

THE CABINET reports as follows:-

1. Community Leadership Programme: Review of Cabinet Portfolio Remits

That they have given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy attached) on the Leader of the Council's allocation of Portfolio responsibilities.

Accordingly, the Cabinet recommends Council to note the decision of the Leader on the allocation of Portfolio responsibilities as set out in this report.

2. Honorary Freedom of the City – The Rifles Regiment

That they have given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy attached) recommending that the Council formally confers the Honorary Freedom of the City upon the Rifles Regiment. The proposal will formally seal the relationship between the Regiment and the City of Sunderland and will recognise the number of members of the Regiment who had been recruited from Wearside and will mark the close past and present relationships between the Regiment and the people of Sunderland which contributes to the community spirit of the City.

Accordingly, the Cabinet recommends that Council:-

- (i) agrees to the conferring, upon the Rifles Regiment, in accordance with the provisions of Section 249 of the Local Government Act 1972, the Honorary Freedom of the City and the right, privilege, honour and distinction of marching through the streets of Sunderland with full ceremonial regalia, and
- (ii) authorises the Chief Executive, in consultation with the Leader of the Council to agree all appropriate arrangements for the formal ceremony at an extraordinary meeting of the Council to be held on Friday, 10th September, 2010 and for the Regiment to exercise its right to march through the City on that day.

3. The Council's Petition Scheme

That they have given consideration to a report of the Chief Solicitor (copy attached) on the requirements imposed on the Council by the Local Democracy, Economic Development and Construction Act 2009 and to make and publicise a Petition Scheme.

Accordingly, the Cabinet, having given consideration to a draft Petition Scheme, recommends the Council to approve the Scheme with the following provisions:-

- (a) The thresholds for signatures be as follows:-
 - “Ordinary” petitions 10 signatures.
 - “Petitions requiring debate” 7,000 signatures.
 - “Petitions to hold Council employees to account” 3,500 signatures.
- (b) To agree that petitions should only be considered from people who live, work and study in Sunderland.
- (c) To agree that the Chief Officers listed in the Scheme only be called to give evidence for petitions holding Chief Officers to account.
- (d) To delegate to the Chief Solicitor in consultation with the relevant Chief Officer, Portfolio Holder, or Chairman of a Committee the authority to reject petitions which are considered to be vexatious, abusive or otherwise inappropriate.

4. Food Law Enforcement Service Plan 2010/2011

That they have given consideration to a report of the Executive Director of City Services (copy attached) on the Food Law Enforcement Service Plan for 2010/2011 and to seek approval of the Plan.

The Cabinet recommended the Council approve the Food Law Enforcement Service Plan.

They also referred the report to the Health and Well-Being Scrutiny Committee for advice and consideration. The comments of the Review Committee will be reported to the meeting.

CABINET – 2 June 2010

COMMUNITY LEADERSHIP PROGRAMME: REVIEW OF CABINET PORTFOLIO REMITS

Joint Report of the Chief Executive and Chief Solicitor

1.0 Purpose of the Report

- 1.1 The purpose of this report is to request that Cabinet notes the decision of the Leader on the allocation of Portfolio responsibilities as set out in this report.

2.0 Description of Decision

- 2.1 That Council be recommended to note the decision of the Leader on the allocation of Portfolio responsibilities as set out in this report, to take effect from Council on June 14th 2010.

3.0 Background

- 3.1 The Community Leadership Programme (CLP) aims to accelerate development and embedding of the 'One Council, One Sunderland' approach which is necessary to meet community leadership challenges involved in successful delivery of the Sunderland Strategy. Successful implementation will impact not only upon actual quality of life within the City, but also upon perceptions of the Council as an efficient, effective and trusted community leader.
- 3.2 The Programme has featured strong, regular and ongoing Member engagement in the design and delivery of improvement activity and is in the process of transforming the infrastructure of support available to Members in order to maximise their effectiveness as Community Leaders. Other associated Improvements have involved a comprehensive review of the Council's governance arrangements including the role, structure and processes involved in effective operation of Scrutiny Committees, Area Committees and Cabinet Portfolios.
- 3.3 The comprehensive review of Cabinet Portfolios was an important part of the review and improvement process. As well as aligning five Portfolios with Sunderland Strategy Objectives, the review created new Portfolios for Sustainability and for Responsive Services and Customer Care. Portfolio roles were described more clearly and their higher level and external partnership roles and responsibilities were further emphasised. Improvements were intended primarily to ensure that the critically important unique contribution of Portfolio Holders towards achieving effective community leadership in and for Sunderland was more clearly understood and was enshrined in the Council's Constitution.

- 3.4 In view of the nature and extent of changes proposed, Cabinet requested that a review of the clarity, completeness and coherence of Portfolio changes should be undertaken in the light of operational experience. This review was undertaken with full involvement of Cabinet and individual Portfolio Holders. It concluded that changes had been overwhelmingly successful. There were, however, a limited number of areas where further refinement was considered necessary.

4.0 Proposals for Cabinet and Council Consideration

- 4.1 Cabinet is requested to note the decision of the Leader on the allocation of Portfolio responsibilities as set out below. These will be reflected in minor alterations to the Constitution. It is proposed to continue the process of Portfolio review into the current Municipal year with a report on progress achieved towards embedding improvements to be presented in September 2010.

- 4.2 The effect of the proposals is as follows;

Prosperous City

- i. Transfer Tourism, Resorts and Events responsibilities to the Safer City and Culture Portfolio.
- ii. Transfer Strategic Transport to the Attractive and Inclusive City Portfolio.
- iii. Receive Building Control responsibilities from the Safer City and Culture Portfolio.

Safer City and Culture

- i. Transfer Building Control to the Prosperous City Portfolio.
- ii. Receive Tourism, Resorts and Events from the Prosperous City Portfolio. Leadership Portfolio overview of strategic events is to be retained.
- iii. Receive all Culture and Tourism functions (Cabinet Directory second section, item 5, Attractive and Inclusive Portfolio) from the Attractive and Inclusive City Portfolio.
- iv. Receive design and heritage champion responsibility from the Sustainable Communities Portfolio.
- v. Receive the lead responsibility for the Seafront Strategy.

Attractive and Inclusive City

- i. Receive Strategic Transport responsibilities from the Prosperous City Portfolio.
- ii. Transfer Culture and Tourism functions to the Safer City and Culture Portfolio.
- iii. Confirm lead responsibility for all aspects of seafront management and implementation of the Seafront Strategy.
- iv. Transfer the lead responsibility for the Bunny Hill Centre, the Hetton Centre and other Customer Service outlets to the Responsive Local Services and Customer Care Portfolio.

Sustainable Communities

- i. Reflect the growing partnership agenda (especially the Regional Housing board, future ANEC-related developments in housing governance, Tyne/Wear Housing Partnership etc) within the list of Portfolio responsibilities.

Responsive Local Services and Customer Care

- i. Receive the lead responsibility for the Bunny Hill Centre, the Hetton Centre and other Customer Service outlets from the Attractive and Inclusive City Portfolio.

5.0 Reasons for the Decision

- 5.1 Comprehensive changes to Cabinet Portfolio remits were introduced following their approval by Annual Council in May 2009. It was accepted at the time that, in view of the transformational nature of the changes introduced, review and refinement was likely to be necessary in the light of operational experience. A review of operational experience was carried out in the Spring of 2010 and the proposals contained within this report reflect the outcome of this review. Proposed changes are considered necessary to improve clarity, completeness and coherence of individual Portfolio remits and are based upon a series of discussions with both individual Portfolio Holders and Cabinet as a whole.

6.0 Alternative Options

- 6.1 No alternative options are proposed. The proposals clarify the operation and alignment of Portfolio remits, and have been identified following discussion with individual Portfolio Holders concerned and with Cabinet as a whole.

7.0 Relevant Considerations or Consultations

(a) **Legal Implications**

The changes to Portfolio responsibilities will be incorporated in the Constitution.

(b) **Policy Implications**

Proposals will form the basis for next steps planning and action on a key priority of the Council and are therefore considered to be aligned with the policy framework and Corporate Improvement Priorities.

9.0 Background Papers

Community Leadership Programme documentation

HONORARY FREEDOM OF THE CITY – THE RIFLES REGIMENT

Joint report of the Chief Executive and Chief Solicitor

1.0 Purpose of Report

- 1.1 To consider recommending Council to confer the Honorary Freedom of the City upon the Rifles Regiment.

2.0 Description of Decision

- 2.1 To recommend to Council that :-
- (ii) It agrees to the conferring, upon the Rifles Regiment, in accordance with the provisions of Section 249 of the Local Government Act 1972, the Honorary Freedom of the City and the right, privilege, honour and distinction of marching through the streets of Sunderland with full ceremonial regalia, and
 - (ii) authority be given for the Chief Executive, in consultation with the Leader of the Council, to agree all appropriate arrangements for the formal ceremony at an extraordinary meeting of the Council to be held on Friday, 10th September, 2010 and for the Regiment to exercise its right to march through the City on that day.

3.0 Background

- 3.1 The Rifles Regiment was formed on 1st February 2007 following a reorganisation of the Army in the light of changes in the needs of the nation's defence. The Rifles is an amalgamation of four Regiments; the Light Infantry, the Devon and Dorset Light Infantry, the Royal Gloucester, Berkshire and Wiltshire Light Infantry and the Royal Green Jackets. The new Regiment is the largest Infantry Regiment in the British Army and carries forward the forming regiments' traditions within the ethos of a Light Infantry and Rifle Regiment. The Light Infantry were the proud successors of the Durham Light Infantry which had a long and distinguished relationship with Sunderland reaching back to 1901 when Freedom of the Borough was granted to all Sunderland members of the 3rd Volunteer Battalion Durham Light Infantry serving in the Boer conflicts.

- 3.2 The Regiment continues to recruit from its traditional heartlands and a large proportion of the Regiment is recruited from the North East and Sunderland in particular. The Regiment still includes a TA platoon based at Seaburn. The Regiment has been operational in Iraq and Afghanistan.
- 3.3 Stockton on Tees, Darlington and Wakefield Councils will also be giving consideration to conferring Freedoms on the Regiment and, in the event of all the Councils agreeing, the Regiment would wish to exercise its new Freedoms in Darlington on Wednesday the 8th September 2010, in Stockton on the 9th, Sunderland on the 10th and Wakefield on the 11th. The week would culminate in a Sounding Retreat by the Rifles Band and Bugles together with the Borneo Band and Bugles on Palace Green at Durham Cathedral on the evening of Saturday the 11th September.
- 3.4 A further Sunderland link with the Regiment can be found in the history of the 125 Anti Tank Regiment Royal Artillery which was formed in 1939 with a complement of 600 men of which over 400 were from Sunderland and district. The Regiment embarked for the Middle East in 1941 but were diverted to bolster the garrison of Singapore just prior to the surrender there. The members of the Regiment spent the remainder of the war as prisoners of war working on the railway in Siam and the copper mines in Formosa. In 1947 the 125 Regiment was reformed as the 325 (Durham) L.A.A. Regiment R.A. (T.A.) and, following subsequent amalgamations, became the 463 Durham Light Infantry which, as the 463 Heavy Anti Aircraft Regiment, R.A. (Durham) T.A., was granted the Freedom of the Borough in 1951 and which is now part of the history of the Rifles Regiment.

4.0 Current Position

- 4.1 Given Sunderland's long tradition of enjoying close links with the Military; and in recognition of the number of members of the Regiment who have been recruited from Wearside and to mark the close past and present relationships between the Regiment and the people of Sunderland which contributes to the community spirit of the City, it is now considered appropriate to confer the Freedom of the City on the newly formed Rifles Regiment.
- 4.2 In order to acknowledge their wartime experience and to mark their link to the Rifles, the remaining Sunderland Veterans of the 125 Anti Tank Regiment Royal Artillery could be invited to attend the Freedom Ceremony, in September, in a special place of honour.

- 4.3 Section 249 of the Local Government Act 1972 provides that the Council may confer Honorary Freedoms “by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object”. Cabinet is therefore recommended to request Council to agree to the holding of an extraordinary meeting of the Council on 10th September 2010 with a view to conferring the Freedom of the City on the Regiment.

5.0 Reasons for Decision

- 5.1 The proposal will formally seal the relationship between the Regiment and the City of Sunderland and will recognise the number of members of the Regiment who have been recruited from Wearside and will mark the close past and present relationships between the Regiment and the people of Sunderland which contributes to the community spirit of the City.

6.0 Alternative Options

- 6.1 It is considered that the recommendations represent the optimum option for the City Council.

7.0 Background Papers

- 7.1 None.

THE COUNCIL'S PETITION SCHEME

Report of the Chief Solicitor

1. Purpose of Report

The report explains the requirements imposed on the Council by the Local Democracy, Economic Development and Construction Act 2009 to make and publicise a petition scheme. A draft scheme is submitted for consideration.

2. Description of Decision

2. That Cabinet considers the draft scheme and recommends it to Council for approval with the following provisions:

2.1 The thresholds for signatures be as follows:

“Ordinary” petitions 10 signatures.

“Petitions requiring debate” 7,000 signatures.

“Petitions to hold Council employees to account” 3,500 signatures

2.2 To agree that petitions should only be considered from people who live, work and study in Sunderland.

2.3 To agree that the Chief Officers listed in the Scheme only be called to give evidence for petitions holding Chief Officers to account.

2.4 To delegate to the Chief Solicitor in consultation with relevant Chief Officer, portfolio holder, or Chairman of a Committee the authority to reject petitions which are considered to be vexatious, abusive or otherwise inappropriate.

3. Background

3.1 The 2009 Act aims to reinvigorate local democracy by reconnecting the public with political decision-making. The duty to respond to petitions was seen as one mechanism to address the perception that people cannot influence decision making in their area. The main statutory requirements were explained in an earlier report to the Cabinet meeting of 14 April 2010 and are summarised again below:-

3.2 The Act defines the different categories of petitions, and allows the Council to define the number of signatures required for each category

3.2.1 “Petitions for Debate” must be reported to and debated at full Council;

- 3.2.2 “Petitions to hold an Officer to Account” trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions.
- 3.2.3 “Exempted Petitions”: Petitions received in response to statutory consultations on planning and licensing applications will continue to be reported to the relevant Planning and Highways Committee, Development Control Sub-Committee, and Licensing Committees and Sub-Committees.

Where an officer has delegated powers to act in respect of such applications they will consider the petition.

- 3.2.4 “Ordinary Petitions”, for which the Council can determine how these petitions will be handled.
- 3.2.5 The Department for Communities and Local Government has issued statutory guidance on Petition Schemes which suggest that authorities should set the number of signatures required for each category of petition at levels which encourage rather than discourage petitions, and should set a lower threshold for petitions on local rather than authority-wide matters.
- 3.3.1 The Council must adopt a petition scheme which sets out how it will acknowledge receipt of petitions and advise the petition organiser how the petition will be dealt with. It is proposed that this be done within ten working days.
- 3.3.2 To come within the scheme, the petition must relate to a “relevant matter” i.e. relating to “a function of the authority” or to “an improvement in the economic, social or environmental well-being of the authority’s area to which any of the authority’s partner authorities could contribute”. Partner authorities “are those defined in Section 104 of the Public Involvement in Health Act 2007” i.e. bodies who may participate in Local Area Agreements.
- 3.3.3 The Council can delegate to an appropriate officer the power to reject petitions which he/she considers to be vexatious, abusive or otherwise inappropriate. It is suggested that I undertake this role after undertaking consultation where appropriate.
- 3.3.4 The Local Authorities (Petitions) (England) Order 2010, “the Order” provides that petition scheme does not apply to petitions received under other statutory procedures, such as petitions for a mayoral constitution, and petitions in response to some statutory consultation, such as on planning or licensing applications, should also remain outside the new system.
- 3.3.5 For “ordinary petitions”, the Council is given wide flexibility to set the threshold number of signatures as high or low as it wishes, and to determine how such petitions will be dealt with. The Act provides that a petition may be signed by anyone who lives, works or studies in the authority’s area.

- 3.3.6 “Petitions requiring Debate” must be reported to full Council for debate, and the Council can set a higher number of signatures for this threshold but this should not exceed a figure equivalent to 5% of the population.
- 3.3.7 “Petitions to hold an officer to account” must name a senior officer and will trigger an open meeting of the appropriate Overview and Scrutiny Committee at which the officer may be questioned by the Committee in relation to his/her actions on a particular matter. The Council can set a different threshold number of signatures for “petitions to hold an officer to account”.
- 3.3.8 The Council is required to take the steps set out in section 14(6) of the Act for example giving effect to the petition, considering the petition at a meeting of the Authority, holding an inquiry or a public meeting, commissioning research or providing a written response to the petition organiser setting out the Council’s views on the request or referring it to an Overview and Scrutiny Committee.
- 3.3.9 The Council needs to decide to whom Ordinary Petitions will be referred for decision. It is suggested that this would ordinarily be to the relevant Chief Officer(s) and Cabinet Member(s), but that they would be able to refer a petition to Cabinet if they felt that it raised wider or sensitive issues or was outside their delegated powers. For those non-executive matters (which are not exempt) the petition would be reported to the appropriate Committee.
- 3.3.10 In relation to alcohol related crime and disorder, anti social behaviour, under performing schools and under performing health services the model wording has been tailored to suit Sunderland’s circumstances.
- 3.3.11 Where the petition organiser is not satisfied by the actions taken by the Council in response to a petition, the petition scheme must give a right of appeal to a relevant Overview and Scrutiny Committee.
- 3.3.12 The Council is required to have an on-line petition facility which allows anyone to set up a petition on the authority’s system and allows anyone to “sign” the petition on-line. This duty does not come into force until 15 December 2010.
- 3.3.13 The new obligations should secure a better and more timely response to the public, but does have the potential to displace or distort the use of resources from existing Council priorities. It is important that responses from Directorates are reasonable and proportionate to the circumstances and individual merits of the petition. It is proposed each Directorate will have an identified link officer responsible for co-ordinating responses to petitions.

4.1 **Debate in Council**

The consultation paper states that “a systematic review of evidence on empowerment found that when petitions are linked with decision

making there area increased levels of empowerment”. However, many petitions will relate to executive matters which are the responsibility of the Cabinet, rather than Council. The Act still requires that each such petition is debated at Council, but Council will have no power to take an effective decision on the matter. Council can refer the matter to the Cabinet for decision, and it can refer the matter to an Overview and Scrutiny Committee for review, but in many cases it cannot take an operative decision on the matter. Accordingly, for many petitions, required to be debated in Council there will be no direct link between the petition and the decision-maker.

4.2 Petitions to hold officers to account

The Act requires that the petition should name the officer to be held to account and give grounds for the request which must relate to the functions for which the officer is responsible. In practice, it is likely that in many cases the officer’s actions will be the implementation of a member decision. In such cases, if the discussion at the Overview and Scrutiny Committee is to be meaningful, it would be preferable if the appropriate member also attended.

The Act provides that the Chief Executive and Chief Officers must be open to “petitions to hold officers to account”, but that each authority may extend the list of “relevant officers”. It is proposed that those Chief Officers identified in the Council’s Management Structure only be called to give evidence for petitions holding Chief Officers to account. The Scheme provides that the relevant Chief Officer will attend the meeting of the Scrutiny Committee.

4.3 Appeal to Overview and Scrutiny Committee

If a petition organiser feels the Council has not dealt with their petition properly, he/she has the right to request that the Scrutiny Committee review the steps that the council has taken in response to the petition.

However the Scrutiny Committee has no power to take an operative decision. It can make a recommendation to Council, a Committee, the Cabinet or an individual officer or Cabinet Member (as appropriate) but it cannot over-ride the original decision.

4.4 Signatures

The Act provides that petitions may be signed by persons who live, work and study in the authority's area. Had signatures for this purpose been limited to registered electors, it would have been easier for authorities to verify signatures. As the Act is drafted, and given that a number of people may share a common Email address, verification is now all but impossible.

4.5 Thresholds for minimum number of signatures

The Order provides that the maximum figure which may be specified in an Authority's petition scheme to trigger a debate of the full council, should be no greater than 5% of the local authority's population. This is not precisely 5% of the number of people who are eligible to sign a petition. A signature counts if it is given by a person who lives, works or studies in a local authority's area. The Government's view is that by specifying a maximum figure which is easy for an Authority to calculate, and not subject to frequent fluctuations, the policy objective that petitions which receive significant support should trigger full council debates will be best achieved.

The Government's hope is that Authorities will specify figures which are less than 5% of their population. In its view, a balance needs to be struck between the need to ensure that local people are able to place the issues which they think are important firmly on the Authority's agenda, and the need to ensure that the efficient functioning of Authorities is not "hi-jacked" by particular pressure groups. It is satisfied that fixing the maximum figure to be specified at 5% will not place an undue burden on any authority.

In respect of ordinary petitions it is suggested a low threshold be set. For petitions holding officers to account the consultation paper suggested "a suitable threshold according to local circumstances". Sunderland's population was last officially estimated at 280,300 by the office for National Statistics in mid 2008.

Accordingly the following rounded thresholds are suggested:

Ordinary Petitions

A low threshold is suggested as probably many of these will be about local issues. It is proposed the threshold be 10 signatures.

Petitions requiring debate

Proposed threshold 7,000 signatures (i.e. approximately 2½% of the population).

Petitions holding officers to account.

The proposed threshold is 3,500 signatures (i.e. approximately 1¼% of the population).

The thresholds can be reviewed in the light of experience.

4.6 Council Procedure Rules

These Rules require a minor revision to accommodate the new provisions.

In respect of ordinary meetings at item (vi) Council currently receives petitions and agrees to refer them to the relevant Chief Officer for action. Petitions received other than at Council meetings will already have received a response in accordance with the Petitions Scheme.

However, it is still possible to allow Members to present petitions at Council meetings on behalf of their constituents and for them to be integrated into the Petition Scheme.

Depending on the nature of the petition and the number of signatures it will be possible for Council to agree to receive petitions and that they be dealt with in accordance with the Council's petition scheme.

At item (x) of the Agenda for ordinary meetings, Council currently receives reports on actions taken on petitions. As in future this will already have been reported on the Council's website it is suggested that this would become the slot for any debates required to be debated by Council.

Thus the Council rules of procedure no. 2 item (x) will be replaced by "to debate petitions required to be debated by Council".

5. Alternative Options

- 5.1 It is a legal requirement to implement a petitions scheme. Council may wish to amend the recommendations relating to the thresholds for signatures or the officers who may be called to account.

6. Financial Implications

- 6.1 There will be an increased workload for officers dealing with petitions. The Council has acquired the software package to enable the Council to deal with e-petitions, and staff are being trained in its use.

7. Legal Implications

These are outlined in the body of the report.

Sunderland City Council

Petition Scheme

1. Petitions

1.1 The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

1.2 Members of the public can submit petitions on the following:

- issues relating to the City Council's responsibilities,
- anything relating to an improvement in the economic, social or environmental well-being of the city to which any of the Council's partners could contribute.

1.3 Essentially there are three types of petitions:

- **“Ordinary” petitions** - these must be signed by at least 10 people.
- **Petitions requiring debate** - Petitions which contain 7,000 signatures or more will be debated by the full council, and
- **Petitions to hold council employees to account** - Petitions which call for evidence from a senior council employee and have at least 3,500 signatures will trigger that response.

1.4 Paper petitions can be sent to:

The Chief Solicitor
Sunderland City Council
Civic Centre,
Sunderland
SR2 7DN

From 15th December 2010 they can be created, signed and submitted online on the Council's website

1.5 Petitions can also be presented to a meeting of the council. These meetings take place usually on a two monthly basis, dates and times

can be found at [Council Meetings](#). If you would like your councillor to present it on your behalf, please contact Lee Stoddart, Democratic Services Manager, on 0191 561 1007 at least 10 working days before the meeting and he will talk you through the process. Alternatively you may, at the Mayor's discretion, be allowed to present the petition personally. If your petition has received 7,000 signatures or more it will also be scheduled for a council debate as outlined in Section 6 below and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

2. What are the guidelines for submitting a petition?

2.1 Petitions submitted to the council **must** include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

2.3 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

3. What will the council do when it receives my petition?

3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The acknowledgement will also be published on our website.

3.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

4. Excluded Matters

- 4.1 Where a petition relates to a planning or licensing application or is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. For example petitions in respect of a planning application will continue to be referred to the Planning and Highways Committee or the relevant Development Control Sub-Committee or in the case of delegated decisions to the Deputy Chief Executive. Similarly, the Licensing Committee or Sub-Committee or the Director of City Services will consider petitions when determining licensing applications. Further information on all these procedures and how you can express your views is available at our [Planning](#) and [Licensing](#) Web pages.
- 4.2 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- 4.3 To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our [Petitions](#) website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

5. How will the council respond to petitions?

- 5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- taking the action requested in the petition
 - considering the petition at a council meeting
 - holding an inquiry into the matter

- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

5.2 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples:

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about alcohol related crime and disorder, in conjunction with partners, in particular the Police, the Council will, among other measures consider the case for placing restrictions on public drinking in the area by taking a stepped approach to tackling alcohol related disorder for example by establishing a designated public place order, or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related nuisance is being caused are required to contribute to the costs of the extra policing and non-baseline local authority services in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.

<p>Anti-social behaviour (ASB)</p>	<p>As the elected representatives of your local area, and having statutory duties to prevent crime and disorder, the council plays a significant role in tackling anti-social behaviour. The Council, in conjunction with other partners within the Safer Sunderland Partnership have set out minimum service standards for responding to issues of anti-social behaviour, and you can find more details about these standards at the Safer Sunderland Partnership Web page.</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene arising from our role as the licensing authority and the liaison role we undertake with relevant social landlords. For example, we will work with the neighbourhood policing team in the affected area, via Local Multi Problem Solving Groups (LMAPS) to identify what action might be taken including what role CCTV might play. The role of LMAPS includes liaison with neighbourhood partners on issues of ASB in the area in question and forms a part of the Safer Sunderland Partnership. Feedback is also provided to the community on action taken. The Community and Safety City Scrutiny Committee will also be advised of the issues highlighted in the petition where appropriate.</p>
<p>Under-performing schools</p>	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant in an Ofsted category of notice to improve (requiring significant in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>

Under-performing health services	We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The Health and Wellbeing overview and scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.
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5.3 If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners known as the [Sunderland Partnership](#) and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible at [Sunderland A-Z of Services](#).

5.4 If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

6.0 Full council debates

6.1 If a petition contains more than 7,000 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions for debate will not be considered at the Annual Meeting of Council, the budget meeting or an extraordinary meeting of Council convened for another purpose. At the discretion of the Mayor the petition organiser

or their Ward Councillor will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7.0 Officer evidence

7.1 Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

7.2 If your petition contains at least 3,500 signatures, the relevant Chief Officer will give evidence at a public meeting of the council's overview and scrutiny committee to the following staff that can be called to give evidence:

- Dave Smith, Chief Executive
- Janet Johnson, Deputy Chief Executive
- Ron Odunaiya, Executive Director of City Services
- Keith Moore, Acting Executive Director of Children's Services
- Neil Revely, Executive Director of Health, Housing and Adult Services
- Helen Paterson, Strategic Director of Transformation
- Sarah Reed, Assistant Chief Executive
- George Blyth, Acting Director of Financial Resources
- Sue Stanhope, Director of Human Resources and Organisational Development
- Deborah Lewin, Director of Communications and Marketing
- Bob Rayner, Chief Solicitor
- Stephen Pickering, Deputy Executive Director of City Services
- Deputy Executive Director of Children's Services
- Jean Carter, Deputy Executive Director of Health, Housing and Adult Services (Joint post with PCT)

7.3 You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition. The committee

may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Christine Tilley, Community Democratic Services Team Leader, on 0191 561 1345 at least three working days before the meeting.

8. E-petitions

- 8.1 From 15th December 2010 the council will welcome e-petitions which are created and submitted through our [Petitions](#) webpage. E-petitions must follow the same guidelines as paper petitions as set out in Section 2.0.0 above. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 8.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to Lee Stoddart, Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the council, please contact the Democratic services Manager on 0191 561 1007 within 10 working days of receipt of the acknowledgement.
- 8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

9. How do I 'sign' an e-petition?

- 9.1 From 15th December 2010 you will be able to see all the e-petitions currently available for signature on the Council's website.
- 9.2 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition

will be able to see your name in the list of those who have signed it but your contact details will not be visible.

10. What can I do if I feel my petition has not been dealt with properly?

- 10.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the appropriate overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- 10.2 The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.
- 10.3 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

REPORT OF EXECUTIVE DIRECTOR OF CITY SERVICES

FOOD LAW ENFORCEMENT SERVICE PLAN 2010/11

1. PURPOSE OF THE REPORT

- 1.1 To advise Cabinet of the Service's Food Law Enforcement Service Plan for 2010/11 and seek approval of the plan.

2.0 RECOMMENDATION

- 2.1 Cabinet is recommended to refer the matter to Council with the recommendation that the Food Law Enforcement Service Plan for 2010/11 be approved, and to refer it to the Regeneration and Community Review Committee for further advice and consideration.

3.0 INTRODUCTION/BACKGROUND

- 3.1 The Food Standards Agency is an independent food safety watchdog set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.
- 3.2 The White Paper "The Food Standards Agency – A Force for Change" identified the Food Standards Agency as having a key role overseeing local authority enforcement activities. The Agency therefore is proactive in setting and monitoring standards and auditing local authorities enforcement activities to ensure that they are effective and undertaken on a more consistent basis.
- 3.3 Food Service Plans are seen to be an important part of the process to ensure national priorities and standards are addressed and delivered locally. It was recognised by both central and local government that central guidance on the contents of local service plans for food enforcement work would be helpful to local authorities.
- 3.4 The Food Standards Agency Framework Agreement has been developed in close partnership with the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Local Government Association (LGA). They have recommended a format for food enforcement service plans and given detailed guidance on the content of the plan. They have also requested that the plan produced should be submitted to the relevant member forum for approval to ensure local transparency and accountability.

4.0 CURRENT POSITION

- 4.1 The Food Standards Agency require that the Food Law Enforcement Service Plan 2010/11 (attached) is formulated on an annual basis to comply with the current recommendations of the Food Standards Agency Framework Agreement.

5.0 REASONS FOR THE DECISION

5.1 The Foods Standards Agency which monitors and audits Local Authority activities requires Food Law Service Plans to be approved by Members to ensure local transparency and accountability. The plan forms part of the Council's policy and budgetary framework as defined in the Constitution.

6.0 ALTERNATIVE OPTIONS

6.1 There are no alternative options available.

7.0 BACKGROUND PAPERS USED

Framework Agreement on Local Authority Food Law Enforcement

Sunderland City Council

City Services

Environmental Health and Trading Standards

Food Law Enforcement Service Plan
2010/11

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FOOD LAW ENFORCEMENT SERVICE PLAN 2010/11

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

The Department's aim is to protect the health of all persons within the City in relation to food safety matters.

Our objectives are to proactively interact with food businesses within the City on a risk-based programme to improve the standard of food premises in the City. A variety of interventions are under consideration, with the Food Standards Agency approval, which will influence the actions at each premises during the year and the number of programmed inspections. Alternative strategies to inspection for enforcing standards in lower-risk premises are still being considered regionally with other interventions being considered. We will undertake a programme of food sampling, both microbiological and compositional. We will also respond appropriately to all food complaints, food alerts and food poisoning incidents.

We will also educate and advise the public and the food trade in matters of food hygiene and safety. Officers from the Food team will undertake the inspection of ships visiting the Port in accordance with current guidance.

1.2 Links To Corporate Objectives And Plans

The Sunderland Strategy for the years 2008-2025 sets out the framework for the work of everyone in the council. The full document can be viewed on the council's website. The Environmental Health section, in relation to Food, can impact on all of the five strategic aims to a greater or lesser extent.

They are;

1. To create a strong and diverse local economy that will provide jobs and careers for people in the city now and in the future.
2. To create a city that provides excellent health and social care services, where residents are supported to make healthy life and lifestyle choices.
3. To make Sunderland a place where everyone feels welcome and can be part of a safe and inclusive community.
4. To create a thriving learning culture where everyone can be involved in learning.
5. To ensure that Sunderland becomes a clean, green city with a strong culture of sustainability.

Of the five priorities set to achieve the goals, the Food section will be involved with – Prosperous city, Healthy city, Safe city and Learning city.

The Food teams are included in the following Corporate Improvement Objectives whilst undertaking their statutory and advisory roles;

- Delivering Customer Focused Services
- Being One Council
- Efficient and Effective Council
- Improving Partnership Working to deliver One City.

2. BACKGROUND

2.1 Profile of the Local Authority

Sunderland City Council covers an area of 138 sq. kilometres and contains a population of about 284,000. It is the largest City between Leeds and Edinburgh. The area is largely urban ("metropolitan") but contains a great diversity of settlements including the City Centre, Washington and former coalmining communities such as Houghton le Spring and Hetton le Hole.

2.2 Organisational Structure

The Council through a Leader, Cabinet and a total of 75 Councillors covering 25 wards, has an annual estimated budget of approximately £253 million for 2010/11. The Council employs 13,280 different individuals working full and part time across the City in a wide variety of jobs. The most recent estimate of the number of Council staff (Full Time Equivalents) currently employed is 10,037.35.

Current Structure;

Chief Executive + 4 Directorates; City Services, Children's Services, and Health, Housing and Adult Services, and Office of the Chief Executive.

Structure of City Services

City Services have five main service areas, Street Scene Services, Culture and Tourism, Customer Services Development, Community Services, and Project and Service Development.

Street Scene includes the Environmental Health, Licensing and the Trading Standards division as well as Cemeteries and Crematorium, Building Maintenance (Education and Civic Buildings), Drainage, Grounds Maintenance, Refuse Collection and Street Cleaning, and Highways & Transportation.

Within the Environmental Health division, the Commercial Food and Area Office team are involved in food related matters and Trading Standards are involved in primary production and feedingstuffs control.

With regard to the line of Management for food matters, the Executive Director of City Services is the Chief Officer and the Assistant Head of Street Scene (formerly Environmental Services) heads the Environmental Health, Licensing and Trading Standards division. There is an Environmental Health Manager for Commercial

sections and Area Office, and a Principal Environmental Health Officer responsible for food matters. The Assistant Head of Street Scene is also line manager to the Trading Standards and Licensing Manager.

2.3 Scope of the Food Service

The activities relating to food in the City are undertaken between the Commercial Food team, Area Office staff and the Health Promotion team.

The Commercial Food team carry out a programme of food hygiene and food standards inspection duties as well as responding to requests for service and infectious disease notifications. Sampling of foodstuffs, both microbiological and compositional, is also undertaken. The team enforces health and safety at work in most food premises. Officers also respond to Port Health requests and food hygiene inspections are part of the Ship Sanitation Certificates required under International Health Regulations.

Trading Standards Officers within the Department specialise in the primary production and animal feedingstuffs response.

The services of Health Protection Agency laboratories and the County Analyst, Durham complement the work of the two teams.

The Health Promotion team provide Level 2 (Basic) and Level 3 (Intermediate) Food Hygiene Training Courses. Advanced Food Hygiene training can be made available on request and was conducted successfully last year. Officers organise campaigns and undertake visits to educational establishments in connection with food hygiene. The Heartbeat award and Healthy Home Award schemes are promoted and managed by the team, with inspections being undertaken of relevant premises.

The Joint Authorities in the region have co-operated with training for new businesses in a partnership arrangement between the Authorities and funded by the participants.

The food service operates from the Civic Centre and the Houghton Office, which are open to the public in normal working hours throughout the week, 8.30am to 5.15pm (4.45pm Friday), although officers work in a flexi-time scheme. There is an evening and weekend service arrangement for contacting management for out-of-hours emergencies. There are no formal planned "out of hours" arrangements for field Officers, however visits are conducted at events or as necessary outside normal working hours.

The Council website www.sunderland.gov.uk encourages the public to communicate with the Department by email and makes information constantly available. Letters from the Department to customers / companies encourage the use of email. The facility to contact the Department and individual Officers by direct telephone lines is also promoted.

The Council has commenced displaying food hygiene ratings (“Scores on the Doors”) on the sunderlandcitycouncil.com website, which is also linked from the sunderland.gov.uk website (Food Hygiene). This Authority is committed to joining the Food Standards Agency national scheme as soon as it is available – probably later this year and received a grant for preparatory work in March 2010. This work included seminars for businesses, free training and work to validate data to be displayed on the website.

The Authority has a limited rural community, principally arable with a limited number of livestock holdings. The Trading Standards Division carries out the enforcement of primary production and feedingstuffs legislation and advice to farmers / retailers.

2.4 Demands on the food service

- There are 2142 food premises currently operating in the City, including 1 Primary Producer.

Food Premises in the City of which;	No.	Food Hygiene High Risk (a)	Food Hygiene Medium Risk (b)	Food Hygiene Medium Risk (c)	Food Hygiene Medium Risk (d)	Food Hygiene Low risk (e)	Unrated / unclassified	Outside the programme
Primary producers / manufacturers / processors	80	0	19	40	7	11	3	
Packers / Importers / Exporters / distributors, etc	36	0	1	5	17	10	3	
Retailers	557	0	5	260	204	56	26	
Restaurant / Other Caterers	1469	1	177	886	244	69	91	
Contact Materials and articles	0	0	0	0	0	0	0	
Total Food Premises	2142	1 0.05%	202 9.5%	1191 55.6%	472 22.0%	146 6.8%	123 5.7%	7 0.35%

- The majority are classified in the Restaurant / catering outlet group (1469) whilst there are 557 food retailers.
- The unrated / unclassified premises are those which have recently opened or changed proprietor since the last inspection. These premises are revisited for further inspection and rating within 6 months to make a better judgement of on-going standards.
- The Stadium of Light can accommodate over 40,000 seated spectators, with significant catering from the outlets within the stadium. International events

are also hosted at the site. This year one major music event is planned in June at the Stadium that will involve the food team.

- There are a significant number of outdoor events held regularly each year (e.g. Air Show, International Friendship Festival) which are attended by up to 1.5 million visitors, with various mobile caterers and food businesses from around the region and beyond visiting the Authority to cater at the events.
- The additional element of work regarding port health inspections which requires inspections of food hygiene and standards on board vessels coming into the port was manageable due to the number, type and previous destinations of vessels arriving in the Port. The provision of Ship Sanitation Certificates has continued to be requested from the Authority.
- Increased vigilance continues to be expected regarding the inland enforcement of imported food legislation in an effort to prevent the spread of disease in food animals.
- The Freedom of Information Act can impact on the workload of the Department due to the administration of requests and time spent recovering the information. Press and other enquiries to Local Authorities in the region continue to request specific information regarding comparative businesses in each Local Authority. Whilst there is a legal duty to respond, this can place a burden on resources that would otherwise be productively used in providing the service. In the past year, again there have been 6 formal requests for information regarding food premises in the financial year 2009 to April 2010.
- Information regarding local food premises is available on-line i.e. "Scores on the Doors", from our own council website. This involves the publication of a food safety star rating for catering premises in the City based on standards of structure and hygiene ratings and confidence in management scores assessed during programmed inspections. Following inspections, the written communications to business owners advise them that the information may be released on the website in the future and in response to third party requests as required by Freedom of Information legislation. The Food Standards Agency national scheme will be created and this Authority has expressed a commitment to join the national scheme. In March this Authority was successful in an application to the Food Standards Agency for a financial grant to prepare for the national website. This was used effectively to advise businesses and prepare / validate data prior to publication.
- The Licensing function continues to impact on the workload. Officers consider new licences and applications for amendments to licences as part of the Responsible Authority consultation.
- There is some potential for any large outbreak of food poisoning or illness, or a serious accident at a food premises, to impact significantly on the routine service operated by the Authority. There was a major investigation into Salmonella illness last year involving an establishment which cares for the elderly. (See page 13)

- There are no other likely major impacts e.g. significant food imports, seasonal variations or high numbers of food manufacturing businesses other than local catering businesses. Where food alerts necessitate a significant response, this will impact on other areas of the service.
- Food alerts have continued to be notified. During 2009 there were a total of 35 alerts plus 4 updates. In the first three months of 2010 a further 10 alerts were received with 1 updates. (Many of these alerts have been product recalls where response from this Authority has been minimized). The alerts have included hazards associated with the contamination of rice and pasta with insects, cans produced on premises served with a Prohibition Order, leaking baby food pouches, high levels of benzoic acid in a drink, possible contamination of chocolate, beefburgers and frozen pies with plastic, salmonella in sesame seed products, frozen diced undercooked chicken breast and metal in mayonnaise and other sauces. Details of all the food alerts are available on the Food Standards Agency (FSA) website, www.food.gov.uk.
- The FSA system of allergy alerts, separate from food alerts, continue with many instances of food labelling errors or contamination of specific ingredients. There were 50 such alerts in 2009 and 14 have been received in the first quarter of this year. Whilst not critical to the general public health they can have serious effects on persons who are allergic to specific ingredients.

2.5 Enforcement Policy

The Department has a documented Enforcement Policy, which has due regard to the Tyne and Wear Food Enforcement Policy. The Authority works in accordance with the principles of the Regulators' Compliance Code, and future review will take into consideration guidance from the Better Regulation Office.

The Code of Practice requires that any breaches of food law that may be detected in premises where the Authority is itself the proprietor of a food business should be brought to the attention of the Chief Executive, without undue delay. There have been no instances in the past year where such action was necessary.

3. SERVICE DELIVERY

3.1 Food Control

3.1.1 Food Premises Inspections

Officers routinely inspect high risk premises on a risk based basis. This year there is to be more emphasis on targeting non-compliant businesses. It is envisaged that those premises which are found not to be complying as indicated by poor structures, poor hygiene standards or where there is low confidence in management, will progress into a structured scheme to require improvements.

The National Performance Indicator (ni 184) set last year for the percentage of food businesses that are broadly compliant has been withdrawn, although Local Authorities will continue to send relevant data annually to the FSA. Premises that are not broadly compliant will also be indicated on the scores on the doors information on the web. Businesses with less than 3 stars are not broadly compliant.

There will still be risk rating for all premises inspected and the Food Standards Agency still anticipate the frequency of inspections for high risk premises being governed by the rating.

Whilst it has been the Department's ongoing annual target to inspect all food premises at a risk rated frequency in accordance with guidance from the Code of Practice, the FSA are encouraging Authorities to spend more time at targeted businesses rather than spread over the whole range in future. The lowest rated categories will be subject to programmes of alternative enforcement strategies. This scheme is being negotiated and agreed regionally to promote consistency and uniformity for businesses and Authorities across the region. Highest risk premises which require specific approval will receive interventions as required. They will be subjected to risk rating and intervention frequency will be determined on an individual basis.

The Department has again achieved high rates on inspection of food premises and in 2009/10 visited 1442 different food premises and undertook 1585 inspections. A total of 1896 visits were made including inspections, revisits and sampling.

The estimated number of inspections programmed for the year 2010/11 at the time of preparation of this report is approximately 1410 plus any new businesses commencing within the year. As stated previously, alternative strategies for lower risk premises, once agreed will determine a change in priority resulting in fewer premises being visited but potentially more visits being made to those premises to promote and confirm improved standards.

We aim generally to inspect the premises within one month of the due date for inspection, the only exceptions being those businesses that operate seasonally and those who may be subject to alternative enforcement strategies, a principle encouraged by the FSA.

Secondary inspections (including revisits) to premises are carried out as necessary in order to ensure that material defects are rectified. Those premises which are not broadly compliant will be followed up with a view to enforcing compliant standards.

The Department is participating in a Business Transformation Programme (BTP) giving consideration to computer systems that are more sustainable.

Participation with neighbouring Authorities in sampling and other food related matters ensures that the Authority works in a co-ordinated and compatible way.

3.1.2 Food Complaints

The Authority is committed to investigating all food complaints, the extent of the investigation depending on the merits of the complaint. This can range from re-

assuring the complainant to the more formal process, including reference to home or originating Authorities in accordance with the Local Authorities Coordinators of Regulatory Services (LACORS) guidance and the Code of Practice. Officers also refer to any Primary Authority, a scheme promoted by legislation and the Better Regulation Office.

In 2009/10, 273 requests for service requiring a response from Officers were made, including 88 complaints relating to food standards or labelling, and 33 requests relating to suspected food poisoning. The staff resources required to deal with these requests are drawn from existing Commercial Food and Area Office teams. It is estimated that the time expended on food complaints in 2010/11 will be equivalent to 0.25 officers (full time equivalent).

3.2 Primary Producers and Feedingstuffs Control

3.2.1 Premises Inspection

The Trading Standards Section of the Department has the delegated duty to enforce legislation in relation to primary production and feedingstuffs control. Inspection and sampling of products at farms, manufacturers, wholesalers and retailers is undertaken on a risk-assessed basis.

As part of the animal health visits, feedingstuffs inspections are undertaken.

3.2.2 Feedingstuffs Complaints

Due to the relatively few number of feedingstuffs establishments, it is not anticipated that there will be a significant number of complaints received by the Authority. Any complaints will be investigated in line with Departmental procedures. The Authority last year received one complaint which related to pet food and not feedingstuffs for animals intended for human consumption. One formal sample was taken. Sampling as necessary will be undertaken where circumstances warrant or intelligence indicates a problem.

3.3 Primary Authority Principle

This was introduced by legislation governed by the Better Regulation office whereby businesses operating in more than one Local Authority area can choose to partner individual Authorities in connection with a selection of regulatory elements.

In these early stages, the future local impact of food safety enforcement is difficult to gauge, however this Authority will comply with all legal requirements in the enforcement of legislation under this principle.

Another scheme called "Home Authority" continues to operate under LACoRS organisation.

3.4 Advice to Business

The Authority seeks to assist local businesses as part of the City / Community Strategy. The Authority is committed to promote the Food Standards Agency (FSA)

project “Safer Food, Better Business”, (SFBB) which is aligned to supporting certain food businesses in complying with the food safety management principles. There will continue to be great efforts to educate businesses in complying with the requirement for them to have implemented a suitable food safety management system.

In correspondence to food businesses, a standard invitation is given to them to seek advice from the Department.

Larger manufacturing businesses and small–medium enterprises have both expressed their approval of the department's dealings with their business and readiness to assist with advice, a policy of the Department for many years.

In routine inspections and visits to businesses, Officers pay special attention to advising and explaining matters appropriate to the situation.

Over the last year, as part of Regulatory Services Performance Indicator (NI 182), surveys of businesses have been conducted to ascertain whether businesses felt that they had been treated fairly and whether they had been given good information and advice. The results have been particularly encouraging and the table below shows the results;-

1	I felt my business was treated fairly	<input type="checkbox"/> <i>Strongly agree</i> <input type="checkbox"/> <i>Agree</i> <input type="checkbox"/> <i>Neither agree nor disagree</i> <input type="checkbox"/> <i>Disagree</i> <input type="checkbox"/> <i>Strongly disagree</i> <input type="checkbox"/> <i>Not applicable</i>	<p>10</p> <p>12</p> <p>3</p> <p>0</p> <p>0</p> <p>0</p>
2	<i>I felt the contact was helpful</i>	<input type="checkbox"/> <i>Strongly agree</i> <input type="checkbox"/> <i>Agree</i> <input type="checkbox"/> <i>Neither agree nor disagree</i> <input type="checkbox"/> <i>Disagree</i> <input type="checkbox"/> <i>Strongly disagree</i> <input type="checkbox"/> <i>Not applicable</i>	<p>10</p> <p>12</p> <p>3</p> <p>0</p> <p>0</p> <p>0</p>

Close links have been made with many business organisations in the City and informal agreement reached to cooperate more fully with businesses through these contacts.

3.5 Food Inspection and Sampling

The Department is committed to sampling foods for compositional standards, bacteriological standards and food standards compliance. Sampling is undertaken proactively involving imported and locally produced foods, as well as participating in national and regional surveys with Local Authorities Coordinators of Regulatory Services (LACORS) and Health Protection Agency Laboratory Service.

The Department undertakes local sampling surveys from its own intelligence and from liaison with the Health Protection Agency.

As a consequence of "demand" i.e. complaints, food alerts, food poisoning outbreaks, etc. further samples will be taken. Last year 568 samples were taken, limited by the change in transfer of work to the Leeds laboratory.

An estimated 700 samples will be taken for bacteriological examination / compositional analysis in the year 2010/11, including 30 water samples.

Formal agreements with the Durham County Analyst exist who hold the classification of a Public Analyst. We also used the Health Protection Agency Laboratory Service in Newcastle for Bacteriological sampling. This Laboratory has however now closed with all samples being transported up to daily as necessary from the region by courier to Leeds but still remains within the Health Protection Agency. Close liaison exists with the laboratories management and neighbouring Authorities to ensure the most effective and coordinated programme with flexibility for local peculiarities.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Department, with the Health Protection Agency, operates under the updated "Guidelines – Preventing person-to-person spread following gastrointestinal infections"

A local Consultant for Communicable Disease Control is employed by the Health Protection Agency. Dr. Tricia Cresswell is available to the Department for any advice regarding specific problems relating to infectious disease.

New legislation has been enacted which changes the exclusion of persons from work. Local policy will need to align with guidelines which are anticipated. A greater emphasis is being placed on the responsibility of individuals suffering from specific illnesses being required to notify their employer who then should take the necessary action to prevent the spread of illness.

Advice on food poisoning is available on the Sunderland.gov.uk website by inserting "food poisoning" in the search box on the home page (top right) and following the links.

The number of reported cases of food poisoning depend on persons suffering attending their GP or hospital, where, if samples are taken, and found to be positive, the medical practitioner has a legal duty to inform the Authority. There are close liaisons between the laboratories, Health Protection Agency and the Department to follow up all positive cases.

The Department has maintained close links with the Health Protection Agency as a partner in tackling ill health. Regular meetings to discuss various matters relating to food poisoning cases and sampling programmes take place. The County Analyst and Health Protection Agency (ex-Public Health Laboratory Service) are contracted to assist with expertise where any additional problems arise. During last year the support of the HPA during the Salmonella outbreak was particularly beneficial. Networks exist within the region, nationally and with the Chartered Institute of Environmental Health and the Local Authorities Coordinators of Regulatory Services (LACORS).

The Department investigated the outbreak of Salmonella Enteritidis Phage Type 14b in persons connected with a Care Home for the Elderly last year. Several employees and residents contracted Salmonella infections and sadly two elderly residents died. The date for the Coroner's hearing is likely to be after the summer this year, although an interim report into the outbreak has been compiled by the Health Protection Agency. The investigation involved close cooperation between several Departments and Agencies and the management of the home. Nationally the Health Protection Agency and Food Standards Agency identified links of the same organism to eggs from a Spanish farm.

Statistics of cases investigated over recent years

Year to March 31 st	Campylobacter	Salmonella	Cryptosporidia	Food poisoning & suspected FP	Shigella	Esch. Coli	Other miscellaneous organisms	Totals
2006	346	86	25	35	1	3	1	497
2007	282	69	69	21	3	7	1	452
2008	292	53	28	13	1	3	6	396
2009	306	58	26	24	5	2	2	423
2010	357	52	38	12	4	4	4	471

Year to March 31 st	April	May	June	July	August	September	October	November	December	January	February	March	Totals
2006	42	35	46	54	53	69	49	38	30	18	33	30	497
2007	23	20	60	51	51	73	49	44	32	13	12	24	452
2008	19	33	42	46	58	44	39	40	19	13	18	25	396
2009	19	35	50	48	48	41	50	36	22	20	28	26	423
2010	28	38	66	44	40	56	56	41	24	21	24	33	471

The Authority is committed to a response to all cases and outbreaks notified. The scale of the investigation and response will be measured and as appropriate to the causative organism and potential for further spread. Many cases appear to be the result of foreign travel or home acquired, and some infections e.g. Cryptosporidiosis may be acquired from the environment rather than from a food source within the City.

As in previous years, the Norovirus (“Winter Vomiting disease”) continued to affect many residential establishments in the City and regionally.

This infection is commonly spread environmentally from person to person rather than being food-borne. Officers work closely with the Health Protection Agency to limit the spread of this infection environmentally and ensure an appropriate response is made, commensurate with the necessity to identify the infection and limit the impact.

Notification of Campylobacter infections continue to be prominent throughout the country, and the investigation of cases can be time consuming with little chance of identifying the sources. The HPA are working with EHOs regionally regarding investigations and a policy has been adopted by Local Authorities and the HPA regionally which will reduce the workload created by investigating Campylobacter notifications.

3.7 Food Safety Incidents

The Authority is committed to responding appropriately to all Food Alerts issued by the Food Standards Agency in accordance with the Code of Practice on this subject. The level of response is determined by the category of response required and individual circumstances of the incident / local impact. Information is available to the public through Press releases and a link on the Council website to the Food Standards Agency.

3.8 Liaising with other organisations

A new liaison body has formed during 2009. The Authority now joins with the six other Authorities – Tyne & Wear plus Durham and Northumberland, in a North East Food Liaison Group. There is also the Sampling Group and Health Protection Agency / Local Authority Liaison group, which includes representatives from the relevant analytical and bacteriological laboratories and Communicable disease specialists. The Authority continues to be represented on the User Group for the National Food Sampling database. A manager from the Authority has invited and has joined the FSA IT Users Group to facilitate progress on the national FSA food hygiene rating scheme (scores on the doors).

Trading Standards Officers meet frequently at North East Trading Standards Association (NETSA) meetings when any topical subjects can be considered.

Relevant Building Control and Planning Applications are referred to the Department for consideration and comment.

There is frequent liaison with other Departments and sections in connection with food matters, including Facilities Management (City Catering), School Meals, Procurement, Housing, Health and Adult Services and regarding premises licences. Potential conflicts of interest are being considered and the enforcement policy will be amended appropriately at the next review in accordance with the anticipated Code of Practice.

The section has positive liaison with the local office of the Health Protection Agency, Sunderland Teaching Primary Care Trust, City Hospitals Sunderland, local food federations and guilds.

3.9 Food Safety and Standards Promotion

Whilst Officers in the course of inspections and other visits give advice and information, the Health Promotion Team offer training for the Level 2 Award Food Hygiene, the Level 3 Intermediate Certificate in Food Safety and Level 1 Foundation Certificate in Nutrition. The Team also undertake campaigns during the year.

Following last year's success, this year the team will continue to promote a "Curry Chef of the Year" competition which will require, as part of the terms of entry, consideration of the standards of hygiene of the businesses involved. A joint final was held with South Tyneside in 2009. Other LAs in the region have also been expressed interest in joining in the competition.

The Heartbeat Award has been running in Sunderland since 1990 and the Healthy Home award commenced in this Authority in 1997. Each of these award schemes has food hygiene related elements. A total of 143 Heartbeat awards and 19 Healthy Home awards were given in 2009/10.

During 2009/10:-

- 4 Food Hygiene Refresher Training Courses were held for 71 delegates.
- 25 courses were held in Level 2 Award Food Hygiene attended by 279 delegates.
- 12 delegates attended Level 3 Intermediate Certificate training.

The Health Promotion team also respond to requests from schools and other educational and community organisations for information and talks on subjects pertaining to food. Talks and presentations were given to 6 schools on food safety and the importance of washing hands properly.

Training on the "scores on the doors" and "Safer Food, Better Business" in 6 separate sessions to local businesses free of charge.

Basic food hygiene information for consumers is available on the Council Website. Similarly advice is also available on food poisoning organisms and what to do in the event of suspecting that you are ill from consuming contaminated food.

4. RESOURCES

4.1 Financial Allocation

For 2010-11 the total net budget for food control (CC2090) is £404,698. This includes environmental health support charges of £270,487 and a sampling budget of £14,671. In addition to this, there is a General Health Promotion net budget of £106,968. This includes a budgeted income target of £24,275 which is partly achieved from food hygiene training.

It is therefore estimated that a total of £511,666 of the Department's total budget will be available for use in relation to food safety.

4.2 Staffing Allocation

Staffing resources allocated to Food work currently are as follows;

Food Team

- 1 Principal Environmental Health Officer / Team Leader (Full Time)
- 2 Senior Environmental Health Officers (Full time)
- 1 Environmental Health Officer (newly qualified)
- 1 Technical Officer (Full time – working towards Higher Certificate)
- Clerical Support

One part time EHO post was removed from the establishment.

Area Office

- 2 Senior Environmental Health Officers (Part time food)
- 1 Technical Officer (Part time food - Ordinary Certificate)

All of the full-time Senior Environmental Health Officers currently employed have over 2 years experience in food matters. The newly qualified EHO has a food career background and, under supervision, is gaining experience.

Health Promotion

- 1 Principal Environmental Health Officer / Team Leader (Part time on food matters)
- 1 Health Promotion Assistant (Part time on food matters)

Trading Standards

- 1 Trading Standards Officer (Part time fertiliser and feedingstuffs)
- 1 Trading Standards Officer (Part time Primary Producers)

Estimated Total Full-time equivalent = 6.5 Officers on the establishment.

4.3 Staff Development Plan

Staff Appraisals are undertaken annually and the findings form the basis of individual staff development and training plans.

Individuals are sent to specific training where appropriate and all Environmental Health Officers are required to maintain a training log in order to comply with Continuing Professional Development.

Training days and training sessions on subjects are programmed as necessary.

Any members of staff "new" to the food team are supervised and receive training commensurate with the Code of Practice.

Environmental Health Officers in other sections also receive update training in food matters.

5. QUALITY ASSESSMENT

Monitored inspections will continue to be recorded within the food premises database during this year.

The necessary arrangements were made, with assistance from the IT section, for the new annual return of statistics for 2008/9 (LAEMS – Local Authority Enforcement Monitoring System). The 2009/10 return is well on schedule to be provided to the Food Standards Agency by the required internet method, as required before the deadline of 1st June 2010. The return gives specific information about every food business in the City rather than collated statistics as required in the past.

6. REVIEW / PERFORMANCE MANAGEMENT

6.1 Review against Service Plan

A review against the service plan is undertaken mid-year with consideration of achievements against targets. In the interim periods, line management monitors progress, including utilising the very effective in-house database software.

Monthly targets are set for each officer and teams of officers are expected to achieve the required inspection rate to reach annual service level targets.

The Corporate Improvement Plan and an Annual Report is produced to define achievements made during the previous year.

The Service Plan and Annual Report are submitted to the Chief Executive for consideration by the Council as part of the Director's Performance Agreement.

6.2 Identification of any variance from the Service Plan

The food control teams performed extremely well against the Service Plan for 2009 / 2010 in all areas of Service Delivery.

The comprehensive review of procedure and policy documents is an on-going task.

6.3 Areas for Improvement

- Implement the Food Hygiene Star Rating Award system on the FSA website when created.
- Agree and implement alternative enforcement strategy for low risk businesses with LAs in the region.
- Continue to implement the requirements / guidance of the Local Better Regulation Office in relation to the Regulatory Reform Act.
- Contribute fully to regional training and support all peer review, Inter Authority Audit and / or internal monitoring exercises between LAs in the region.
- Continue to promote the use of Safer Food Better Business (SFBB) to appropriate food businesses in the City via visits by Officers.
- Progress any necessary actions as a result of future determination of the BTP re departmental computer software.

END