



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 28 September 2016.

Present:

Robert Gould (Chairman)

Robin Cook, Deborah Croney, Peter Finney, Jill Haynes and Rebecca Knox.

Members Attending:

Paul Kimber, County Councillor for Portland Tophill

Daryl Turner, County Councillor for Marshwood Vale

Officers Attending:

Debbie Ward (Chief Executive), Richard Bates (Chief Financial Officer), Helen Coombes (Interim Director for Adult and Community Services - Dorset), Mike Harries (Director for Environment and the Economy), Jonathan Mair (Monitoring Officer), Sara Tough (Director for Children's Services) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

Karen Andrews (Group Manager - Corporate Development), Mike Garrity (County Planning, Minerals and Waste Team Leader), Ivan Hancock (Trading Standards Service Manager), Anthony Littlechild (Corporate Sustainability Officer), Paul Leivers (Head of Early Help and Community Services), Jim McManus (Chief Accountant) and Jerry Smith (Technical Specialist - Planning).

- (Notes:(1) In accordance with Rule 16(b) of the Overview and Scrutiny Procedure Rules the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date.
Publication Date: **Tuesday, 4 October 2016.**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Monday, 10 October 2016.**
- (3) **RECOMMENDED** in this type denotes that a decision of County Council is required.)

Apologies for Absence

127 Apologies for absence were received from Andrew Cattaway, Colin Jamieson and Nicky Cleave (Assistant Director of Public Health).

Code of Conduct

128 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

Minutes

129 The minutes of the meeting held on 7 September 2016 were confirmed and signed, subject to an amendment in minute 125 to refer to Cllr Croney as the 'former' Leader of North Dorset District Council.

Public Participation130 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public questions received at the meeting in accordance with Standing Order 21(2).

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

Cabinet Forward Plan

131 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting. The following changes were noted:

- Concessionary Travel – 16 November 2016
- Forward Together for Children's Services (projects and budget impacts) – 14 December 2016
- Locality Plan for Health and Wellbeing – 14 December 2016

Resolved

That the Forward Plan be updated to take account of the items listed above.

Panels and Boards

132 The Cabinet received the minutes of the following meetings:

Budget Strategy Task and Finish Group - 17 August 2016

132a Noted

Health and Wellbeing Board - 31 August 2016

132b The Cabinet Member for Health and Wellbeing, and Children's Safeguarding explained that the Dorset Joint Health and Wellbeing Strategy had been developed with considerable consultation including director involvement as members of the Health and Wellbeing Board. She also highlighted that although approval was being sought, the Strategy would remain ongoing and be subject to change. It was noted that a Prevention at Scale workshop would be held on 21 October 2016 as a joint session for Dorset, Bournemouth and Poole, in a central location.

In addition to the recommendation, it was noted that the Sustainability and Transformation Plan continued to develop, and there had recently been the need to consult the Directors of Public Health, Adult and Community Services, Children's Services, the Chief Executive and the Cabinet Member for Adult Health, Care and independence prior to sign off of the latest version for the Department of Health.

Resolved

That the minutes of the meeting be received and the following recommendation be approved.

Recommendation 34 - Draft Dorset Joint Health and Wellbeing Strategy, 2016/2019
That Cabinet approves the revised Dorset Joint Health and Wellbeing Strategy.

Reason for Recommendation

To deliver a Joint Health and Wellbeing Strategy that had full commitment and engagement from all Board Members and partners throughout Dorset, and that delivered better outcomes for health and wellbeing.

Dorset Police and Crime Panel - 8 September 2016132c **Noted****Dorset Waste Partnership Joint Committee - 12 September 2016**

132d The Cabinet Member for Environment, Infrastructure and Highways highlighted a particular issue regarding the rounds in Ferndown which was causing some concern in the local area, but generally the performance and budget of the Dorset Waste Partnership were encouraging and was in a good position to make further savings in due course.

Noted**Executive Advisory Panel on Pathways to Independence - 13 September 2016**

132e The Cabinet Member for Adult Health, Care and Independence highlighted the Council's duty to arrange care and support for adults with eligible needs, and a power to meet non-eligible needs under the Care Act 2014, together with the discretion to charge unless the law says that the care or support must be provided free of charge. The review of fairer charges for care and support by the Executive Advisory Panel was undertaken on the principle that people should only be asked to contribute what they could afford. It was recognised that the actual cost of care and support services would be identified and the charge would be in proportion to their ability to pay, as determined by an individual means-test to comply with the ethos of the Care Act. It was planned to undertake public consultation during October and November 2016 and discuss the feedback at the December 2016 meeting of the Making It Real Board before submitting proposals to Cabinet.

In response to a question regarding the compulsory use of direct debits, it was clarified that in order to reduce the running debt of £1.5m it was necessary to promote monthly direct debits as a default payment instead of cheques.

The particular needs of an individual on Portland were raised by Cllr Paul Kimber, as the Councillor for Portland Tophill, and it was confirmed that the circumstances would be discussed outside of the meeting.

Resolved

That the minutes of the meeting be received and the following recommendation be approved.

Recommendation 40 - Fair Charges for Care and Support

1. That the Cabinet be asked to consider and support the review as described in the Interim Director's report.
2. That the Cabinet be asked to approve the proposed consultation exercise and outline timetable.

Reason for Recommendations

The work supports the commitment in the County Council's outcomes framework to help residents be safe, healthy and independent.

Medium Term Financial Plan (MTFP) update

133 The Cabinet considered a report by the Leader of the Council on the national and local issues impacting on the County Council's finances, together with the development of the MTFP from 2017/18 to 2019/20.

The Leader of the Council introduced the report and summarised the current budget position, the work of the Budget Strategy Task and Finish Group to address savings programmes and budget planning, and the Council's draft efficiency plan as part of Department for Communities and Local Government (DCLG) proposed four-year budget settlement. It was recognised that in 2016/17 there was a forecast overspend

position of £7.8m and that savings plans needed to be met to balance the budget at year end. Particular attention was drawn to the higher risks in future years following including the management of balances and reserves, and the use of transitional funding.

It was highlighted that the plans set out for 2017/18 and 2018/19 would provide for a balanced budget but in 2019/20 the Revenue Settlement Grant (RSG) would create a significant negative position. Members were supportive of the proposed four-year settlement from DCLG on the clear understanding that it represented a minimum level of funding and that lobbying would continue for an improved position in 2019/20.

In relation to Public Health funding, it was reported that the use of ring-fenced grant funding for initiatives that did not relate to joint public health objectives across Bournemouth, Dorset and Poole was not permitted and must comply with grant restrictions, and any request to use funding would require thorough evidence to support a business case. Future funding arrangements were scheduled to be discussed at the next Joint Public Health Board and separately by finance officers and the Director of Public Health.

It was agreed that reference in the Efficiency Plan to the increase in Council Tax revenue over the next four years would include an explanation regarding the percentage increase and the assumed growth in the tax base over the duration of the Plan.

In respect of service changes in Children's Services, the Cabinet Member for Learning and Skills confirmed that the progress to quantify and ensure savings were on target, particularly in relation to Looked After Children, would be considered by the Cabinet in December 2016. It was also confirmed that lobbying would continue, in addition to the RSG, on the future of the Education Services Grant, Dedicated Schools Grant and early years funding through a coordinated lobbying approach.

An update on budgets affecting the Environment and Economy Directorate was provided by the Cabinet Member for Environment, Infrastructure and Highways to highlight that any additional pressures would make it increasingly difficult to retain services as they were at the bare minimum. It was felt that it was important to not lose sight of transformation already undertaken, but to continue to engage with communities regarding the future of services.

A request was made by the Cabinet Member for Health and Wellbeing, and Children's Safeguarding for further information on apprenticeship levies, recent consultation and projected cost, to which the Chief Executive confirmed that she would provide information outside of the meeting, and also confirmed that a detailed report would be considered by the Staffing Committee at its next meeting.

Resolved

1. That the issues raised in the minute above be taken into account in the development of the Medium Term Financial Plan and budget;
2. That the forecast overspends on service budgets in 2016/17, what action might be required, especially in light of the balance of the general fund, be noted;
3. That the changes to budgeting assumptions and other work carried out by the Budget Strategy Task and Finish Group be agreed; and,
4. That the risks associated with signing-up to (and not signing-up to) the four-year funding deal on offer from the DCLG be noted, and to request officers to respond to DCLG by 14 October 2016 signing up to the offer, on the clear understanding that it represented a minimum level of funding and that lobbying would continue for an improved position in 2019/20 when the Revenue Settlement Grant (RSG) would show a negative allocation.

Reason for Decisions

To enable work to continue on refining and managing the County Council's budget plan for 2017/18 and the overall three-year MTFP period.

Framework Arrangement for External Advisors

- 134 The Cabinet considered a report by the Cabinet Member for Organisational Development and Transformation on the use of specialist skills and expertise that do not exist within the Council in order to support delivery of the Council's objectives and programmes of work.

The Cabinet Member for Organisational Development and Transformation outlined the occasions when a diverse range of skills and expertise was required. It was noted that there was a need to look at a default way to procure additional external advisors and consultancy services more effectively and efficiently. It was reported that the NEPRO framework had been piloted and was a procurement route for ad-hoc specialist short term contracts. It was noted that larger long term contracts would use the existing contract procedure rules.

Following a slight concern by the Cabinet Member for Adult Health, Care and Independence regarding contracts for highly specialist expertise, members were assured that there were arrangements to deal with these types of need including exemptions. However, the default position should be to use the NEPRO framework for routine contracts. A question was asked in relation to financial limits outside of the NEPRO framework, to which it was confirmed that there were financial limits and delegated approval for exemptions within the Scheme of Delegation. It was suggested that where alternative options were required that were outside of the NEPRO framework and the Scheme of Delegation, these should be agreed with the Director and Cabinet portfolio holder, based on clear business reasons.

A further clarification was sought by the Director for Environment and the Economy regarding the use of the framework in relation to other existing contracts, to which it was confirmed that the NEPRO framework would be used where no other formal County Council contract existed.

Resolved

1. That the County Council participate in the NEPRO Neutral Vendor Framework arrangement.
2. That use of the NEPRO route for procuring External Advisor Services be approved as the Council's default position where no other formal County Council contract exists, so that alternative options are used only on an exceptional basis where there are clear business reasons.
3. That the Council's Guidance on Engaging Consultancy Services be changed to reflect the expectation that the NEPRO route is followed.

Reason for Decisions

To ensure that the Council had an appropriate route for appointment of external advisors, that supported achieving value for money.

Quarterly Asset Management Report

- 135 The Cabinet considered a report by the Cabinet Member for Organisational Development and Transformation as a quarterly report on key issues relating to the Council's asset classes of Property, Highways, ICT, Fleet and Waste. Members welcomed the revised concise format of the report.

The Cabinet Member for Learning and Skills explained that the service improvement to relocate family assessment teams to work in children's centres resulted in the disposal of the former Horizon East and West premises. Advanced practitioners were also able to work more dynamically.

The Chief Financial Officer took the opportunity to clarify that the Council's Capital Programme was nearing the agreed cap on borrowing and there would be access to approximately £2m over the next couple of years and the ability to fund new schemes would be limited. More detail would be provided in a report to Cabinet in December 2016.

In relation to the introduction of a biomass boiler for County Hall, it was noted that any future potential changes to the site and occupation would be mitigated as the boiler units were portable and could be used at other premises. It was felt that it was beneficial to install the biomass system, which would enable access to renewable heat incentives and would start to provide a financial payback in under 9 years, and a positive net revenue return over 20 years.

The Cabinet Member for Health and Wellbeing, and Children's Safeguarding highlighted that the move towards the provision of a community offer for living and learning centres included health colleagues from the Clinical Commissioning Group (CCG), and not to assume that reference to health referred to Public Health. She indicated that there was an imperative to discuss the changes with the CCG in the light of a current review of GP locations. It was noted that the suggestion would be progressed outside of the meeting. It was also confirmed by the Interim Director for Adult and community Services that the Department of Health's Sustainability and Transformation Plan sought to create a single public estate which would bring opportunities to think of property in a different way, and potentially access transformational funding.

Resolved

1. That the disposal of the former Horizon East Premises in Wimborne on terms to be agreed by the Director for Environment and the Economy (para 3.1.1 of the Cabinet Member's report).
2. That the disposal of the former Horizon West Premises in Weymouth on terms to be agreed by the Director for Environment and the Economy (para 3.2.1 of the report) be approved.
3. That the lease renewal at Cedar House, Cobham Road, Ferndown on terms to be agreed by the Director for Environment and the Economy (para 3.3.1 of the report) be approved.
4. That the surrender of the lease of Peveril House, 388 Ringwood Road, Ferndown on terms to be agreed by the Director for Environment and the Economy (para 3.4.2 of the report) be approved.
5. That the recommendation in appendix 3 of the report in relation to a combined heat and power installation at County Hall be approved.
6. That the overall revised estimates and cash flows for projects as summarised and detailed in Appendix 1 (para 9.2 of the report) be approved.
7. That the issues and updates detailed in the report be noted.

Reason for Decisions

A well-managed Council ensured that the best use was made of its assets in terms of optimising service benefit, minimising environmental impact and maximising financial return.

Syrian Resettlement Programme

- 136 The Cabinet considered a report by the Cabinet Member for Organisational Development and Transformation regarding the progress on the Syrian Resettlement Programme in Dorset.

The Cabinet Member for Organisational Development and Transformation explained the plans for the settlement of 2 families in November 2016, and that up to 6-8 families would be relocated to Dorset. It was noted that funding would be received to

support the families. Members recognised that the relocation was a complex process due to the impacts on numerous services including education and health. The coordinated approach required between agencies was outlined for members which included the participation of the Clinical Commissioning Group and health services.

Following questions regarding the involvement of Cabinet Members in the arrangements to support refugees, the Chief Executive clarified that information had been shared through a report to Cabinet in June, and that all information had been shared to date in relation to adult and community services. It was noted that no bespoke services would be created and directorates would be fully involved as more information was known.

In respect of unaccompanied children coming to Dorset, it was reported that 9 had already been relocated, and that provision had been made for a total of 54.

A question was asked by Cllr Kimber, as the Leader of the Labour Group, regarding networks for refugees to access to aid settling into communities. It was reported that the Dorset Race Equality Council would be active in setting up links as well as other charitable organisations.

Resolved

That officers make an offer to the Home Office for a November 2016 arrival of Syrian refugees as outlined in the Cabinet Member's report.

Reason for Decision

The Home Office required information about accommodation in early October 2016 to match families.

Dorset County Council Environmental performance, policies and greenhouse gas emissions 2015/16

137 The Cabinet considered a report by the Cabinet Member for Environment, Infrastructure and Highways as an annual position statement of the County Council's performance against environmental policies and targets for energy, water, waste, and transport for the financial year 2015-16, including our 2015/6 County Council greenhouse gas emissions report.

It was suggested that reference to different modes of transport should be aligned with environment policies, especially in the light of parking changes at the Council, in order to bring together both areas and increase the prominence of both areas of work. It was noted that alternative transport methods were included in plans, and would also refer to the overall aim to reduce travel where possible, mobile ICT solutions to avoid travel, use of folding and electric bikes, and the small fleet of pool cars (including electric cars).

Members commended the report and the Corporate Sustainability Officer for the direction of travel regarding performance.

Resolved

1. That the County Council's progress in improving its environmental performance, and reducing greenhouse gas emissions be noted.
2. That the opportunities noted in section 5 of the report be supported and pursued.

Reason for Decisions

The recommendations support the County Council's key outcomes of 'healthy and prosperous', set out in its Corporate Plan, by supporting an energy efficient, low carbon economy, tackling global environmental change and ensuring good management of our property, environmental and historic assets.

Food and Feed Service Plan for Trading Standards Service Delivery 2016-17

138 The Cabinet considered a report by the Cabinet Member for Adult Health, Care and Independence regarding the Council's Food and Feed Service Plans, and to change the current arrangements for approval of the plans within the current scheme of delegation.

Cabinet Member for Adult Health, Care and Independence introduced the report and congratulated the Trading Standards Team on being awarded the Premier League Enforcement Authority of the year for 2015-16 for outstanding work in protecting intellectual property rights in respect of the Premier League and its football clubs. Members recognised the hugely important role that trading standards undertook for the County.

In response to a question, the Trading Standards Manager summarised the liaison with Dorset Police in relation to an anti-poaching initiative through Animal Health Team.

RECOMMENDED

1. That the County Council be recommended to approve the Food Service Plan and Feed Service Plan for 2016-17 for delivery by the Trading Standards Service (attached as an annexure to these minutes).
2. That the County Council be recommended to change the corporate Scheme of Delegation 2013 such that the reference in its appendix 3 to the Food Law Enforcement Service Plan is removed, thus allowing future Food Service Plans, Feed Service Plans or any service delivery plans relating to food law enforcement service delivery to be approved in the same manner as any other matter delegated to the responsible senior manager relating to the plans or work of the Trading Standards Service.

Reasons for Recommendations

1. The plans set out specific areas of service delivery for the Trading Standards team in a brief and publicly available format. The approach set out would meet statutory requirements for service provision, and the need to produce plans to accord with the FSA Framework Agreement. This work also contributed to the Council's corporate outcomes of a healthy Dorset through maintaining food and feed composition and labelling standards and a prosperous Dorset, through fair trading and compliant businesses.
2. The changes would support the general drive of the Localism Act 2011 and the Council's Scheme of Delegation to increase flexibility and freedoms and reduce unnecessary bureaucracy through appropriate delegated power to the relevant senior manager, with appropriate means for consultation with the relevant Cabinet member lead.

Wytch Farm Oilfield - Section 106 Arrangements

139 The Cabinet considered a report by the Cabinet Member for Economy and Growth in relation to the determination of 39 planning applications to enable the extension of the operational life of the oilfield development at Wytch Farm, Wareham and Kimmeridge Oilfields which were approved by the Regulatory Committee on 15 September 2016. The Cabinet were asked to consider the arrangements for a revised financial security arrangement and terms for the required Section 106 agreement.

The Cabinet Member for Environment, Infrastructure and Highways summarised the report and responded to a question regarding the extraction methods used on the sites, and the County Planning, Minerals and Waste Team Leader clarified that traditional methods of extraction were used which included conventional drills and water pressure to extract oil from the rock, not hydraulic fracturing (fracking) as used for the removal of shale gas.

Resolved

That the revised financial arrangements as set out in the Cabinet Member's report, being secured to the satisfaction of the Service Director – Economy and the Chief Financial Officer, after consultation with the portfolio holder, be endorsed.

Reason for Decision

To ensure that any steps the MPA had to take to enforce or step in to directly address any failure in the operation or decommissioning restoration and aftercare of the Wytch Farm, Wareham or Kimmeridge Oilfields were carried out at no cost to the public purse.

Questions from County Councillors

140 No questions were asked by members under Standing Order 20.

Exempt Business

141 **Resolved**

That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minutes 142 and 143 as it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraphs 3, 5, 7a and 7b of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

B3073 Hurn Roundabout, Christchurch - Compulsory Purchase Order & Side Roads Order

142 The Cabinet considered a report by the Cabinet Member for Environment, Infrastructure and Highways in relation to the B3073 Hurn Roundabout junction of Christchurch Road, Hurn Road and Avon Causeway in the parish of Hurn, Christchurch.

Resolved

1. That the making of a Compulsory Purchase Order for B3073 Hurn Roundabout, if negotiations are not forthcoming, under the Highways Act 1980 and Acquisition of Land Act 1981 in respect of the land shown coloured pink and coloured blue on drawing DC3710/17/01/D be approved.
2. That the acquisition of the land and/or the acquisition of rights to carry out works as shown coloured pink and coloured blue on the above drawing either by agreement or pursuant to a compulsory purchase order be approved.
3. That land acquired as working space would be returned to the landowners upon completion.
4. That the making of a Side Roads Order (SRO) under Sections 14 and 125 of the Highways Act 1980 for the B3073 Hurn Roundabout Scheme, as required, be approved.
5. That all steps pursuant and consequent on recommendations 1-4 above be approved.

Reason for Decision

1. The acquisition of the land and working rights for construction was necessary to improve the highway network at the B3073 Hurn Roundabout junction of Christchurch Road, Hurn Road and Avon Causeway in Christchurch.
2. The Side Roads Order (SRO) at Hurn Roundabout was required to establish the changes and diversion of the existing highway network away from the current line as required in the proposed scheme.
3. The proposed scheme formed an integral part of the Bournemouth International Growth (BIG) schemes which contributed towards delivering a network for the future to boost economic growth in the Bournemouth Airport area which met the needs of the Dorset Local Enterprise Partnership (DLEP) objectives.

Queen Elizabeth's School, Wimborne - Position Statement

143 The Cabinet considered a joint exempt report by the Cabinet Member for Organisational Development and Transformation and Cabinet Member for Environment, Infrastructure and Highways on the progress on the replacement of the Queen Elizabeth's School, Wimborne.

Members discussed the content of the report and supported the outcome in relation to the project, together with expressing thanks to all officers involved and for professional assistance in achieving a satisfactory conclusion.

The Leader of the Council emphasised the need for the confidentiality of the item in relation to the replacement of the Queen Elizabeth's School due to contractual arrangements.

Resolved

That the Cabinet note the outcome and action to be taken, as detailed within the Cabinet Members' report.

Reason for Decision

Approval of the recommendation would enable action to be progressed.

Meeting Duration: 10.00 am - 12.00 pm

Cabinet

Dorset County Council



Date of Meeting	28 September 2016
<p><u>Cabinet Member</u> Cllr Jill Haynes – Cabinet Member for Adult Health, Care and Independence</p> <p><u>Lead Director</u> Helen Coombes – Director for Adult and Community Services</p>	
Subject of Report	Food and Feed Service Plans for Trading Standards Service Delivery 2016-17
Executive Summary	<p>The Food and Feed Service Plans provide an overview of two particular areas of service delivery provided through by the County Council's Trading Standards Service (TSS). These are public documents which are made available via the website and are available to the Food Standards Agency (FSA) for audit purposes.</p> <p>Ensuring good levels of food standards and safety is an important part of the advisory and enforcement responsibilities of Dorset County Council's Trading Standards Service (TSS). These statutory responsibilities are derived from legislation controlling food quality and compositional standards, food safety including allergens, food labelling, food traceability and food hygiene regulations at primary production farms including arable farms and market gardens.</p> <p>Animal feed controls enforced by TSS are also a very significant part of ensuring a safe food chain in respect of meat and some fish products. Contaminated feed can leave undesirable or even unsafe residues in the food we eat. DCC through its TSS is responsible for enforcement of animal feed legislation controlling feed quality, safety, hygiene, labelling and traceability. There are approximately 4,000 registered feed businesses in the County, four larger scale feed mills producing feed and a large importer of animal feed based at Portland Port making this work a priority.</p> <p>The two plans provide brief overviews that help promote awareness and transparency in these areas of service provision amongst the public, businesses, elected members and other stakeholders.</p> <p>The 'Food Law Code of Practice' requires that an up-to-date documented plan is available to consumers and food businesses that covers food and feed services and which is reviewed regularly. The 'Framework</p>

	<p>Agreement on Official Food and Feed Controls by Local Authorities’ provides guidance on member approval and there is no requirement for approval at a particular level of decision making. This is a matter for the local authority as the Framework Agreement states:</p> <p><i>“Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level. To help to ensure local transparency and accountability, and to show their contribution to the authority’s corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans have received appropriate approval.”</i></p> <p>Since the introduction of the Cabinet style of governance the approach has been to report these plans in a combined document with a main TSS service plan through a committee for annual consideration by Cabinet and subsequent approval annually. The corporate Scheme of Delegation 2013 specifies that the ‘Food Law Enforcement Service Plan’ is a function, specified in appendix 3 to the Scheme, which is “not to be the sole responsibility of the executive” and being a plan that should be recommended by the Cabinet to the full Council (para 2.4). This now appears to be unnecessarily restrictive given the drive to try to ensure only appropriate key decisions are considered by Cabinet or the County Council or indeed any committees.</p> <p>By removing the Food Law Enforcement Plan or any like plans from the plans listed in appendix 3 the corporate Scheme of Delegation would allow for plans to be considered and approved for acting on, as with other TSS plans, by the appropriate senior manager (In this case the Assistant Director for Early Help and Community Services). This is in line with the presumption in the Scheme that senior managers have delegated authority to exercise functions and make decisions in relation to the service areas for which they are responsible.</p> <p>Any new policy or major extension of policy would still trigger a referral to Cabinet, or if a particular local impact were considered member consultation would be needed. Clear communication must also be maintained through the Director to the relevant Cabinet member to provide appropriate political steer. A condition on the exercise of such delegated authority is that the senior manager making the decision to approve the plans would be required to record it and publish it on-line (para 4.4).</p> <p>Plans can be the subject of scrutiny by an appropriate committee on request and awareness of plans and areas of service delivery can be enhanced through the Members’ Bulletin, the dorsetforyou website and new social media channels now being used more widely by the TSS.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>This report and the associated plans do not include any new strategy/ policy/ function that impacts on equality.</p> <hr/> <p>Use of Evidence:</p> <p>Reference made to relevant statutes, associated codes of practice and the framework agreement.</p>

	<p>In planning enforcement activities the TSS uses intelligence data including consumer complaints, requests from businesses and non-compliances identified, and data from partners such as the Citizens Advice Consumer Service. Regional strategic assessments of intelligence are analysed by the South West Regional Enforcement Team and regional assessments also assist the distribution of grants for food and feed work. The TSS responds to the changing demands arising, adapting activities during the year where appropriate by a review of a monthly Tactical Assessment by the TSS management team.</p> <p>Budget:</p> <p>No budgetary changes arise directly from this report. Any work within the plans will be carried out within the existing Trading Standards Service budget of £1,115,300 for 2016-17.</p> <p>Risk Assessment:</p> <p>The risk associated with this area of trading standards service delivery is that of failure to carry out statutory duties imposed on the local authority by legislation which controls food and animal feed. In the event of a failure to provide adequate services the Food Standards Agency has statutory powers to make alternative arrangements and recharge the local authority. The decision to delegate approval of plans does not present any identifiable additional risk having reviewed the statutory requirements.</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as:</p> <ul style="list-style-type: none"> • Current Risk: LOW • Residual Risk LOW <p>Other Implications:</p> <p>Trading Standards work to protect the food chain through animal feed and food standards enforcement, and seeking to ensure compliance with food composition and labelling standards, can impact on public health.</p>
<p>Recommendations</p>	<ol style="list-style-type: none"> 1. That the Cabinet recommends to the County Council that the Food Service Plan and Feed Service Plan for 2016-17 is approved for delivery by the Trading Standards Service. 2. That Cabinet recommends to full Council that the corporate Scheme of Delegation 2013 is altered such that the reference in its appendix 3 to the Food Law Enforcement Service Plan is removed, thus allowing future Food Service Plans, Feed Service Plans or any service delivery plans relating to food law enforcement service delivery to be approved in the same manner as any other matter delegated to the responsible senior manager relating to the plans or work of the Trading Standards Service.

FOOD AND FEED SERVICE PLANS FOR TRADING STANDARDS SERVICE DELIVERY
2016-17

Reason for Recommendations	<ol style="list-style-type: none"> 1. These plans set out specific areas of service delivery for the DCC Trading Standards team in a brief and publicly available format. The approach set out will meet statutory requirements for service provision, and the need to produce plans to accord with the FSA Framework Agreement. This work also contributes to DCC's corporate outcomes of a healthy Dorset through maintaining food and feed composition and labelling standards and a prosperous Dorset, through fair trading and compliant businesses. 2. The changes will support the general drive of the Localism Act 2011 and the DCC Scheme of Delegation to increase flexibility and freedoms and reduce unnecessary bureaucracy through appropriate delegated power to the relevant senior manager, with appropriate means for consultation with the relevant Cabinet lead.
Appendices	<ol style="list-style-type: none"> 1. Food Service Plan 2016-17 2. Feed Service Plan 2016-17
Background Papers	<ol style="list-style-type: none"> 1. Food Law Code of Practice 2. Framework Agreement 3. Scheme of Delegation for DCC 2013 (Notably appendix 3)
Officer Contact	<p>Name: Ivan Hancock (Trading Standards Service Manager) Tel: 01305 224956 Email: i.n.hancock@dorsetcc.gov.uk</p>

Helen Coombes
Director for Adult and Community Services
 September 2016



Appendix 1

Food Service Plan 2016-17

Ensuring good levels of food standards and safety is an important part of Dorset County Council Trading Standards Service's advisory and enforcement responsibilities.

The Service has the responsibility for legislation controlling food quality and compositional standards, food safety including allergens, food labelling, food traceability and food hygiene regulations at primary production farms including arable farms and market gardens.

Other food hygiene responsibilities are with Environmental Health in district or borough councils.

Business plans

This Food Service Plan is to be read as part of the overall Trading Standards Service Delivery Plan. It is produced separately to assist elected members, consumers, businesses, staff, other enforcement bodies and external auditors to focus on the key elements of our food responsibilities as well as meeting the specific needs of the Food Standards Agency and national legislation.

Our approach

Our contacts with Dorset food businesses is through a mix of trader advice, consumer complaint investigation, risk assessment focusing on high risk premises, intelligence led inspection and sampling projects.

Whenever possible food standards is delivered by way of a single comprehensive visit alongside other trading standards service responsibilities in areas such as weights and measures, unfair trading, product safety and animal health and welfare.

We recognise the value and importance of our advice and will continue to treat visits as an opportunity to support local businesses with legal advice, as well as checking for compliance.

Every three months we seek businesses views by way of a business satisfaction survey in order to ensure we continue to respond to local needs. Dorset businesses also have the opportunity to contact us using information we leave each time we visit.

Our document 'Dorset Businesses. What you can expect from you local trading standards service' sets down our commitment to providing Dorset businesses with an efficient, courteous and helpful service. See <https://www.dorsetforyou.com/article/401531/About-Dorset-trading-standards> .

Our Enforcement Policy gives a clear commitment to ensuring compliance through business advice and guidance where possible and appropriate. Prosecution is reserved for cases involving fraud, negligence, public safety risk, or failure to follow advice or warnings. See www.dorsetforyou.com/article/401531/Aboutus .

The resources we have available

The total expenditure budget for the Trading Standards Service for 2016-17 is £1,115,300. Savings of £199k to the staff budget are due to be made on last year's budget as part of a structural review. While no specific separate budget is allocated from that total budget the estimated spending on food sampling and testing is £12,500. An in-house screening test laboratory is used to add value to our sampling and project work. Where appropriate the Service will use FSA funding to support food sampling work identified as a priority.

From 1 April 2016 The Food Law Code of Practice (England) 2015 changed the way officers are authorised to undertake food work. We aim to give our officers the generalist skills, knowledge and experience across a wide range of trading standards law to ensure flexibility in service delivery and to allow a quick response to emerging threats. However this year we recognise the new national requirements in formally evidencing food officer training and competency and we will reduce the number

of 'Authorised Officers' to meet the new requirements. We aim to reduce the number of trained and competent food officers from 17 in 2015-16 to 11 in 2016-17. We anticipate that food standards work for 2016-17 will continue to amount to three full time equivalent staff.

Demands and anticipated areas for focus in 2016-17

Business Advice: Providing advice and support to local businesses, without direct charging, to help ensure compliance is a vital strand of enforcement work. We support the Home Authority principal as a means of advising key Dorset business who trade beyond Dorset boundaries. We will consider any requests from Dorset businesses to establish Primary Authority relationships.

High risk food businesses: Our business database records 4377 food premises. Each food premises is risked assessed using the Trading Standards National Risk Assessment Scheme. The numbers of food premises by risk as at 1 April 2016 are: 28 high; 210 upper medium; 674 lower medium; and 3453 low. We are committed to visiting all high risk food premises once a year. We aim to visit all upper medium risk food premises every two years. Other food premises are contacted in ways as set out in 'our approach' above.

Intelligence led advice and enforcement: We work in an intelligence focused way within a national trading standards intelligence framework. This helps smarter targeting of valuable resources while remaining alert to emerging issues. Intelligence sharing will help support the work of the new Food Standards Agency Food Crime Unit.

Food alerts for action: National alerts from the Food Standards Agency continue to raise awareness of food contamination and allergen issues. We respond to alerts received 'For Action' and coordinate the response of Dorset's district and borough council environmental health services to alerts as set down in the Food Law Code of Practice (England) 2015.

Partnership working: We recognise the value and importance of working in genuine partnerships with others. Nationally we will continue to contribute to the strategic objectives of the Food Standards Agency and the Department for the Environment Food and Rural Affairs who between them have responsibilities for national food standards and safety.

Regionally we will continue to support the Trading Standards Partnership South West (SWERCOTS) and will seek grant funding opportunities that add value to our work, for example the Food Standards Agency's annual food sampling funded project that includes imported food.

Locally we will continue to work with our environmental health service partners and other regulators, such as through the Dorset Food Liaison Group and the Dorset food business newsletter 'Gut Reaction', sharing best practice and approach.

Public Health: Our work contributes to the wider health agenda and we will continue to participate with Public Health partners in positive and meaningful ways to improve Dorset health outcomes.

Protected food names: We have the regulatory responsibility for a European protected food, Dorset Blue Cheese/Dorset Blue Vinny Cheese, and we ensure that the designation is used as set down in its approval and that others do not try to use that name fraudulently.

Key Responsibilities as at April 2016

Trading Standards Service Manager: Ivan Hancock

Lead Food Officer: Philippa Norman

Public Analysts (Food): Mr S Dyer and Mr J Green (*Hampshire Scientific Services*)

Mr D Arthur, Mr R Ennion and Mr J P Wootten (*Public Analyst Scientific Services Ltd*)

How to contact us:

Consumers requiring consumer advice or wanting to report a matter to Dorset Trading Standards should call the Citizens Advice Consumer Service on 03454 04 05 06.

Businesses can telephone the Trading Standards Business Advice Line: 01305 224702

Farm businesses, or anyone with a particular concern about animal health and welfare, can telephone the Animal Health Helpline 01305 224475.

Email Trading Standards at: tradingstandards@dorsetcc.gov.uk

Trading Standards pages on the Dorset Councils' website: www.dorsetforyou.com/tradingstandards

Dorset Direct (General telephone number for all County Council services): 01305 221000.

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Feed Service Plan 2016-17

Overview

Dorset County Council's Trading Standards Service is responsible for enforcement of animal feed legislation controlling feed quality, safety, hygiene, labelling and traceability. There are approximately 4,000 registered feed businesses in Dorset, a very rural area, making ensuring the food chain is safe through this work a priority.

As well as agricultural holdings, there are four mills that produce animal feed on a large scale for resale and a large importer of animal feed based at Portland Port. This is a newly established business in Dorset that imports feed raw materials (such as soya kernels) from both inside and outside the EU. Importing an estimated 150,000 to 300,000 tons of feed material per year makes this high risk and so this gives it priority over other visits. All consignments destined for Portland Port are monitored and assessed prior to arrival to establish if further checks or samples need to be taken. As this business is classed as a first port of entry for feed into the EU the National Trading Standards board point of entry procedure is followed.

All feed premises are risk assessed in accordance with a national assessment scheme. The visit intervals can vary between annual visits for high risk and/ or low compliance to over 5 yearly. The risk factoring for each establishment takes into account the size of the business, the feed operations they undertake and the risk they could potentially pose to the food chain. However, these risks can be mitigated and the risk score for the business reduced through a system of earned recognition. This takes into account such things as previous compliance history and membership of approved assurance schemes.

Details of the number and type of visits planned for this financial year can be found at Appendix 1 at the end of this report.

Our Approach

Whenever possible feed standards are delivered by way of a single comprehensive visit alongside other trading standards service responsibilities in areas such as food, weights and measures, unfair trading and animal health and welfare.

We recognise the value and importance of our advice and will continue to treat visits as an opportunity to support local businesses with legal advice and guidance, as well as checking for compliance.

Every three months we seek businesses views by way of a business satisfaction survey in order to ensure we continue to respond to local needs. Dorset businesses also have the opportunity to contact us using information we leave each time we visit.

Our document 'Dorset Businesses. What you can expect from your local trading standards service' sets down our commitment to providing Dorset businesses with an efficient, courteous and helpful service.

Our Enforcement Policy gives a clear commitment to ensuring compliance through business advice and guidance where possible and appropriate. Prosecution is reserved for cases involving fraud, negligence, public safety risk, or failure to follow advice or warnings.

For details see <https://www.dorsetforyou.com/article/401531/About-Dorset-trading-standards>

Funding

The Food Standards Agency (FSA) provides funding for certain feed work. This is allocated to regional groups and then disseminated to individual authorities based on the number and type of premises due to be visited. The funding allocated to Dorset for the financial year 2016-17 is estimated at £45,000.

Sampling

Additional funding is also available through the FSA grant for sampling animal feeds. As part of the funding process the lead feed officer for Dorset compiles a sample program for the financial year. For this year we are committing to take 36 samples in relation to feed safety. A full list of the premises to be visited and sample to be taken is produced and submitted to the FSA for approval.

Complaints

In addition to the sampling program, if any complaints about animal feed are received they are investigated. If necessary, formal samples are submitted to the public analyst to establish if the complaints are justified.

Feed incidents

Should a feed incident occur in Dorset contact would be made with the Food Standards Agency immediately. The nature and scale of the incident would be established as soon as possible to ensure that any feed still in circulation is detained.

Advice to Business

Dorset's Trading Standards Service operates a dedicated business advice line and a separate dedicated animal health line. Through either of these a business can obtain help and advice on feed issues. These can range from registering the business as an animal feed premises to detailed labelling advice for manufacturers. These telephone lines can also be used to report any feed safety issues or feed complaints.

Guidance notes for businesses can be found at: <https://www.dorsetforyou.com/384210>

Alternative Enforcement Strategies

Feed business operators who demonstrate high standards of feed safety by taking appropriate steps to comply with the law may have these standards recognised when determining the frequency of inspections and therefore qualify for 'Earned Recognition'.

In these cases this usually allows for the possibility of an Alternative Enforcement Strategies (AES). These strategies aim to reduce the burden on previously compliant businesses while concentrating enforcement activity and resources to focus on less compliant businesses.

Businesses can also earn recognition by being a compliant member of an approved industry assurance scheme such as 'Red Tractor' or being an Agricultural Industries Confederation (AIC) member.

Examples of how we can engage with business through alternative enforcement strategies include questionnaires, surveys and project based inspections.

Trained and Competent Enforcement Officers

Work is undertaken by the Animal Health Team which includes six enforcement officers, two being fully qualified to undertake all aspects of feed enforcement. The remainder of the officers have undertaken feed training to enable them to carry out inspections of businesses at primary production (farms). All officers involved in feed inspection work are required to complete a minimum of 10 hours professional development per year.

A lead feed officer has been appointed and his responsibility is to oversee all feed work conducted in Dorset and to ensure that all feed activities carried out in Dorset are in accordance with the Feed Law Code of Practice (England) published in April 2014.

Officers are authorised by the Trading Standards Service Manager if they hold the necessary qualifications and experience. Details of all feed authorised officers together with their levels of competency are recorded on a Feed Hygiene Officer Authorisation matrix.

Facilities and Equipment

A stock of suitable sampling equipment is maintained to ensure that feed visits can be carried out safely and samples taken in the prescribed manner. All feed authorised staff are issued with protective equipment including steel toe capped footwear, waterproof washable clothing etc. Sampling equipment includes plastic sheeting, shovels, sampling spears in varying lengths/ widths and a riffle box for dividing incremental samples.

Key Responsibilities

Trading Standards Service Manager: Ivan Hancock

Trading Standards Lead Feed Officer: Bill Britton

Mr N Payne, with deputies Mr D Arthur, Mr R Ennion, Mrs J Hubbard, Ms E Moran, Mr A Richards, Mr K Wardle, Mr J Wootten (*Public Analyst Scientific Services Ltd*).

How to Contact us

Consumers requiring consumer advice or wanting to report a matter to Dorset Trading Standards should call the Citizens Advice Consumer Service on 03454 04 05 06.

Businesses can telephone the Trading Standards Business Advice Line: 01305 224702
Farm businesses, or anyone with a particular concern about animal health and welfare, can telephone the Animal Health Helpline 01305 224475.

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Dorset Direct (General telephone number for all County Council services): 01305 221000.

Appendix 1 – Details of feed inspections

Planned feed visits 2016/17

	Dorset
Inland Feed	
Manufacturers/Pet food	4
Co-Producers	15
Mobile Mixer	1
Importers	1
Stores	1
Distributors	6
Transporters	1
On-farm mixer	24
Surplus food	9
Totals	62
Food Hygiene at Farms	
Livestock farms (R13)	85
Livestock farms (R13) CONTRACTED OUT	0
Arable farms (R14)	2
Totals	87
Grand Total	149