

Health and Environmental Services Committee

Wednesday, 2nd October, 2013

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Members present: Councillor Corr (Chairman);
the High Sheriff (Councillor Kingston);
Alderman McCoubrey; and
Councillors Austin, M. E. Campbell, Curran,
Clarke, Garrett, Hussey, Jones, Keenan, Kelly,
Magee, McCarthy, McKee, McNamee, L. Patterson
and Thompson.

In attendance: Mrs. S. Wylie, Director of Health and
Environmental Services;
Mr. T. Martin, Head of Building Control;
Mr. S. Skimin, Head of Cleansing Services;
Mrs. S. Toland, Head of Environmental Health;
Mr. T. Walker, Head of Waste Management; and
Mr. H. Downey, Democratic Services Officer.

Minutes

The minutes of the meeting of 4th September were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st October.

Declarations of Interest

No declarations of interest were reported.

New Members

It was reported that Alderman McCoubrey had replaced Alderman M. Campbell on the Committee and that Councillors Clarke and Magee had replaced the former Members Hartley and O'Neill. The Chairman welcomed the Members to the meeting and paid tribute to Alderman Campbell and the two former Members for their contribution during their time on the Committee.

Environmental Health

Update on Tobacco Control Regulation

The Committee considered the following report:

“1 Relevant Background Information

- 1.1 Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland, killing around 2,300 people each year. In addition, a strong relationship exists between smoking and health inequalities. It has a greater impact on people living in areas of social or economic deprivation. Overall, almost one in four adults in Northern Ireland is a current smoker. In deprived areas this increases to one in three; and amongst the prison population, and for those with mental ill-health problems, smoking prevalence rates are considerably higher and one in two will die as a result of smoking.**
- 1.2 Since 2007, the NI Assembly has introduced a number of legislative controls to address this serious public health issue. On 30th April 2007 the Smoking (Northern Ireland) Order 2006 came into effect to protect people from second hand smoke by preventing smoking in most workplaces and public places. On 1st September 2009 the minimum age to purchase tobacco products was increased from 16 to 18 years by the introduction of the Children and Young Persons (Sale of Tobacco etc) Regulations (Northern Ireland) 2008; and more recently controls were introduced relating to point of sale display of tobacco products and the use of vending machines. The Council has been funded by the Public Health Agency since 2006 to enforce the tobacco control legislation and the level of compliance relating to smoke free workplaces, point of sale display and the use of vending machines in Belfast and indeed, throughout Northern Ireland is high.**
- 1.3 The Public Health Agency also funds the Council to provide a smoking cessation service for its employees and this service has been extended over the past few years to include smoking cessation in other workplaces throughout the city.**
- 1.4 In February 2012, the Department of Health, Social Services and Public Safety published a Ten Year Tobacco Control Strategy for NI with the overall aim to create a tobacco-free society. The Strategy identifies children and young people as one of the main priority groups and recognises that reducing the availability of tobacco to children and young people as key to being successful in reducing the uptake of smoking among this group.**
- 1.5 Recent research in NI indicates that 77% of adult smokers started to smoke in their teens and that almost 9% of children aged 11-16 are now regular smokers. It is agreed that more work needs to be done to prevent children and young people**

from starting to smoke and that reducing the availability of tobacco products to under 18s is integral to this work. The Public Health Agency provides funding for district councils to enforce the underage sales legislation.

- 1.6 Studies carried out with children who smoke in England and Scotland show that their primary source for purchasing tobacco is shops, and although NI wasn't included in the study it is likely that a similar situation exists here. The Northern Ireland Assembly has issued a draft Tobacco Retailers Bill which will strengthen sanctions against retailers who sell tobacco products to children. The Bill, which is currently at Committee Stage, contains proposals that would allow for a restricted sales order to be applied to an individual, and/or a restricted premises order to be applied to a premises, prohibiting the sale of tobacco products for a period of time following the commission of a number of relevant offences.

Current Work

- 1.7 Since the minimum age to purchase tobacco products was raised from 16 to 18 in 2009 the Council has, in line with the Public Health Agency and other district councils, developed a programme of work to provide advice and guidance to retailers on how to comply with the legislation.
- 1.8 All tobacco retailers receive a visit at least once a year by an officer outlining the legal responsibilities associated with selling tobacco and advising of the controls that should be put in place to prevent sales being made to anyone under the age of 18. An advisory leaflet and letter confirming this is left at the time of the visit and an additional mail shot with the same information is sent out at least twice a year to all retailers. Retailers are clearly advised and reminded that a test purchase exercise may be carried out in their shop at any time.

Test Purchasing

- 1.9 All councils are required, within the service level agreements with the Public Health Agency, to carry out regulatory work to control sales. Belfast City Council carries out approximately 60 test purchases a year to monitor compliance with the above Regulations. This is where a 13 or 14 year old child volunteer visits a shop to attempt to buy cigarettes. The Council has a test purchasing procedure and all staff working in this area have undergone child protection training. The child volunteer is advised to tell the truth about their age if questioned by a retailer and they do not carry any identification. The Public

Health Agency, as the funder of this work and to ensure consistency regionally, oversees the approach taken by councils, which is important given that a retailer may have a number of outlets in different council areas. The regional approach to prevent underage tobacco use is in line with the Department of Health, Social Services and Public Safety's 10 year tobacco control strategy.

2 Key Issues

- 2.1** The tobacco control work in Belfast, including that to prevent underage sales is undertaken in line with the Council's approach to better regulation. Education, information and advice, along with a well developed smoking cessation service are used to support businesses to achieve compliance. However, despite this, between 1st April 2010 and 31st March 2013 out of 172 test purchase exercises carried out in Belfast 66 shops sold cigarettes to the 13 and 14 year old volunteers. Of these 43 have been progressed to formal prosecutions.
- 2.2** Business operators have the opportunity to demonstrate the controls and systems they have put in place to prevent sales and ensure compliance before a decision is taken with legal services to prosecute.
- 2.3** Due to the serious nature of this public health issue and the persistent high rate of sales of cigarettes to children in Belfast, the Council is currently considering other ways to support businesses to help them to meet their legal obligations. Work is underway updating the 'Do you sell age restricted products?' advisory leaflet and on the production of information packs for businesses, with template documents such as a refusal log, a generic age restricted policy, a record of training log, etc. We are seeking additional funding for this work and it is hoped that the posters and packs will be available before the end of the year. In addition regional seminars are being planned for businesses to provide advice on the new legislation. These are likely to take place in December or January.

3 Resource Implications

3.1 HR Implications

None

3.2 Financial implications

There are no resource implications for the Council. The costs associated with this work are being met by the Public Health Agency as part of a regional grant.

3.3 Equipment Implications

None

4 Equality and Good Relations Considerations

4.1 There are no equality issues associated with this work.

5 Recommendation

5.1 The Committee is requested to note the persistent high rate of sales of tobacco products to children in Belfast and the work being undertaken to better support businesses to prevent sales and achieve compliance.”

During discussion, several Members commended the work which was being undertaken by the Council and its partner organisations in relation to tobacco control. It was suggested that that work should be publicised more widely and that reference should be made to the important role to be played by parents in discouraging their children from smoking, the benefits of undertaking test purchases in shops and the mechanism for reporting to the Council those retailers who sold single cigarettes to young people who were under the minimum age. It was suggested also that an awareness campaign be organised for businesses in order to supplement the positive work being undertaken by that sector around the responsible sale of tobacco products. A Member stated that he had been made aware that some young people were using electronic cigarettes before moving on to smoke tobacco and sought clarification on any potential health implications and future control measures which could be implemented in relation to that type of device.

In response, the Head of Environmental Health undertook to examine, in consultation with the Corporate Communications Section, ways of publicising the work of the Council and partner agencies in terms of tobacco control. She undertook to raise with businesses regionally the need to raise awareness of their work and how it could be co-ordinated, once the new legislation had been passed and to obtain from the Regional Tobacco Control Group and the Public Health Agency clarification on the points which had been raised in relation to electronic cigarettes.

The Committee noted the information which had been provided and that a report providing a further update on the control of tobacco would be submitted to a future meeting.

**Consultation on the Food Law Code
of Practice (Northern Ireland) Review**

The Committee considered the undernoted report:

“1 Relevant Background Information

1.1 The statutory Food Law Code of Practice (Northern Ireland) (COP) sets out the instructions and criteria that local authorities need to follow when planning and carrying out their food law regulatory responsibilities. This Code requires periodic revision so that it reflects current enforcement practices and supports local authorities in ensuring that the delivery of their official control obligations is effective, consistent, risk based and proportionate.

1.2 The Food Standards Agency (FSA) is currently seeking comments on its most recent proposals to amend the Code. The main changes proposed relate to the risk assessment tool used to determine the minimum frequency and type of intervention applied to verify compliance in food establishments. The proposals aim to:

- increase the consistency in risk scoring by updating and clarifying the risk descriptors used to assign risk scores and**
- improve the effectiveness of enforcement by redistributing the minimum inspection frequency of a number of businesses to allow enforcement to focus on businesses that are non-compliant with food law**

1.3 The current code sets out the scheme used to risk score premises and categorises them A (highest risk) – E (lowest). Part of the risk score reflects the level of compliance observed during inspection and is used to determine the Food Hygiene Rating which is published. The risk category determines the minimum intervention frequency, and also the type of intervention that must be applied. Higher risk premises are normally subject to more frequent, thorough inspections whereas lower risk premises may receive a range of light touch interventions at a reduced frequency.

2 Key Issues

2.1 The current risk assessment scheme fails to adequately differentiate between levels of compliance within all establishments and has resulted in large volumes of food establishments, ranging in compliance from good to poor,

falling within risk category of 'C'. Establishments in category C, irrespective of levels of compliance, must receive an intervention at least once every 18 months and every other intervention must be a thorough inspection.

- 2.2 It is this Council's experience that for many food businesses the levels of compliance do not remain static over time and that external factors including staff turnover often result in falling standards between inspections. Periodic inspection is considered the most reliable way of detecting and assisting businesses to remedy non compliances.
- 2.3 A draft response to the consultation and associated covering letter are attached. The changes proposed are summarised below. The full consultation document can be accessed at: <http://www.food.gov.uk/news-updates/consultations/consultations-northern-ireland/2013/foodlaw-ni>
- 2.4 The main impact of this proposal is to move the better compliant 'C' establishments to category 'D' where they may be removed from the inspection programme in favour of lighter touch interventions and at a reduced frequency.
- 2.5 The establishments moved by this proposal from category 'C' to category 'D' would result in almost 50% of businesses handling open high risk food falling into the latter category. As category 'D' such establishments would no longer require inspection, instead the minimum official control would equate to a light touch intervention at least once every 4 years.
- 2.6 Furthermore, removing up to 50% of establishments handling open high risk food from inspection requirements will compromise the integrity of the Food Hygiene Rating Scheme as such premises may not be automatically re assessed over time.
- 2.7 Considering the proposals, the case studies provided estimate a modest 5.41% reduction in the minimum number of interventions required within Belfast. It would appear the case studies take an overly simplistic view as they fail to recognise the impact of the flexibilities within the existing code and the much greater reduction in the levels of intervention expected. This Council estimates that the proposal would equate to a 27% reduction in the number of inspections and an overall reduction of around 25% in the level of interventions.
- 2.8 It would appear that the proposals aim to help local authorities, particularly in England, that have faced severe financial hardship and have been forced to reduce resources. There is evidence that increasing numbers of these Authorities

struggle to comply with the requirements of the current COP. It is not however clear if the proposals adequately consider the potential impact on consumer protection and in particular the effectiveness of light touch interventions alone to monitor compliance and evaluate food safety risk in such a large percentage of establishments handling open high risk food.

- 2.9 Should this proposal be adopted, it is likely that many councils will seek to maintain inspection levels for businesses handling high risk food, whereas others will not receive inspections in order to reduce expenditure to an absolute minimum. This is likely to increase inconsistency across the UK with different inspection regimes applied in different regions and LA areas.
- 2.10 It is possible that, rather than using any savings to better target non compliant businesses, authorities facing financial pressure may decide to divert resources away from food safety to other areas of work.
- 2.11 Members are asked to consider and agree the attached response at appendix 2, which includes the following:

Belfast City Council, through its investment programme and its Regulatory and Enforcement Policy, is committed to the principles of better regulation and to ensuring our regulatory activities not only protect the consumer, but also encourage economic growth. To that end the Council:

- strongly supports the overall aim of this proposal to 'improve the effectiveness of enforcement by redistributing the minimum inspection frequency of a number of businesses to allow enforcement to focus on businesses that are non-compliant with food law'
- supports a reduction in the frequency of intervention applied to the current more compliant 'C' establishments and agree that this would give the Council greater flexibility to decide and target local priorities;
- supports the recategorisation of establishments within the current category 'C' band which as it stands is too broad;
- suggests, however, that large numbers of premises handling open high risk food should not be removed completely from the inspection programme and the level of intervention applied must be sufficient to

protect the consumer and maintain the Food Hygiene Rating Scheme; and

- suggests that should this proposal proceed then the level of minimum intervention required for category D premises handling open high risk food should be reviewed and increased accordingly.

Members are also asked to note the other proposed changes to the Code and agree the attached response (Appendix 2) including changes to descriptors, food standards qualifications, revisit requirements and registration of new premises.

Resource Implications

There are no resource implications

Equality Implications

None

Recommendation

The Committee is requested to agree the following covering letter and consultation response.

Appendix 1

Belfast City Council is pleased to have the opportunity to comment on the proposed changes to the Food Law Code of Practice (COP). Our Health and Environmental Services Committee at its meeting on the 2nd October considered your proposals and agree the attached response.

Through our investment programme and our Regulatory and Enforcement Policy we are committed to the principles of better regulation and to ensuring our regulatory activities not only protect the consumer, but also encourage economic growth. To that end the Council:

- strongly supports the overall aim of this proposal to 'improve the effectiveness of enforcement by redistributing the minimum inspection frequency of a number of businesses to allow enforcement to focus on businesses that are non-compliant with food law';

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- supports a reduction in the frequency of intervention applied to the current more compliant 'C' establishments and agree that this would give the Council greater flexibility to decide and target local priorities;
- supports the re categorisation of establishments within the current category 'C' band which as it stands is too broad;
- suggests, however, that large numbers of premises handling open high risk food should not be removed completely from the inspection programme and the level of intervention applied must be sufficient to protect the consumer and maintain the Food Hygiene Rating Scheme; and
- suggests that should this proposal proceed then the level of minimum intervention required for category D premises handling open high risk food should be reviewed and increased accordingly.

This response will be presented to the Council on 4th November for ratification and you will be advised subsequent to that meeting of any amendments made to the document.

Appendix 2

Council Response

Belfast City Council welcomes the opportunity to comment on the proposed changes to the Food Law Code of Practice (COP). The Council through its investment programme and its Regulatory and Enforcement Policy is committed to the principles of better regulation and to ensuring our regulatory activities not only protect the consumer, but also, encourage economic growth. To that end the Council: strongly supports the overall aim of this proposal to improve consistency in risk scoring and to improve the effectiveness of enforcement by redistributing the minimum inspection frequency of a number of businesses to allow enforcement to focus on businesses that are non-compliant with food law. To that end the Council supports a reduction in the frequency of intervention applied to the current more compliant 'C' establishments and welcomes that this would give the Council greater flexibility to decide and target local priorities;

It is the Council's experience that, for many food businesses, the levels of compliance do not remain static over time and that external factors including staff turnover often result in falling

standards between inspections. Periodic inspection is considered the most reliable way of detecting and assisting businesses to remedy non compliances. The premises moved by this proposal from category C to category D would result in almost 50% of businesses handling open high risk food falling into the latter category. As category 'D' such premises would no longer require inspection, instead the minimum intervention frequency would equate to a light touch official control once every 4 years. Belfast City Council considers such a low level of intervention is insufficient to ensure continued compliance with Food Hygiene requirements and would fail to adequately protect the consumer. Furthermore removing 50% of premises handling open high risk food from inspection requirements will compromise the integrity of the Food Hygiene Rating Scheme as such premises may not be automatically re assessed over time.

Considering the proposals the case studies provided estimate a modest 5.41% reduction in the minimum number of interventions required within Belfast. It would appear the case studies take an overly simplistic view as they fail to recognise the impact of the flexibilities within the existing code and the much greater reduction in the levels of intervention expected. This Council estimates that the proposal would equate to a 27% reduction in the number of inspections and an overall reduction of around 25%.in the level of intervention.

It would appear that the proposals aim to help local authorities, particularly in England, that have faced severe financial hardship and have been forced to reduce resources including food safety. There is evidence that increasing numbers of these Authorities struggle to comply with the requirements of the current COP. It is not however clear if the proposals adequately consider the potential impact on consumer protection and in particular the effectiveness of light touch interventions alone to monitor compliance and evaluate food safety risk.

Should this proposal be adopted it is likely that many Councils will seek to maintain inspection levels for businesses handling high risk food, whereas others will avoid inspections in order to reduce expenditure to an absolute minimum. This is likely to increase inconsistency across the UK with different inspection regimes applied in different regions and LA areas.

It is also likely that rather than using any savings to better target non compliant businesses, many Authorities facing financial pressure will divert resources away from food safety to other areas of work.

Furthermore the consultation paper refers only to annex five of the COP; however other parts of the code, not referred to, have been significantly changed.

Food Standards Qualifications

The requirements for qualifications for officers carrying out food standards inspections have been changed; the Food Inspector qualification with Food Standards Endorsement has been removed. This change would have significant negative implications for Belfast City Council. We currently employ 3 Technical Officers (Food Safety) who carry out Food Standards inspections. If the proposed changes in qualifications are adopted, these officers will no longer be authorized to carry out these inspections. We would therefore strongly oppose these changes.

Additional requirements for qualifications of officers to carry out food standards inspections of higher risk food premises are proposed. We feel that the requirement for lead assessor training is justified for inspection of complex premises; however 'high risk' within the COP needs to be clearly defined.

Revisits

We welcome the proposed changes to revisit requirements. This is consistent with the NI compliance strategy and with this Council's existing policies and procedures.

New premises

We support the proposal to require inspection of new premises within 28 days of registration or when known to be opened (with some flexibility allowed). However the COP should clarify the position in relation to, for example, childminders who are currently outside the inspection programme and not subject to an initial inspection.

Answers to the specific questions asked within the consultation document are given below.

Response

Q1: Do you think that the proposed amendments to the descriptors will affect the consistency of scoring of food businesses by LA officers?

Belfast City Council welcomes the updating and clarification of the text where issues have been identified.

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In particular with respect to the additional score for Method of Processing, the clarification should improve consistency. Whilst current advice from Food Safety Experts is that rare or undercooked burgers and similar products should not be consumed, the Council recognizes there is evidence that the availability of these products is increasing across the UK and that where strict precautions are taken to demonstrate the elimination of Ecoli contamination this may be accepted as compliant. Belfast City Council therefore welcomes the fact that these activities are now specifically highlighted within the COP as high risk and should automatically acquire an additional score. However, reference to such methods of processing within the code has the potential of main streaming such practices and may increase the risk to the consumer. The FSA needs to simultaneously provide clear guidance to industry and enforcement as to the specific controls necessary to ensure food safety.

With regards to Confidence in Management, the Council notes and supports the introduction of attitudes and culture into the scoring as this reflects recent research findings as to the reasons for non compliance. However it feels that this will remain a difficult area to score consistently and suspect some officers will struggle with the concept of not scoring practices and hygiene again to some extent.

Q2: Do you think additional clarification should be added to the descriptors in Annex 5, and if so which factor needs additional material and why?

The wording of the descriptors is open to a wide degree of interpretation and professional judgement and this has led to inconsistency and significant changes in scoring practices over the years. In recent years the risk scores have been used to generate and publish ratings as part of the Food Hygiene Rating Scheme and industry continue to raise concerns regarding consistency. Whilst much work has been done within Belfast and across Northern Ireland to ensure consistency of FH ratings it is clear the risk rating scheme was not specifically designed to ensure highly consistent Food Hygiene Ratings for publication. A more fundamental review of the rating scheme may be required to ensure highly consistent scores for Food Hygiene Ratings and risk assessment. At the very least additional detailed guidance should be produced to advise on the scoring of specific non compliances.

Confidence in Management – the inclusion of a score of 15 may help to avoid inconsistencies between officers where some officers may be unduly severe on some businesses opting for 20 rather than 10. Confidence in Management remains a challenging concept in terms of ensuring high levels of consistency in scoring. A more

fundamental review of this aspect may be required to accommodate the FHRS.

Food Standards Risk to Consumers – this includes consideration of food with increased risk of chemical contamination; this aspect may need some clarification, perhaps a list of such foods.

Q3: Do you consider that the content and presentation are clear and easily understood, if not, how and where should this information be presented to improve this?

Yes

Q4: Do you agree with the proposal to redistribute the risk categories to focus on high risk establishments and will this help LAs identify those businesses that need more regulatory activity, please provide evidence to support your views?

Belfast City Council does not agree with the proposal as it is currently written and believes this is the most substantive part of the COP review and needs very careful consideration.

It very much supports a more targeted approach to food safety which focuses on the worst offenders and reduces the regulatory burden on compliant businesses.

It agrees that the current risk category C is much too broad and fails to adequately differentiate between premises with poor, acceptable and good levels of compliance.

The Council agrees that reducing the inspection frequency for the existing Category C premises with high levels of compliance could allow Councils to better target their resources without compromising food safety. However, the current level of intervention required for category D premises should the proposal be adopted, would remove large numbers of premises handling open high risk food completely from the inspection programme. They would instead be subjected to light touch official control visits once every four years. This is considered insufficient to ensure food safety requirements are being met and to ensure Food Hygiene Ratings are relevant.

Should the COP be amended to move significant numbers of premises handling open high risk food from category C into category D then the level of intervention required for Category D premises needs to be increased. This Council believes all premises handling open high risk foods should be periodically subject to inspection, albeit at a reduced frequency and alternated with light touch interventions.

Q5: Do you foresee any positive or negative effects arising from this change?

It is possible that this proposal will result in a further depletion of the resources allocated by LA's across the UK to Food Safety. Local Authorities facing severe financial hardship may seek to achieve the minimum required levels of official controls and may divert any savings generated to other services. Under such circumstances the proposals will fail to improve the targeting of non compliant premises and more likely significantly increase the risk to the consumer.

With 50% of premises handling open high risk food potentially no longer subject to planned inspection, large proportions of food hygiene ratings will become out of date and irrelevant so threatening the integrity of the FHRS.

There has been no evidence of the effectiveness of light touch interventions to assess risk and effectively monitor compliance, on the other hand there is evidence to suggest that conditions within food business can deteriorate and fluctuate over time with staff changes and other external factors coming into play. Removing a high percentage of businesses handling open high risk food from the inspection regime in favour of lighter unevaluated interventions may result in a significant reduction in the effectiveness of the regulatory regime and increase consumer risk.

The reduction in the level of intervention carried out is likely to become a matter of public interest, possibly in response to an outbreak or other food safety incident occurring. It is likely consumers expect the regular inspection of premises handling open high risk food and in the absence of such, public confidence in the regulatory regime could be adversely affected.

On a positive side, the Council agrees that the current category C is too diverse in terms of compliance and supports a reduction in the frequency of intervention applied to the better premises. However they should not be removed completely from the inspection programme and the level of intervention applied should be sufficient to protect the consumer and maintain the FHRS. Should this proposal be agreed the level of minimum intervention required for category D premises handling open high risk food should be increased.

Q6: Would you support further revisions to the Code to increase the frequency of intervention at higher risk establishments and reduce the frequency at lower risk establishments and how would you like to see this achieved?

The Council is of the opinion that the small number of existing Category C premises with poor standards of compliance (rated 0,1 and 2) should be re categorised into category B thereby increasing the minimum inspection frequency from once every three years to once a year. It is anticipated this would significantly improve the targeting of individual non compliant businesses, however, due to the small number of premises affected it would not significantly increase the overall regulatory burden.

As discussed above if the proposed changes to the risk banding are agreed this council believes that the current minimum intervention required for category D premises handling open high risk food should be revised and increased to ensure periodic inspection alternated with light touch interventions.

Q7: At figure 8 within the impact assessment at Annex B we have estimated an average time to undertake an inspection at business type. Do you agree with the estimations given?

(Can any alternative estimations submitted please state whether they include time spent pre and post the inspection)

The Council feels that the estimate of 3 hours for restaurants and caterers is an underestimate and that 4.5 hours for this class of premises is more realistic. It should also be noted that Belfast City Council utilises the flexibilities within the existing COP and planned interventions often take the form of short verification visits of approximately 30 mins. The impact assessment fails to consider the potential impact of the flexibilities within the COP which could see inspections being reduced by as much as 27%.

Q8: We have estimated that each officer involved in implementing Annex 5 will now need to spend an additional hour familiarising themselves with the changes, do you agree with this estimation?

Council believes this is unrealistic and that officers will require at least 2 hours to become familiar with the proposed changes.”

The Committee agreed that the foregoing letter and accompanying comments be forwarded to the Food Standards Agency as the Council's response to the consultation document.

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Building Control

Naming of Streets

The Committee approved the undernoted applications for the naming of streets in the City which did not conflict with existing street names and to which the Royal Mail had offered no objection:

<u>Proposed Name</u>	<u>Location</u>	<u>Applicant</u>
Goldstone Hall	Off Park Avenue, BT4	Dimensions Architects
Victoria Close	Off Victoria Road, BT4	Fairbuild Homes (NI) Limited

Applications for the Erection of Dual-Language Street Signs

The Head of Building Control reported that the following applications to erect additional street nameplates in a language other than English had been received by the Council:

<u>Street Name</u>	<u>Proposed Second Street Name</u>	<u>Language</u>
Waterford Gardens, BT13	Garraithe Phort Láirge	Irish
Waterford Street, BT13	Sráid Phort Láirge	Irish

He explained that, in accordance with Council policy, a survey had been undertaken which had determined that over two-thirds of the residents of the streets had been in favour of the erection of additional nameplates. Accordingly, he sought approval for their erection.

The Committee granted the approval sought.

Joint Working Arrangement between the Council and the Department of Finance and Personnel

The Committee considered the undernoted report:

“1 Relevant Background Information

- 1.1 The purpose of this report is to inform the Committee and seek its consent to enter into a pilot project with the Central Procurement Directorate (CPD) of the Department of Finance**

and Personnel in the submission of their In-House Design Schemes for Building Regulation Approvals by the Council.

- 1.2 The power for the Council to carry its Building Regulation function is contained in the Building Regulations (Northern Ireland) Order 1979 (as amended 1990 and 2000). This states that anyone carrying out works to which the regulations apply must make application to the district council in which the building is situated to ensure their works comply with those regulations.**
- 1.3 Whilst that Order states that the substantive requirements of the Building Regulations apply to the Crown (central government departments), they are exempt from the procedural requirements and enforcement. In effect this means that whilst they must ensure their buildings meet the regulatory requirements they do not have to apply to the Council nor are they subject to enforcement by the Council in respect of those buildings for any failure to comply with the regulations. This is in line with the Interpretation Act (Northern Ireland) 1954 which establishes that the Crown is not bound by legal requirements unless other legislation states otherwise. This is often referred to as 'crown exemption or crown immunity'.**
- 1.4 CPD carries out in house design work on many of the government buildings which fall under this exemption. They are however of the opinion that they would be keen to make application to the Council for this work as they see the additional checks carried out by the Council as beneficial to the process in ensuring compliance of their buildings. They have consulted with their government legal advisers who, on checking the legislation, advised that, whilst CPD are not bound to make application under the Order it equally does not prevent them from making any application to the Council if they so wish.**
- 1.5 In light of this, CPD has now approached the Council to ascertain if we would engage in a pilot within the Belfast area where they would submit applications for their in-house designs, pay the requisite fees as defined in the regulations and have their plans and building works assessed and inspected by the Council's building control staff. If the plans and works are in compliance, the Council would issue to them the necessary plan approvals and completion certificates.**
- 1.6 Where the plans or works are not in compliance, CPD would, on receipt of our report, require amendments to achieve compliance as they would make our certificates a pre-requisite**

for approvals under their procedures. This mechanism is an important part of the process to ensure compliance as the Council has no enforcement power in relation to the works.

- 1.7 Not only would this benefit CPD in that they have an additional layer of control on their projects, but the costs would be fully covered through fees.
- 1.8 We have been in consultation with the Council's Legal Services Section on this matter and they are content that there are no significant legal issues preventing this arrangement provided that a Service Level Agreement is put in place. CPD are fully aware of this issue and have confirmed the willingness to enter into any agreement the Council would propose.
- 1.9 It is hoped that the results from this pilot would inform other councils in Northern Ireland who may wish to partake of this offer in their respective areas.

2 Key Issues

- 2.1 The Service is proposing a joint working arrangement with the Central Procurement Directorate of the Department of Finance and Personnel in the submission of their In-House Designs for Building Regulation Approvals by the Council.
- 2.2 It is envisaged that the pilot will run for an initial period of 6 months. If successful, the project may form the basis of a province-wide initiative to introduce similar schemes to District Council Building Control Services in the other twenty five council areas.
- 2.3 The Council has a policy to work in partnership with other statutory agencies, especially on projects of mutual benefit.
- 2.4 Before any applications for building works are submitted for approval to the Building Control Service a full Service Level Agreement will be drawn up in conjunction with Legal Services ensuring the Council is exempt from any liability associated with the operation of this function.
- 2.5 To ensure the effective operation of the pilot and review quality control regular meetings will take place between the Head of Building Control and Stanley Simpson, a Deputy Director in Construction Division in Central Procurement Directorate.

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2.6 At the end of the pilot, a full evaluation report will be submitted to Committee for approval to continue the project.

3 Resource Implications

3.1 The project will be self financed via the fees charged.

4 Equality Implications

4.1 There are no equality or good relations issues.

5 Recommendation

5.1 The Committee is requested to grant approval for the commencement of the pilot exercise, for a period of 6 months, with the commencement date to be agreed between the parties. Details of the project will be reported to the Committee after six months.”

After discussion, the Committee adopted the recommendation.

Chairman