the Team and if there were dedicated Officers for each area or if they were all multi disciplined.

Mr Rudd advised the Committee that all staff covered food hygiene, standards and health and safety.

In relation to Councillor Leonards query over the 101 Category C inspections overdue and if these had been service requests, Mr Rudd advised that these were overdue from last year due to the backlog from the lockdowns and these had been prioritised this year and had been undertaken. In terms of the query of if Mr Rudd felt he had enough resource, he advised that he could never have enough but they were around about where they needed to be.

Councillor Foster referred to the website and enquired if this mentioned gluten free statistics/statistics or if it only referred to the rating. Mr Rudd advised that the website only included the ratings and didn't go into detail on allergens etc.

In response to Councillor Dixons enquiry over standards post Covid, Mr Rudd advised that during the pandemic, the vast majority of businesses didn't operate and currently it did not feel that standards were significantly worse than pre pandemic.

Councillor Dixon referred to reviews against the service plan and enquired if they compared and contrasted these against other local authorities. Mr Rudd informed that they did not compare but they did have regional group meetings where they discussed best practice around the table. Councillor Dixon suggested that this report might be worth taking to Health and Wellbeing Scrutiny for consideration also.

In response to Councillor Reeds query as to if they acted upon residents complaints, Mr Rudd advised that service requests would inform a decision and if a serious allegation was made then they would visit the establishment to see if there was any foundation to the complaint and then they would inspect.

Councillor Reed referred to the role of local knowledge and if there was a need for the businesses to report when they were selling high risk foods. Mr Rudd advised that the business had a moral obligation to report any changes such as moving from packaged foods to selling raw meat etc.

Councillor Ali enquired as to the process if a serious complaint was made shortly after an establishment had been inspected and had been given a rating as fine. Mr Rudd advised that they operated an officer triage process so a technical officer with expertise would consider the issue and there was a five-day response for all service requests. Mr Rudd also advised that team included nine staff in total, two of which were part time.

The Chairman thanked Mr Rudd for the excellent report and commented that it was good to see that they were developing and training their own staff. There being no further questions it was:-

2. RESOLVED that the report be received and noted.

Annual Work Programme 2023-24

The Scrutiny and Members Support Co-ordinator submitted a report (copy circulated), which set out the current work programme for the Committee for the municipal year 2023/24.

(For copy report – see original minutes).

Mr James Diamond, Scrutiny Officer presented the report for Member's information and possible discussion.

The Chairman advised that it was proposed to include an additional session sometime in November for the additional housing providers other than Gentoo in the City to attend on the Housing Provider Consultation report.

Councillor Reed suggested that if the Portfolio Holder were to attend October's meeting that the decision of free parking be considered under the Public Transport Item. Mr Diamond advised that he would discuss this with the Officer involved.

In relation to the Housing update item due in January, The Chairman asked the Committee if they felt there was a need for this item as it could free up space for the Business Centres item. Councillor Reed suggested that a written update on vacant houses (most recent statistics) could be sufficient.

Councillor Dixon commented that Officers may wish to discuss homelessness however. Mr Diamond advised that he would speak with Officers.

3. RESOLVED that the Committee received and noted the report

Notice of Key Decisions

The Scrutiny and Members Support Co-ordinator submitted a report providing Members with an opportunity to consider the items on the Executive's Notice of Key Decisions for the 28-day period from 9th August, 2023 (copies circulated).

(For copy report and notice – see original minutes).

Mr Diamond reminded Members to get in touch if they required further information on any of the items included in the notice.

In relation to item 230717/825 and Councillor Dixons query if the grant funding to the BID had always been £100,000, Mr Diamond advised that he would look to find out this information and let Councillor Dixon know outside of the meeting.

4. RESOLVED that the Notice of Key Decisions be received and noted.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) M. BURRELL,
Chairman.