

**Roberto Tambini
Chief Executive**

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Our Ref: GH/Cabinet
Date: 14 March 2011

NOTICE OF MEETING:

CABINET

DATE: TUESDAY 22 MARCH 2011

TIME: 5.00 p.m.

PLACE: GODDARD ROOM, COUNCIL OFFICES, KNOWLE GREEN, STAINES

TO: MEMBERS OF THE CABINET:-

Members of the Cabinet	Cabinet Member Areas of Responsibility
J.D. Packman [Chairman]	Leader of the Council
R.A. Smith-Ainsley [Vice-Chairman]	Planning and Housing
F. Ayers	Community Safety
S. Bhadye	Independent Living
C.A. Davis	Economic Development
G.E. Forsbrey	Environment
Mrs. D.L. Grant	Young People and Culture
Mrs. V.J. Leighton	Finance and Resources
Mrs J.M. Pinkerton	Communications

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THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.

AGENDA

	Page(s)
1. APOLOGIES FOR ABSENCE To receive any apologies for non-attendance.	
2. MINUTES To confirm the Minutes of the Meeting held on 15 February 2011.	4 - 10
3. DISCLOSURES OF INTEREST To receive any disclosures of interest from Members in accordance with the Council's Code of Conduct for Members.	
4. MINUTES OF THE SPELTHORNE YOUTH COUNCIL MEETING HELD ON 8 FEBRUARY 2011. <i>[Councillor Mrs Grant]</i> To receive the Minutes of the Spelthorne Youth Council meeting held on 8 February 2011.	11 - 12
5. ANNUAL REVIEW OF THE CONSTITUTION <i>[Councillor Packman]</i>	13 - 18
6. PLANNING - AMENDMENTS TO SCHEME OF DELEGATION <i>[Councillor Smith-Ainsley]</i>	19 – 30
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12.	PARKING SERVICES – FUTURE OF ON STREET ENFORCEMENT	55 - 58
	<i>[Councillor Forsbrey]</i>	
13.	ISSUES FOR FUTURE MEETINGS	
	Members are requested to identify issues to be considered at future meetings.	
14.	URGENT ITEMS	
	To consider any items which the Chairman considers are urgent.	
15.	EXEMPT BUSINESS	
	To move the exclusion of the Press/Public for the following item(s), in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.	
16.	EXEMPT REPORT – ELMSLEIGH CENTRE PHASE 3 [Gold Paper]	59 - 63
	<i>[Councillor Packman]</i>	
	<i>[Paragraph 3 – Information relating to the financial and business affairs of any particular person (including the Authority)]</i>	
17.	INSURANCE TENDER – KEY DECISION [Gold Paper]	
	<i>[Councillor Mrs Leighton]</i>	64 - 66
	<i>[Paragraph 3 – Information relating to the financial and business affairs of any particular person (including the Authority)]</i>	

If you wish to read the report for an item, Ctrl and click on the underlined heading will take you to the report document.

MINUTES OF THE CABINET

15 FEBRUARY 2011

PRESENT:

Councillor J.D. Packman (Leader of the Council and Chairman of the Cabinet);
Councillor R.A. Smith-Ainsley (Deputy Leader of the Council, Vice-Chairman of the Cabinet and Cabinet Member for Planning and Housing);
Councillor F. Ayers (Cabinet Member for Community Safety);
Councillor G.E. Forsbrey (Cabinet Member for Environment);
Councillor Mrs D.L. Grant (Cabinet Member for Young People and Culture) and
Councillor Mrs. V.J. Leighton (Cabinet Member for Finance and Resources)

Apologies: Councillors C.A. Davis (Cabinet Member for Economic Development and Mrs J.M. Pinkerton (Cabinet Member for Communications)

1680. MINUTES

The Minutes of the Meeting held on 20 January 2011 were confirmed as a correct record.

1681. [MINUTES OF THE SPELTHORNE YOUTH COUNCIL MEETINGS – 13 JANUARY 2011](#)

Cabinet discussed the Minutes of the Spelthorne Youth Council meeting held on 13 January 2011.

RESOLVED to note the Minutes of the Spelthorne Youth Council meeting held on 13 January 2011.

1682. *[DRAFT DETAILED BUDGET 2011-2012 – KEY DECISION](#)

Cabinet considered a report by the Chief Finance Officer seeking Members consideration of the net Revenue Expenditure Budget for 2011/12 and to consider and formally propose a Council Tax for 2011 for recommendation to the Council for approval. By accurately planning and managing its financial resources the Council is able to maximise the services it provides to the public. The Council is required by law to set a balanced Budget.

The options considered were in the main body of the report.

RESOLVED TO RECOMMEND that Council:

1. Consider and approve the growth and savings items as set out in the report.
2. To approve a 0% increase in the Spelthorne Borough Council element of the council tax for 2011/12 the following proposals:
 - a) The Revenue Estimates as set out be approved

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- b) No money, as set out in this report, is appropriated from General Reserves in support of Spelthorne's local Council Tax for 2011/12. £275k to be used from specific reserves.
- c) To agree that the council tax base for the year 2011/12 is 40489.0 calculated in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, made under Section 35(5) of the Local Government Finance Act 1992.
3. That the following sums be now calculated by the Council for the year 2011/12 in accordance with Sections 32 and 33 of the Local Government Act 1992.

(a)	£53,777,800	Being the aggregate of the amount which the council estimates for the items set out in Section 32 (2)(a) to (e) of the Act
(b)	£42,394,162	Being the aggregate for the amounts which the Council estimates for the items set out in Section 32 (3)(a) to (c) of the Act.
(c)	£11,383,638	Being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
(d)	£4,609,828	Being the aggregate sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant or additional grant, increased by the sum which the Council estimates will be transferred in the year from its Collection Fund to its General Fund in accordance with Section 97(3) of the Local Government Finance Act 1988 (Council Tax surplus) and increased by the sum which the council estimates will be transferred from its collection Fund to its General Fund pursuant to the collection Fund (Community Charges) Directions under Section 98(4) of the Local Government Finance Act 1988 made on 7 th February 1994 (Community Charge surplus).
(e)	£167.30	Being the sum (c) above less the amount at (d) above, all divided by the amount at (c) above, calculated by the Council in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.

That the following amounts be now calculated by the Council for the year 2011/12 in accordance with section 36 of the Local Government Finance Act 1992.

VALUATION BANDS

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
111.53	130.12	148.71	167.30	204.48	241.66	278.83	334.60

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Being the amounts given by multiplying the amount at (e) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the sum which in that proportion is applicable to dwellings listed in valuation band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different band.

1683. FEES AND CHARGES – KEY DECISION

Cabinet considered a report seeking Members approval of the schedule of fees and charges 2011/12 which was to be implemented from 1 April 2011. Income from fees and charges is an essential part of funding for the Council and helps ensure that minimum or nil Council Tax rises can be implemented in order to maintain the services provided to as high a level as possible.

The options considered were in the main body of the report.

RESOLVED that Cabinet approves the fees and charges as set out in Appendix A to the Report of the Chief Finance Officer.

1684. CAPITAL MONITORING AND PROJECTED OUTTURN REPORT 2010/11

Cabinet considered a report on the capital spend against the budget position of schemes which had been included in the capital programme for the period April to December 2010 and the projected outturn position.

The options considered were in the main body of the report.

RESOLVED that Cabinet notes the Capital Monitoring and Projected Outturn report 2010/11.

1685. REVENUE MONITORING 2010/11

Cabinet considered a report on revenue spend figures and how resources were spent on providing services for residents for the nine month period, April to December 2010.

The options considered were in the main body of the report.

RESOLVED that Cabinet notes the Revenue Monitoring report 2010/11.

1686. SPELTHORNE SAFER STRONGER PARTNERSHIP (SSSP) PARTNERSHIP PLAN 2011-2014 – KEY DECISION

Cabinet considered a report seeking approval of the draft Spelthorne Safer Stronger Partnership (SSSP) Partnership Plan 2011-2014. The Plan set out the priorities for the Safer Stronger Partnership for the period 2011-2014.

The options considered were in the main body of the report.

RESOLVED that Cabinet approves the Spelthorne Safer Stronger Partnership (SSSP) Partnership Plan 2011-2014 (shown at Appendix A to the report of the Chief Executive), in its capacity as a statutory member of the Spelthorne Safer Stronger Partnership.

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1687. VEHICLE TENDER UPDATE – KEY DECISION

Cabinet considered a report advising Members of the outcome of the tender for the procurement of street cleansing and refuse collection vehicles.

The options considered were in the main body of the report.

RESOLVED that Cabinet authorises the Head of Streetscene:

1. To issue orders for the procurement of street cleansing and refuse collection vehicles with supplier A, as set out in the report of the Deputy Chief Executive.
2. To proceed with either option 3.2 or 3.21 in the report of the Deputy Chief Executive, (depending on the outcome of the Cabinet's decision on a food waste collection service)
3. To capital purchase the 7.5T food waste pod in option 3.3 in the report of the Deputy Chief Executive, if a food waste collection service is agreed.

1688. SINGLE PERSON DISCOUNT FRAUD POLICY

Cabinet considered a report on the adoption of a Single Person Discount (SPD) Fraud Policy. By advising taxpayers at the initial stage of application that a false declaration could lead to a penalty or prosecution should reduce single person discount fraud.

The options considered were in the main body of the report.

RESOLVED that Cabinet adopts the Single Person Discount (SPD) Fraud Policy for implementation from April 2011.

1689. SAVINGS ON MAJOR CONTRACTS

Cabinet considered a report on changes to the management of the leisure centres contract and the grounds maintenance contract, both of which had been negotiated with two of the Council's major suppliers, in light of spending cuts. By making savings and improvements to the revenue budget the Council will help to ensure front line services to residents are maintained.

The options considered were in the main body of the report.

RESOLVED that Cabinet authorises:

1. The Deputy Chief Executive to agree savings with the suppliers concerned as outlined in the report and
2. The Head of Corporate Governance to enter into such consequential variations on the contracts as are necessary.

1690. PARKS AND OPEN SPACES STRATEGY 2010

Cabinet considered a report on a ten year strategy (2010-2020) that sets out Spelthorne Borough Council's approach to conserving, managing and enhancing Parks and Open Spaces for the local community and visitors. The strategy set out a framework for the future management and development of Spelthorne Borough's Parks and Open Spaces, which would allow costed proposals to be developed for individual parks to support the strategic aims.

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RESOLVED that Cabinet adopts the Parks and Open Spaces Strategy 2010 and agrees to implement the Action Plan as attached in Appendix 1 to the report of the Assistant Chief Executive.

1691. LEISURE AND CULTURE STRATEGY UPDATE

Cabinet considered a report on the progress of the Leisure and Culture Strategy action plan. The action plan outlined how the framework of planned policies, objectives and actions that will guide the provision and opportunities for leisure and culture until 2012, would benefit the health, well-being and enjoyment of residents.

The options considered were in the main body of the report.

RESOLVED that Cabinet:

1. Continues to support the ongoing actions resulting from the Leisure and Culture Strategy.
2. Supports the research required to prepare an up- to-date Strategy for 2012–2016.

1692. SPELTHORNE SINGLE EQUALITY AND DIVERSITY PLAN

Cabinet considered a report on the Council's responsibility under the new Equality Act 2010 and presenting the updated Single Equality Scheme 2010–2012 and the actions arising from it. The Council had a statutory duty to ensure that its staff and community had equal employment opportunities and that the community were able to participate in services the Council provides and that it recognises the diversity within its community.

The options considered were in the main body of the report.

RESOLVED that Cabinet notes the actions achieved and agrees the updated Single Equality Scheme 2010-2012.

1693. URGENT BUSINESS – WAR WIDOWS PENSIONS

The Chairman agreed that this matter be dealt with as Urgent Business, as the decision would have implications for the budget which was due to be considered at the February Council meeting and could not wait until the next meeting of the Cabinet on 22 March 2011.

Cabinet considered a report on a proposal to continue supporting a localised housing benefit scheme, which fully disregards the monetary amount received through war disablement and war widows pensions when calculating housing /council tax benefit.

The options considered were in the main body of the report.

RESOLVED that Cabinet agrees to continue the localised housing benefit scheme which increases benefit payments to war widows and claimants who have suffered any war disablement, for a further two financial years (2011-2012 and 2012-2013).

1694. EXEMPT BUSINESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraph, of Part 1 of Schedule 12A of the Act, indicated below.

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1695. EXEMPT REPORT – CCTV CONTRACT AND MAINTENANCE CONTRACT *[Paragraph 3 – Information relating to the financial and business affairs of any particular person (including the Authority)]*

Cabinet considered a report seeking Members approval on the proposed terms for the monitoring and maintenance of the Council's static camera system by Safer Runnymede from 1st April 2011.

The options considered were in the main body of the report.

RESOLVED that Cabinet agrees:

1. To enter into a 10 year contract with Runnymede Borough Council from 31st March 2011 on the alternative terms negotiated, and subject to the outcome of contract negotiations between Runnymede Borough Council and Elmbridge Borough Council.
2. To provide one additional camera in Ashford Town Centre, the capital cost to be funded by the Ashford regeneration fund up to a maximum of £13k and the revenue costs to be met from the savings arising from the new contract with Runnymede Borough Council, subject to the outcome of contract negotiations between Runnymede Borough Council and Elmbridge Borough Council.
3. To provide one additional camera at the Depot, the capital cost to be subject to a capital bid in due course, and the revenue costs to be met from the savings arising from the new contract with Runnymede Borough Council, subject to the outcome of contract negotiations between Runnymede Borough Council and Elmbridge Borough Council.

1696. EXEMPT REPORT – WRITE-OFFS

[Paragraph 3 – Information relating to the financial and business affairs of any particular person (including the Authority)]

Cabinet considered a report seeking approval to write debts off over the delegated amount contained in the standing orders.

The options considered were in the main body of the report.

RESOLVED that Cabinet approves the write-off in all cases listed in Appendix 1 to the report of the Chief Finance Officer.

NOTES:-

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [*] in the above Minutes.***
- (2) ***Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.***

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- (3) ***Within three working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;***
- (4) ***To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;***
- (5) ***When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-***
- ***Outline their reasons for requiring a review;***
 - ***Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;***
 - ***Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and***
 - ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of three working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 23 February 2011.***

**SPELTHORNE YOUTH COUNCIL
MINUTES**

8 February 2011

Held in the Goddard Room, Council Offices, Knowle Green, Staines

PRESENT:

Adam Carr	Tara Goodfellow	Vivien Miller
Sophie Clark	Dominic Hillman	Olivia Ortega
Connie Cronin	Dan Hitch	David Porter
George Daubney	Adam Meikle	Charlie Whitley
Ian Doggett	Amir Miah	

Apologies: Gemma Anscomb, Charles Brooker, Krissy Clark, Joseph McVey, Abby Roberts-Gould and Matt Sutch.

In attendance:

Chelsea Renehan - SCC Youth Worker

Andy Holdaway - SBC Youth and Arts Manager

5/11 MINUTES

The minutes of the meeting held on 13 January 2011 were agreed as a correct record.

6/11 FEEDBACK FROM SCHOOL COUNCILS

The youth councillors reported that St. Pauls had held a school council meeting at which they discussed creating netball courts. They are also promoting the youth council. It was reported that Strodes admission policy was under review.

7/11 CHILDREN AND YOUNG PEOPLE PARTNERSHIP

Dominic Hillman and George Daubney volunteered to attend the Children and Young People Partnership meeting on 28 February to report back on the work of the youth council.

8/11 PROJECTS

1. Jobs for young people

- Speak at CYPP about getting board raised by Bus Shelter.

2. Young Person's Discount Card

- 21st February to distribute letters
- At cinema, older movies cheaper for students
- Going as one group to distribute letters, hire minibus

- Meet 9.30am at council office on Monday 21st
- Andy to organize minibus
- Charlie to bullet point what to say
- Andy to get a room for briefing at beginning of distribution

9/11 ANY OTHER BUSINESS

1. Youth Awards - moved to October 15th
2. Shepperton skatepark - waiting until end of March to see the effect of subsidiary skatepark
3. What other facilities can we put in Shepperton? Youth councillors will ask for feedback next month.
4. Ideas for what improvements can be made in Stanwell - to be discussed at next meeting.
5. Visit schools to promote Youth Council and use as a method to distribute Young Persons Discount Card
6. Discussed setting up Private Facebook group for Youth council.

ANNUAL REVIEW OF THE CONSTITUTION

Cabinet: 22 March 2011, Council 28 April 2011

Resolution Required

Report of the Monitoring Officer

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Not applicable.

Purpose of Report:

To advise Council on suggested amendments and improvements to the Constitution.

Key Issues:

Constitution

Implementation of the Strong Leader model of executive governance

Financial Implications:

None arising from this report.

Corporate Priority

This issue is not a Corporate Priority.

Officer Recommendations:

Cabinet is asked to recommend to Council:

- (1) The amendments to the Constitution (in section 2 of the report) be approved with effect from the third day after the local government elections in 2011 (9th May 2011)**
- (2) The Head of Corporate Governance to publish a new updated version of the Constitution on the Council's website from the same date.**

Report Author: Michael Graham, Head of Corporate Governance 01784 446227

Area of Responsibility: Nigel Lynn, Deputy Chief Executive 01784 4466300

Cabinet member: Councillor J.D. Packman

MAIN REPORT

1. BACKGROUND

- 1.1 Each year the Council looks to review the constitution to ensure that it remains appropriate and relevant as the main tool by which the Council manages its business. In some years these amendments are routine or technical. This year the amendments are mainly driven by the need to ensure that changes brought about following the introduction of the “Strong Leader model” have been put into effect.
- 1.2 Council will be aware of its last resolution on 16 December 2010, to adopt the published proposals to implement the Strong Leader form of executive governance as opposed to the elected mayor. At that time the Head of Corporate Governance was given authority to make consequential changes to the Constitution. Notwithstanding that authority, this report now presents in summary the changes which are intended as a consequence of that decision. Also presented are some other items by way of technical updates that have been requested during the course of the year. The summary below highlights the changes to be made, and a “track changed” version of the Constitution has been placed in the Members Room. A copy can be made available for any Member who is not able to attend the Council Offices to review the document. Please note, in these documents there is no attempt to reproduce those sections to which no amendments are proposed.
- 1.3 Members should also note that the Head of Planning and Housing Strategy is presenting a separate report on changes to the scheme of delegations for Planning, which should be read alongside this report.

2. KEY ISSUES

Part 1 - Introduction

- 2.1 **Constitution summary and explanation** – this has been revised to describe how the Council will work following the implementation of the Strong Leader Model. It also updates the position following the move to one Overview and Scrutiny Committee.

Part 2 – Articles of the Constitution

- 2.2 **Article 1** – no change needed.
- 2.3 **Article 2** – amends reference to the Boundary Commission and gives the next date for elections as 2015.
- 2.4 **Article 3** – terminology is changed for the sake of consistency from “Citizen” to “Public”. Amendments are made to show that the Public would have a right to information before delegated decisions are taken by the Leader or a Cabinet Member (depending on the scheme of delegation made by the incoming Leader).
- 2.5 **Article 4** – updates the names of policies in the Policy Framework and amends the responsibilities of Council to reflect the duty of the Leader to appoint a deputy and other Cabinet Members and to make the scheme of delegation for executive functions.
- 2.6 **Article 5** – no change needed.

- 2.7 **Article 6** – this is an entirely new section outlining the roles of the Leader and Deputy Leader and it follows on from the proposals agreed on 16 December 2010.
- 2.8 **Article 7** – the role of Cabinet. This is changed substantially to reflect the new relationship between the Cabinet and the Leader. Previously Cabinet was appointed from year to year by Council, now the Leader makes the appointments and decides for how long each Cabinet Member will serve and the responsibilities of each Cabinet portfolio.
- 2.9 **Article 8** – updates the position of now only having one committee. Reference is made to the ability of the Committee to scrutinise decisions of the Leader or individual Cabinet Members.
- 2.10 **Article 9** – Regulatory and Other Committees. This is updated to amend the name of the Staff Appeals Committee to Staffing and Appeals Committee. A review of delegations shows that there is a gap in the Council’s current arrangements. This has also been highlighted at other Surrey councils as a result of the work on the Strong Leader implementation. Staffing matters cannot be delegated to the Leader or Cabinet as they are not an Executive function. Under most circumstances there is no need for Cabinet to consider staffing matters as the Chief Executive is the Head of the Paid Service and deals with all day to day matters himself or through delegations to his Management Team. However, should changes to terms and conditions need to be considered then there should be some mechanism in place which does not rely on the matter being referred to a Council meeting. I therefore propose that the simplest way to do this is to refer such matters to the proportionally balanced Staffing and Appeals Committee.
- 2.11 **Article 10** – Area Committees. This provision was included in the original model constitution following the Local Government Act 2000. It has never been used and given the changes made by the Local Government and Public Involvement in Health Act 2007 it looks to be redundant and I would therefore propose to remove it. The Council would still be able to introduce any “area” arrangements in the future if this was considered appropriate.
- 2.12 “Have Your Say” arrangements were also described in the Constitution. This is unnecessary because these meetings have no decision making role, they are purely designed to communicate with residents and they can be instigated or changed at will without any formal authority from Council. I would therefore propose to remove references to Have Your Say meetings from the Constitution.
- 2.13 **Article 10** – Standards Committee. No changes are required at present. Members will note that future changes may be required in this area depending on the passage of the Localism Bill through Parliament.
- 2.14 **Article 11** – updates the position to clarify that the Leader can make appointments where there are joint arrangements covering executive functions. The arrangements for the Council’s Joint Committee with other Surrey councils for Surrey First will be placed in Part 3 (Terms of Reference for Committees).
- 2.15 **Article 12** – Officers. A minor change in text, otherwise no other alterations.
- 2.16 **Article 13** – Decision Making. Update to reflect the introduction of the Leader as a decision maker in his/her own right following the introduction of the Strong Leader model.

- 2.17 **Article 14** – Finance, contracts and legal matters. No changes needed.
- 2.18 **Article 15** – Review and revision of the Constitution. Amends the text to note that the Leader can suggest amendments of the Constitution to Council.
- 2.19 **Article 16** – amends the duty of the Chief Executive to make a paper copy of the Constitution available to all councillors upon election. It is now proposed to keep the updated constitution on the website where it is accessible to all in its updated format.

Schedule 1 – Description of Cabinet arrangements – updated to reflect the changes outlined in this report following the introduction of the Strong Leader model.

Part 3 – Responsibility for Functions

- 2.20 **(a) Scheme of Delegation general introduction** – this is ostensibly a matter for the Leader to review following his or her election to decide if the Executive functions of the Council are delegated appropriately. Part (a) is the preamble and general rules in relation to delegations. This has been updated to reflect the position that all executive functions are now delegated to the Leader.
- 2.21 **(a) Terms of reference of Committees** – the membership of the Committees will be decided by the Annual Council Meeting and the Leader. This section will be updated accordingly at the appropriate time. The general description of the work of the Cabinet changes to recognise the revised role following the implementation of the Strong Leader model.
- 2.22 **(b) Scheme of Delegation** – this will be decided by the Leader following his or her election at the Annual Meeting. If such delegations reveal any inconsistencies with any of the non-executive functions then a further report will be presented to Council. Please note that the Planning Scheme of Delegation is proposed to change and councillors should also refer to the report of the Head of Planning and Housing Strategy, as mentioned above.
- 2.23 I would also propose a **new delegation** to the Chief Executive. This is a non-executive function therefore it is within the remit of Council and not the new Leader. Appointments to other committees (other than Cabinet) are made by the Council. However if circumstances change during the year it means that any changes to the membership of committees must be taken through Council. This is a little cumbersome and perhaps unnecessary. I would therefore propose a delegation to the Chief Executive, on the request of a group leader, to amend the membership of that group's seats on any particular committee.
- 2.24 **(c) Proper Officer functions** – no changes required.
- 2.25 **(d) Roles of different councillors** – amended to reflect changes from the Strong Leader model.

Part 4 – Procedural Rules

- 2.26 **(a) Council Standing Orders** – these have also been changed to reflect elements of the Strong Leader changes.
- The Leader is elected every four years at the Annual Council following Council elections.

- At the Annual Council meeting the Leader is able to announce (if he or she is able to do so) decisions made on the size of Cabinet, portfolios and appointments to Cabinet.
- I recommend that motions to remove the Leader are supported by five councillors. This is designed to prevent frivolous resolutions to remove the Leader.

- 2.27 I also recommend a new provision in the Standing Orders to be used for emergencies or bad weather conditions as have been seen over the last two years, namely that the Chief Executive may in consultation with the Mayor, Leader or Committee Chairman (as appropriate) cancel a meeting for which a summons has already been issued to hold over the business until the next meeting. This should allow more flexibility in responding to adverse weather conditions especially when public transport and roads are badly affected and councillors find it difficult to attend a meeting.
- 2.28 **(b) Overview and Scrutiny rules** – updated to reflect the position that decisions of the Leader can be called in.
- 2.29 **(c) Cabinet Procedure Rules** – updated to reflect the position that the Leader has more powers in connection with the Cabinet and also to allow for the position where the Leader delegates decision making to individual Cabinet Members.
- 2.30 **Annex A to the Cabinet Procedure Rules** – these will be updated by the Leader following his or her appointment to outline the various portfolios of the Cabinet Members.
- 2.31 **(d) Financial Regulations** – updated to substitute the responsibilities under the regulations from Cabinet to the Leader. The Leader is able to specify whether or not the Cabinet should take a greater role.
- 2.32 **(e) Contract Standing Orders** – No changes are required in relation to the Strong Leader model. However in order to rectify an anomaly between general delegations and Contract Standing Orders as regards signing of contracts a further column has been added to Table A to specify who may sign a contract in any given circumstances.
- 2.33 **(f) Employment Procedure rules** – no changes required.
- 2.34 **(g) Access to information rules** – minor updates made for the sake of consistency with the rest of the Constitution.
- 2.35 **(h) Budget and Policy Framework rules** – a paragraph has been added to explain that the role of the Cabinet is dependent on the delegations made by the Leader.

Part 5 – Codes and Protocols

- 2.36 **(a) Members Code of Conduct** – there are no changes required.
- 2.37 **(b) Code of Conduct for Employees** – there are no changes required.
- 2.38 **(c) Protocol for Member Officer relations** – minor changes made to reflect the move to the Strong Leader Model.
- 2.39 **(d) Planning Code** – this was revised at Council on 16 December 2010 and no further changes are required at this time.
- 2.40 **(e) Confidential reporting Code** – there are no changes required.

- 2.41 **(f) Anti Fraud and Corruption Strategy** – there are no changes required.
- 2.42 **(g) Code of Corporate Governance** – only minor changes required to reflect the move to a single Overview and Scrutiny Committee.
- 2.43 **(h) Monitoring Officer Code** – there are no changes required.

Part 6 – Members Allowances Scheme

- 2.44 The scheme for Members Allowances has not been reviewed for 2 years because of the stated position of the Council to have a zero percent increase in allowances. Given that the roles of councillors will change after May 2011, a further review of all allowances through the Independent Panel would seem to be advisable.

Part 7 – Management Structure

- 2.45 It is not appropriate to have this information in the Constitution especially as it changes so often. It is more suited to publication on the website where it can be changed without a resolution of the Council. It is therefore proposed to remove it from the Constitution.

Part 8 – Have your Say Meetings

- 2.46 As mentioned above, it is proposed to remove these details from the Constitution.

3. OPTIONS ANALYSIS

- 3.1 No alternative options are proposed.

4. PROPOSALS

- 4.1 The proposals outlined in section 2 of this report are put forward for the consideration of Cabinet and Council.

5. BENEFITS AND SUSTAINABILITY

- 5.1 This is not applicable.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 There are no other considerations.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 There are no risks apparent.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 As the Constitution changes are driven by the implementation of the Strong Leader model, then the Constitution should take effect from the same date – this is the third day after the local government elections which is 9 May 2011.

Report Author: Michael Graham, Head of Corporate Governance 01784 446227

Background Papers:

Track changed versions of the proposed alterations

PLANNING – AMENDMENTS TO SCHEME OF DELEGATION

**Standards Committee: 17 March 2011, Cabinet: 22 March 2011, Council:
28 April 2011**

Report of Deputy Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

It will provide a transparent scheme of delegation which is easily understood, and will allow the planning committee to focus on those issues which are most contentious locally.

Purpose of Report

To set out the proposed changes to the scheme of delegation regarding planning applications, and explain what impact these changes will have.

Key Issues

- Council Constitution
- Scheme of Delegation
- Planning Committee

Financial Implications

There will be a very slight reduction in cost of running a planning committee. Minimal officer time saved will be re-allocated to deal with other priorities (condition monitoring, applications).

Corporate Priority 5.A Cleaner and Greener Environment

Officer Recommendations

The Cabinet is asked to recommend to the Council, as follows:

That Option 2 as set out in paragraph 3.2 be adopted as the new scheme of delegation for dealing with planning matters.

**Report Author: Heather Morgan, Head of Planning & Housing Strategy
(01784) 446352**

Area of Responsibility: Nigel Lynn, Deputy Chief Executive (01784) 446300

Cabinet member: Councillor Richard Smith–Ainsley

MAIN REPORT

1. BACKGROUND

- 1.1 The current scheme of delegation for planning matters has evolved incrementally over time. At the moment, it requires more than two residential units to be determined by the committee (unless the application is refused).
- 1.2 The Trevor Roberts Associates (TRA) report commented that the scheme was very complex (seven pages). It is not easy for the public, applicants or agents to understand. This highlights the perception that the service does not want to be 'understood', and that it prefers to 'cling on to its professionalism' at the expense of transparency.
- 1.3 A key theme running through the TRA report was the critical need to make sure the service is easily understood. A revised scheme of delegation is a good example of where significant improvements could be made. This is also an opportunity to review those matters which go to committee, allowing councillors to focus on the larger scale applications which affect most people, and have the greatest potential impact on the wider community. Critically however, it will still allow councillors to 'call in' matters of more local concern. It will also tie in with the coalition governments' drive towards localism.
- 1.4 86% of applications in 2008-2010 were dealt with by officers (average 915), with 14% (average 128) determined by planning committee. A minimum of 90% is considered best practice. This allows speed of service whilst maintaining effective democratic scrutiny.

2. KEY ISSUES

- 2.1 The TRA report sets out best practice and recommends that all basic day to day development control functions should be delegated to officers, with only specified 'exceptions' being referred to the Committee.
- 2.2 This would be a significant shift away from the current system which gives a list of schemes which *can* be dealt with by officers.
- 2.3 Critical to any change is the extent to which exceptions apply. The purpose of this report is to set out the possible options, the justification for any change and impact it would have on the Planning Committee.

3. OPTIONS ANALYSIS

- 3.1 Three options are set out below. Option 1 is based on the TRA report. Option 2 is a variation, and applies common practice in other councils that only major applications should automatically be considered by Planning Committee (if recommended for approval). A major application is defined as an additional 10 residential units or more, or over 1,000m² of commercial floor space. Option 3 recognises that the borough has a number of smaller infill developments. **Option 2 is the preferred option.**
- 3.2 **Appendix 1** sets out the detail behind each of the categories set out in the options below.

Option 1

- i) "Member call in" within the approved scheme

- ii) Where the officers decide, with the agreement of the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern/it is very contentious
- iii) Where the application is submitted by an officer of the Council
- iv) Where an application is submitted by a councillor

Option 2

- i) "Member call in" within the approved scheme
- ii) Where the officers decide, with the agreement of the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern/it is very contentious
- iii) Where the application is submitted by an officer of the Council
- iv) Where an application is submitted by a councillor
- v) Approval of over **10** net additional residential units whether by change of use or new build (major application)
- vi) Approval of over 1,000m² net additional floor space whether by change of use or new build (major application)
- vii) Recommendation of no objection for over 1,000m² net additional floor space/ and or land area in connection with Surrey County Council minerals and waste applications
- viii) Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications
- ix) Confirmation of Tree Preservation Orders (TPO's)
- x) Enforcement which relates to potential loss of a home (Human Rights Act)

This is contingent upon a formal process being set up to 'flag up' to councillors those delegated applications between five and ten units which are contentious in any way. This will assist councillors in making an informed decision on whether to 'call in' an application.

Option 3

- i) "Member call in" within the approved scheme
- ii) Where the officers decide, with the agreement of the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern/it is very contentious
- iii) Where the application is submitted by an officer of the Council
- iv) Where an application is submitted by a councillor
- v) Approval of over **5** net additional residential units whether by change of use or new build (major application)
- vi) Approval of over 1,000m² net additional floor space/and or land area whether by change of use or new build (major application)
- vii) Recommendation of no objection for over 1,000m² net additional floor space in connection with Surrey County Council minerals and waste applications
- viii) Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications
- ix) Confirmation of TPO's

x) Enforcement which relates to potential loss of a home (Human Rights Act)

4. PROPOSALS

Planning applications

- 4.1 All of the options will reduce the Planning Committee agenda. Councillors will be able to focus on the more complex/high profile applications, or those which have been called to Committee. The applications will either be those with a significant level of public interest, or larger schemes where councillors have the greatest scope to 'add value'. More time can be spent debating the applications, which will emphasize the importance the Council and the Committee place on such issues. Critically however, all the schemes will still allow councillors to 'call in' applications to Committee for discussion and debate
- 4.2 The revisions will be much easier for the public to understand. We can be more transparent in the way we work, and minimise any concerns that the Council are seeking to 'hide' matters. It will also give applicants and developers more certainty, which is very important in this current economic climate.
- 4.3 An assessment has been undertaken of all committee decisions from January 2008 to October 2010

Impact - Option 1

- 4.4 The average number of applications/reports being considered by Committee would be 47 each year (a 63% drop from current levels).
- 4.5 This would increase officer delegation up to 95% with 5% determined by Planning Committee. This would be a 9% shift (5% over the best practice guideline).

Impact - Option 2

- 4.6 The average number of applications/reports being considered by Committee would be 84 each year (a 36% drop from current levels).
- 4.7 This would increase the officer delegation up to 91% with 9% being determined by Planning Committee. This would be a 5% shift (marginally over the best practice guideline).

Impact - Option 3

- 4.8 The average number of applications/reports being considered by Committee would be 91 each year (a 28% drop from current levels).
- 4.9 This would increase officer delegation up to 90% with 10% being determined by planning committee. This would be a 4% shift (in line with best practice guideline).
- 4.10 Option 2 is the preferred option as it clearly links to the split between major and minor planning applications. This is easily understood by everyone, and the delegation level will be virtually in line with best practice.

Enforcement

- 4.11 The TRA report recommended that all matters be delegated to the officers, but that regular reporting was used to update members on cases, and progress

being made. The Committee is now receiving a quarterly report. It is recommended that the key delegation arrangements are spelled out, so there is no doubt about the powers and the delegated authority involved.

- 4.13 TRA advise the delegation of authority to take various types of enforcement action is critical, since this is most subject to most litigation and challenge. An obvious and frequent challenge to enforcement action is that the officers do not have the authority to take the action involved. Additionally, it is often necessary to take enforcement action quickly (not just in emergency situations), so maximum delegation to officers so that they can act quickly is sensible.

Impact – all three Options

- 4.15 Between January 2008 and October 2010, there were 53 requests for enforcement action. This does not include retrospective planning applications where enforcement action was also requested (the figure would then be 60).
- 4.16 In every case except one, the recommendation was agreed. The only exception was a request for a deferral of three months to allow discussions with the applicant. In the vast majority of cases there was very little debate on the item, demonstrating that the Committee was supportive of the decisions being made.

Monitoring

- 4.17 In view of the importance of the delegation scheme in ensuring a proper balance is struck between democratic scrutiny/accountability, there needs to be systems for monitoring the quality and consistency of delegated decisions taken by officers acting on behalf of the authority. It is therefore suggested that in tandem with a changed scheme of delegation the following takes place.
- i) Bi-annual review of delegated decisions (planned June and December 2011)
 - ii) Annual Planning tour of recent developments (planned Summer 2011)
 - iii) Quarterly s106 monitoring reports (in place since July 2010)
 - iv) Quarterly Enforcement monitoring reports (in place since March 2010)

Impact

Two of the four reports already go to Committee. The additional work required for the bi-annual review and the annual tour will be more than offset by the time saved by officers in writing and checking committee reports.

Level of officer delegation

- 4.18 The current scheme delegates most of the responsibility to the Deputy Chief Executive. It is appropriate to delegate the authority to the lowest appropriate level, as is the case in Environmental Health and Building Control.
- 4.19 It is recommended all planning and enforcement functions be delegated to the Head of Planning and Housing Strategy, and prosecution matters to the Head of Corporate Governance. Where appropriate, the Head of Planning and Housing Strategy will authorise delegations to the Deputy and Assistant Heads of Planning and Principal Planning officers to ensure efficient service delivery.

5. BENEFITS AND SUSTAINABILITY

- 5.1 In terms of staff time (officers) it takes around twice as long for applications to be dealt with via the Committee route as opposed to the delegated route. An assumption has been made that a delegated report takes on average one day (7 hours) and a committee report two days (14 hours for a planning committee report). This may in reality be one and a half days for a straightforward call in application, up to two and a half days for a more complex application with a lot of plans.
- 5.2 The main benefit will be that less time needs to be spent on pulling together committee plans for the agenda and updates of late information. There are also likely to be less refinements to delegated reports than committee reports. On this assumption, implementation of option 2 could potentially save up some officer time. .
- 5.3 The TRA report suggested that in order to better meet the needs of the public and councillors that considerably more resources should be put into proactive enforcement. Up to three additional posts were originally recommended. It is accepted that in the current economic climate that this is not a realistic prospect. However, if the revised scheme of delegation does achieve the anticipated time savings, then this needs to be used to undertake some of the more proactive work. In particular, the additional time could be used in monitoring difficult/problem sites, especially in relation to planning conditions.
- 5.4 Currently the Assistant Head of Planning checks all the reports due to go to Committee. The post holder also undertakes a number of other duties in connection with the Committee. It is not intended that this will change. Overall, the adoption of option 2 would result in a very modest reduction of up to 7% in his workload. Whilst this is not significant, it would give extra capacity in terms of giving more time to that post holder to more effectively manage the service. This was one of the key recommendations in the TRA report.
- 5.5 There would be a negligible impact on the planning support team in terms of the time saved in compiling and pulling together the report. A similar situation would exist with Committee Services. It is the processes and procedures around a planning committee which take the time, rather than the number of items on a committee agenda. Meetings would still need to take place on a four weekly basis (so it would not be possible to reduce the overall number of committees for example).
- 5.6 Adopting any of the three options would have saved the enforcement team an average of around 370 hours between January 2008 and October 2010 (average of 120 hours pa). This would give a very modest 7% of extra time. Nevertheless, this would assist in ensuring that more time was available to enforce. In addition to the time saving, delegating such matters to officers would help speed up the progress of enforcement in a number of cases, as there would be no need to delay and wait for the next committee cycle for a decision to be made.

6. FINANCIAL IMPLICATIONS

- 6.1 Adoption of option two would reduce the number of applications at Committee by 36%. It is difficult to be precise about the potential savings as Planning Committee agendas vary in size. However, on average it is estimated that around £1,150pa could be saved in printing/paper costs if option 2 were adopted.
- 6.2 A 36% reduction in the number of applications at Committee would shorten their length. This, combined with the recently instigated 'call over' meeting at 6.30pm, should mean that meetings finish perhaps an hour earlier in the evening. Again it is difficult to predict precise savings. However it will assist in the general thrust of the Council to reduce evening use of Knowle Green (to reduce running costs).

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 The scheme of delegation will need to be legally drafted (which is the same for all aspects of the Constitution).

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 The exceptions approach will in many respects reduce the level of risk as it will be crystal clear which applications will go to Committee. Currently there is a small risk that decisions could be made at the wrong level, as the scheme is difficult to interpret in some places.
- 8.2 There is a real risk that with the revised scheme of delegation there will be greater pressure on councillors from the local community to call in' an application. Whilst councillors will be able to make that decision, one consequence of the revision may well be to increase the number of 'called in' applications. This may well negate some of the time savings from the new system.
- 8.3 The impact can only be assessed after the changes have been implemented and monitored. It is for this reason that the potential time savings for officers cannot easily be quantified.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The new Constitution is planned to start three days after the elections which is 9 May 2011.

**Report Author: Heather Morgan, Head of Planning and Housing Strategy
(01784) 446352**

Background Papers: There are none.

DEFINITIONS OF THE EXCEPTIONS CATEGORIES

“Member call in” within the approved scheme

- Applies to all members
- Request should be submitted in writing, including by email
- Request should be submitted within 21 days from circulation of the weekly list; Requests outside the prescribed time limits should not be acceded to
- Requests should be justified with reasons; these reasons need only be “reasonable”, they do not need to be “planning reasons”
- Name of the councillor and the reasons for the call-in should be reported to the Committee
- The reasons for an application being reported to the Planning Committee should always be explained in the report on the application

Change from the current scheme of delegation

Yes. It is suggested the member period for call in from 5 weeks to 4 weeks.

Impact on the length of the committee agenda

None.

Justification

This is in line with the vast majority of other Councils, and is advocated by TRA. Councillors are given details of all applications electronically via the weekly list. They are able to review this and discuss with officers any applications which cause them a particular concern.

Members of the public usually contact Councillors as soon as they receive their notification letters (which may well go out a few days before the weekly list is published). Officers usually get requests early on in the process.

The benefit of the 28 day approach is that officers can deal with the applications in a minimum of five weeks which provides a much quicker turn-round for mainly house holder applications. This will provide a higher and quicker level of service to the residents of the borough.

Where the officers decide, without needing to consult any member, that an application should be submitted to the Planning Committee on planning grounds (or where there is significant public concern or it is very contentious)

- Referrals under this heading should be justified by planning reasons reported to the Committee. In exceptional circumstances, other reasons including public concern/interest may be acceptable.
- Referrals by Head, Deputy Head or Assistant Head of Planning

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Where the application is submitted by an officer of the Council or by a councillor

- Any member of staff (or spouse/partner of) reporting to the Head of Planning
- Any member of staff (or spouse/partner of) at Manager level or above within Spelthorne Borough Council
- Any Councillor (or spouse/partner of) of the Council
- Any Council application

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Approval of over 10 net additional residential units whether by change of use or new build

- Reflects definition of a 'major' planning application where the Council has 13 weeks to make a decision, and has to formally advertise the proposal.
- Applies to all types of residential unit

Change from the current scheme of delegation

Yes.

Impact on the length of the committee agenda

There will be a reduction in the number of smaller scale residential applications.

None

Justification

It will allow members to focus on the more complex and high profile applications, or those which officers/members have called to committee. This will almost certainly be those with a significant level of public interest, or larger schemes where members have the greatest scope to 'add value'.

More time can be spent debating the applications, which will emphasize to the general public the importance the Council and the Committee place on such issues.

Approval of over 5 net additional residential units whether by change of use or new build (major application)

Reflects local circumstances as there are limited opportunities for large scale residential development

Change from the current scheme of delegation

Yes.

Impact on the length of the committee agenda

There will be a reduction in the number of smaller scale residential applications.

Justification

It will allow members to focus on the more complex and high profile applications, or those which officers/members have called to committee. This will almost certainly be those with a significant level of public interest, or larger schemes where members have the greatest scope to 'add value'.

It will also cover those small scale infill schemes which often cause concern in the local area.

More time can be spent debating the applications, which will emphasize to the general public the importance the Council and the Committee place on such issues.

Approval of over 1,000m² net additional floor space whether by change of use or new build (major application)

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Recommendation of no objection for over 1,000m² net additional floor space in connection with Surrey County Council minerals and waste applications

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Confirmation of TPO's

Change from the current scheme of delegation

No

Impact on the length of the committee agenda

None

Enforcement which relates to potential loss of a home (human rights act)

- When the decision made will potentially make someone homeless and the impact of the Human Rights Act has to be determined.

- Will apply to mobile homes, caravans, structures /outbuildings in gardens or on commercial sites
- Chairman, vice chairman and ward councillors will be advised when a notice is being served and the details.

Change from the current scheme of delegation

Yes.

Impact on the length of the committee agenda

There will be a reduction in the overall number of reports. However, these do not usually take up a significant amount of committee time in terms of the debate which takes place.

Justification

The need for committee approval in the vast majority of cases means that the period for taking action is extended. Depending on the committee cycle, this can potentially build in a four week delay. Councillors and the public want the service to be more proactive, and being able to service notices in a quick and timely manner will help to achieve this. It will help reduce the overall time taken to resolve matters.

None of the recommendations made in the last three years have been altered by the planning committee.

Ward councillors and the chairman/ vice chairman will be advised when notices are issued so they are fully up to speed with the issues in their locality.

LOCAL LAND CHARGES FEES FOR 2011 - 2012

CABINET: 22 March 2011

Resolution required

Report of the Deputy Chief Executive

REPORT SUMMARY

Purpose of Report

To make proposals for the charging structure for Local Land Charges fees for 2011-2012.

Key Issues

- Proposed charges for 2011-2012
- Update on legislative changes over the last year affecting the service
- Proposal for an new enhanced service to be offered to personal search companies

Financial Implications

- Legislative changes over the last year have had an impact on the number of searches received and the fees that can be charged for certain searches. This report seeks to highlight these points and to make Members aware of the Financial Implications

Officer Recommendations

- 1) **The Cabinet is asked to approve the fee structure for charging for searches as shown in paragraph 1.5 of the report for the financial year 2011/2012**
- 2) **The Cabinet is asked to approve the implementation of an enhanced service for personal search companies as set out in paragraph 2.2 of the report**

Report Author: Clare Marland, Corporate Governance, 01784 446272

Area of Responsibility: Nigel Lynn, Deputy Chief Executive 01784 446300

Cabinet member: Councillor Mrs Vivienne Leighton

MAIN REPORT

1. BACKGROUND

- 1.1 Property searches are an essential part of the home buying and selling process. They provide vital information to a buyer to enable them to make an informed decision on their investment, such as details of planning permissions and building regulation approvals affecting the property.
- 1.2 As Members are aware, Local Authorities are not the only provider of property searches. Personal search agents can obtain information from the Local Authority, and other sources, and compile their own reports to sell to the market.
- 1.3 The search industry had been subject to a number of important changes since the creation of the new Coalition Government in 2010. Home Information Packs (previously required by anyone who wished to market their property for sale) were suspended with effect from 21 May 2010. As the property search was part of this pack, there is no longer a requirement for a seller to obtain a search before putting a property on the market. This has placed the onus back on a buyer to obtain a search result prior to completing their purchase, although many buyers would have undertaken their own search in any event.
- 1.4 In addition to the suspension of the Home Information Pack, the Government made changes to the Personal Search fee. Prior to 17 August 2010, the government statutorily set the fee payable for a person search. This had been set at £22.00. Following debate amongst the personal search companies as to whether the information supplied was environmental information and should therefore be made available for free under the Environmental Information Regulations 2004, the Government passed a statutory instrument, the Local Land Charges (Amendment) Rules 2010, which revoked the statutory fee with effect from 17 August 2010. Consequently the Council can no longer charge for a personal search.
- 1.5 The fees for other types of search are currently set as follows:

LLC1 (search of the register)	£22.00
Con29 standard enquiries (Local Authority Search)	£151.00
Surrey County Council fee for responding to Highway questions	£28.00
Total full search fee:	201.00

Additional parcels of Land	£15.40
Con29 Optional Enquiries	£15.00

Solicitors additional enquiry	£20.00
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2. PROPOSALS

- 2.1 On review of the current charging structure it is proposed that the fees set by Spelthorne, as set out in the tables above, remains unchanged for the next financial year. Please note that Surrey County Council have still to advise the districts of their proposed fee for the next financial year so there may be an amendment to this part of the fee, but early indications from Surrey imply this is likely to be a minor amendment, if any at all.
- 2.2 Although the personal search fee has been revoked, it is however permissible for a local authority to charge for an enhanced service. It is therefore proposed that the Land Charge officers offer to conduct the personal searches requested, as well as any additional con29 questions required, and post or email the result direct to the agent. Currently the personal search of the register provides the right for the agent to view/inspect records at the Council offices only. It is proposed that the fee for a result of the search sent by post or email is set at £15.00 for the land charges register details and £2.00 per Con29 question.

3. FINANCIAL IMPLICATIONS

- 3.1 It is not known if this enhanced service will be taken up by personal search agents and therefore it is difficult to estimate the potential income that may be generated by the introduction of this service.

4. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 4.1 As explained in paragraph 1.4, legislation has now been passed to allow the personal search of the register to be viewed/inspected for free, however it is legally permissible to offer an enhanced service as set out in this report.

5. RISKS AND HOW THEY WILL BE MITIGATED

- 5.1 There are no additional risks incurred by keeping the fees the same as the previous year, however, in relation to the enhanced service for personal searches, there is no guarantee that personal search companies will use the service.

6. TIMETABLE FOR IMPLEMENTATION

- 6.1 If Members are mindful to approve the recommendations, the new proposals will commence from 1 April 2011.

Report Author: Clare Marland, Corporate Governance, 01784 446272

**Background Papers:
There are none**

Councillors ICT Options

Cabinet 22 March 2011

Report of ICT Manager

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Improves the efficiency and effectiveness of the Councillors to carry out their duties on behalf of their residents.

Purpose of Report

To offer two alternatives for delivering ICT to Councillors in their homes.

Key Issues

- The current IT kit used by Councillors is nearly at end of life and causing support issues.
- A number of Councillors already have their own equipment and broadband and do not feel they need additional equipment at home just for Council business.
- However, some Councillors feel the current scheme of Council supplied and supported equipment works well and should continue.

Financial Implications

There will be revenue and capital implications but it is hoped these will be minimised. We will not know the exact numbers of which Councillors opt in or out until after the May Election.

Corporate Priority All

Officer Recommendations

1. That there are two options for Councillors: a) to opt-into a scheme whereby the Council supplies equipment or b) to opt-out of the scheme whereby they use their own.
2. The opt-into scheme option will mean the Council provides the equipment and support and maintenance thereof.
3. The opt-out scheme option allows Councillors who have their own IT kit and broadband to use this for Council business if they so wish. It also provides funding for a Councillor with no IT equipment to buy their own IT equipment with advice and guidance from staff.
4. The system of expenses will be used to recompense Councillors.

Report Author: Helen Dunn, ICT Manager (01784) 446248

Area of Responsibility: Terry Collier Assistant Chief Executive (01784) 446296

Cabinet member: Councillor Richard Smith-Ainsley

MAIN REPORT

1. BACKGROUND

- 1.1 Currently the majority of Councillors have Council-supplied IT equipment (laptop, docking station, monitor, printer and router) and have a Council-supplied broadband line which can act as a telephone line as well. Access to the Council network for e-mails, the intranet and shared network drives is done via a Virtual Private Network (VPN) connection and then a remote desktop session to the Terminal Services (TS) server we call Merlin. It is quite a clunky solution and has been prone to difficulties.
- 1.2 There is also access to the local desktop (before logging into Merlin) which is not locked down or monitored so any web-site can be accessed and any software downloaded. This is obviously not ideal and is in direct contravention of the Governments Code of Connection security policy by which we are governed.
- 1.3 At the time of installation many Councillors already had their own PC/laptop and in some cases a broadband line that they were prepared to use for Council business. However, at that time, it was insisted that they take the Council equipment and telephone line as well.
- 1.4 Currently, 21 Councillors have their own broadband. Of those, 11 have two telephone lines (the Council's and their own), seven Councillors have returned the IT kit and have nothing from the Council – they use their own IT equipment and broadband telephone line. 11 use our IT kit and our telephone line.

2. KEY ISSUES

- 2.1 The current IT kit is now almost four years old and nearing the end of it's useful life. This is causing issues in terms of support and performance. An officer has to make regular site visits to Councillors' houses to address these.
- 2.2 This is an expensive solution because all the telephone lines were purchased by the Council, and as such we have to pay business tariffs on them which are over double what it would cost for domestic use.
- 2.3 A number of Councillors have said they do not want another piece of hardware at home and that they would prefer to use their own home PC and printer. A few already had broadband telephone lines but we insisted on putting in a Council dedicated telephone line as well.
- 2.4 Historically remote connection to the Council's network was through a cumbersome process of dialling in using a VPN (virtual private network) connection and in those circumstances having all Councillors with the same equipment was much easier to manage and maintain. In the future, connection to the Council's network and data is achievable much more simply through using a simple Internet connection which replaces VPN and as a result it is no longer necessary for the Council to supply equipment to protect the integrity of the IT network.
- 2.5 The future use of Outlook Web Access (OWA) provides secure web based access to Council e-mails and global folders. Access to the Intranet (Spelnet) can also be achieved thus giving access to the Councillors secure area. All that is required is that an Internet connection be achieved.

- 2.6 However, with the latest requirements of the Government's Code of Connection (CoCo), access to both these facilities ('opt-in' or 'opt-out') will have to be controlled using what is known as *dual factor authentication*. Dual factor authentication involves using a small key fob like device that generates a unique pin number at every time Councillors (and staff) wish to login to the Council's network remotely. It must be noted that these changes to login procedures from outside Knowle Green need to be introduced whatever option for supplying Councillor IT equipment should emerge.
- 2.7 More recent implications of CoCo (since our re-accreditation in December 2010) mean that any Council owned laptop (or desktop) is subject to the same restrictions as if it were a staff PC or laptop in the Council building. That is, it will be protected, encrypted and administrative rights be removed. Essentially this means no software or games can be installed, no internet downloads, no installation of peripherals (camera's etc) music or pictures. Internet access will be filtered and logged by Barracuda (our web filtering and tracking of internet usage data) as it is for staff. This will therefore apply to Council owned laptops used by Councillors. We have no choice but to comply or risk losing our CoCo accreditation which would have major implications on other areas of the Council.
- 2.8 In the opt-in option, were a Councillor to desire to use, for example, cameras and pictures, and our ICT staff can be reassured that it does not undermine our CoCo compliance, then we would of course do all we can to allow such use to continue for the new equipment bought. We are however, duty-bound to flag up that it might not be possible.
- 2.9 Whilst some Councillors (and staff) might see this more restrictive use as removing from them privileges that were previously enjoyed, this has to be balanced against possible organisational benefit of not spending as much time repairing damage to systems integrity caused by non-conforming uses.
- 2.10 The opt-out option can be properly managed so as not to corrupt the Council's CoCo integrity and provide to the individual Councillors complete flexibility as they so wish.
- 2.11 Laptops currently supplied to Councillors are not being routinely updated with Windows and anti-virus updates and there is no anti-spyware on them. There are known issues related to this and this will have to be addressed in the opt-in option.
- 2.12 We acknowledge in the current scheme of IT equipment to Councillors there have been on-going issues with the reliability of the printers used. Therefore, as a result of recent technological improvements, the printers that will be used for the opt-in option will be significantly better than in the past and we will also be using this recently acquired knowledge to better advise those Councillors to whom the opt-out option is more appealing.
- 2.13 Should we encounter the position of a newly elected Councillor never having had any exposure to ICT, we would endeavour to do what ever it takes (e.g. training, support, guidance) to get them enabled electronically. Nothing will prevent us getting a Councillor on-line.

3. OPTIONS ANALYSIS

3.1 We could do nothing but this is not realistic as the current IT equipment is going to fail eventually and this will only increase the amount of support work we already do and offers no financial savings.

3.2 Opt-Out

For existing and new Councillors that already have broadband facilities and their own IT equipment, we would not insist they take delivery of further IT equipment but that they use it for Council business and claim back using the expenses scheme for broadband and toner cartridge charges.

3.3 If a Councillor has no IT equipment this option provides funding to purchase the necessary equipment and to claim back the cost from the Council up to a total of £1,000 over the life of the new council 2011 – 2015.

3.4 Opt-In

Existing Councillors on the current scheme who wish to continue and those new Councillors who would like to join the scheme will be offered a new laptop or PC. They will also have the option of one or all of the following : docking station, monitor stand, flat screen monitor, keyboard and mouse if they choose. Please note for Councillors on the current scheme, once they have a new laptop, their docking station will also need replacing as the new model laptops do not fit in the older docking stations.

3.5 Councillors will also be offered a printer and we will provide, within reason, the print cartridges. Further work is being undertaken as to whether from a financial and sustainability point of view this is black and white, colour or a combination of both. Further work is also needed on what is seen to be a reasonable use of printer cartridges.

3.6 The broadband telephone service for existing Councillors will be transferred into their own name to take advantage of the domestic tariff (which is cheaper) and they will be able to claim this back using the expenses scheme.

3.7 New Councillors who wish to opt-into the scheme who don't have broadband will be assisted in getting a broadband service up and running in their own name (to take advantage of the domestic tariff).

3.8 All Council owned equipment will be delivered and installed in the Councillor's residence and will be tested and left in a working condition.

3.9 Support for this scheme will remain via the Steria helpdesk in the first instance and remains a back to base model, i.e. the Councillor brings the laptop into the Council offices if a diagnosis cannot be achieved over the telephone.

4. RECOMMENDATIONS

4.1 Both the opt-in and opt-out options (3.2 and 3.4) are valid. We will not know the full impact until after the Election and new and re-elected Councillors decide which option is their preference.

4.2 In accordance with the Government Code of Connection regulations, it will be expected that Councillor e-mail correspondence is done through the Spelthorne.gov.uk secure domain and not with personal e-mail addresses.

- 4.3 We will not make recommendations as to a preferred Internet service provider (ISP) but we will endeavour to help Councillors with their connections on an individual basis. Cable solutions are generally installed by the supplier and often more stable.

5. BENEFITS AND SUSTAINABILITY

- 5.1 This is more sustainable approach as we are not unnecessarily duplicating unneeded and unwanted equipment for those Councillors who already have it.
- 5.2 Councillors standing down or losing their seats will be offered the opportunity of taking ownership of the broadband line if they so wish.

6. FINANCIAL IMPLICATIONS

- 6.1 Current revenue spend on Councillors broadband and telephone lines is £20,000 per year. The equipment provided at the time of the initial scheme was approximately £1,000 per Councillor. Hence the proposals to pitch opt-out levels at £1,000 acknowledges both the falling price/increase in quality of IT equipment but also inflation since 2007.
- 6.2 There should be revenue savings for the Council once we get them all Councillors on a domestic tariff broadband line but it is not possible to say how much this will be until after the Election.
- 6.3 There will be capital implications in the purchase of the new equipment but again it is not possible to say how much this will be until after the Election.

7. LEGAL IMPLICATIONS/OTHER

- 7.1 A protocol for Councillors who opt-out and use their own equipment for Council business should be drawn up highlighting the need for the use of a Firewall, anti-virus and anti-spyware software and security issues such as encrypting data held on the PC. Windows 7 which all new PCs will be shipped with now, has encryption capabilities.
- 7.2 The MS Office suite that is covered by the Council's Volume Licence Agreement with Microsoft does allow for the software to be installed on Member's own equipment if they are using it as part of their Council business. However, it will have to be de-installed if they cease to be an Elected Member.
- 7.3 Councillors choosing to opt-in will be expected to re-sign up to the 'Do's and Don'ts' security policy.
- 7.4 The Council reserves the right to re-call any piece of Council owned equipment at any time for the purposes of preventative maintenance and a health check.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 The key risk is that if we do nothing the equipment will fail in the very near future. If we do not address the risk is that Councillors will continue to suffer performance issues with their IT setup.

- 8.2 It is likely that the reduction in officer time spent on Member Support IT will not be as great as anticipated given the opt-in option. This will be mitigated through communications and initial support to help Councillors make the change and should diminish as Member confidence increases. The web-based facilities proposed are a lot easier to use than the current set-up.
- 8.3 There is no capital budget for the opt in scheme, it will therefore have to come through re-prioritising within the ICT budgets.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The new Administration (May 2011) is the proposed commencement of the new options.
- 9.2 For those Councillors who would like to opt-out now, this can be accommodated straight away.
- 9.3 For those Councillors who are on the original scheme, and are likely to stay on it post Election, we will replace their laptops once we have newly elected Councillors up and running unless we encounter a failure before hand, in which case they will be replaced straight away.

Report Author: Helen Dunn, ICT Manager (01784) 446248

Background Papers: there are none

ADOPTION OF FOOD AND HEALTH AND SAFETY SERVICE PLANS FOR 2011/2012

Cabinet: 22 March 2011

Resolution Required Report of the Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

The Food and Health and Safety Service Plans set out how authorised officers intend to ensure that the local food and non-food businesses they visit produce and sell food that is safe to eat and/or safeguard the health, safety and welfare of its employees and visitors.

Purpose of Report

To seek approval to adopt the Food and Health and Safety Service Plans for 2011/12.

Key Issues

- The Food Standards Agency (FSA) has recently announced that they will be carrying out a major review of the model used to deliver food safety official controls in the UK in 2011. This may have far reaching implications for food hygiene services currently delivered by local authorities.
- 98% of programmed food hygiene inspections were completed in 2009/10. Although this figure was less than 98.7%, which was achieved in 2008/09, it met our performance target of 98%. It should also be noted that for the first four months in 2010 the team had one vacant post.
- Ten more programmed health and safety inspections were carried out in 2009/10 (82) compared to the corresponding figure in 2008/09 (72).
- Evaluation of the levels of satisfaction from local businesses who had received a food hygiene or health and safety inspection in 2009/10 showed that 100% of respondents rated the quality of advice they received and the report they received as either good or excellent.
- Since Spelthorne successfully launched its "Scores on the Doors" scheme on 13 October 2008 it has proved very popular with residents with over an average of 3,200 "hits" per month reported up to the end of January 2011. Furthermore, the number of best performing food businesses (those with either a five or four star rating) in the borough has increased by 155 and the number of worst performing food businesses (those with either a zero or one star rating) has dropped by 41. **Appendix A** illustrates the improvement in food businesses' star ratings.

Financial Implications

The proposed service plans will be delivered within the budgets for 2011/12. The financial implications have been discussed with the relevant finance staff.

Corporate Priority Safer Spelthorne, Cleaner and Greener Environment, Economic Development.

Officer Recommendations

Cabinet is asked to adopt the proposed service plans for 2011/12.

Report Author: Jonathan Bramley, Environmental Health Manager (Commercial), (01784) 446280

Area of Responsibility: Liz Borthwick, Assistant Chief Executive, (01784) 446376

Cabinet member: Councillor Simon Bhadye

MAIN REPORT

1. BACKGROUND

- 1.1 The Food Standards Act 1999 set up the Food Standards Agency (FSA) and gave it a key role in overseeing local authority food safety enforcement activities.
- 1.2 The Agency was set up in April 2000 and has been proactively monitoring local authority enforcement activity, including visits to local authorities to conduct audits of the food safety service. To date, three authorities in Surrey have received full audits and another two have undergone "focussed" audits.
- 1.3 The Health and Safety Executive (HSE) Strategy for "Be part of the solution", in June 2009 set out how the Government, the HSE, local authorities and UK businesses will work together to prevent death, injury and ill-health to those at work and those affected by work activities.
- 1.4 The FSA's "Framework Agreement on local authorities (LAs) Food Law Enforcement" and HSC's Guidance Note, which all LAs must follow, states that Food and Health and Safety Service Plans should be submitted to a relevant decision-making committee for approval. This explains why the Spelthorne's Cabinet Committee is the most appropriate forum to decide on these Service Plans.

2. KEY ISSUES

- 2.1 The FSA has recently announced that it will be carrying out a major review of the model used to deliver food safety official controls in the UK in 2011. This may have far reaching implications for all local authorities in terms of whether or not they continue to deliver food hygiene/standards services. The FSA will consider whether or not to centralise these services within their own organisation, or if improvements can be made to the current system of localised enforcement across the UK.
- 2.2 The main achievements of the Commercial team in 2009/10, relating to the Food and Health and Safety services provided, are summarised on pages 4 (Executive summary), 25 to 27 of the Food Service Plan and pages 3 (Executive summary) and 29 and 30 of the Health and Safety Service Plan. They include achieving 98% of the programmed food hygiene inspections in the year. Although this figure was less than 98.7%, which was achieved in 2008/09, it met our local performance target of 98%. It should be noted that this was achieved despite the team having one vacant post for the first four months in 2010. It is encouraging to note, from an economic point of view, that the total number of food and non food businesses on Spelthorne's Environmental Health's database have increased between 1 April 2009 to 31 March 2010. Over this period the total number of food businesses rose from 657 to 678 and the number of non food businesses went up from 1371 to 1405.

- 2.3 The Commercial team carried out ten more programmed health and safety inspections in 2009/10 (82) compared to the corresponding figure of 72 in 2008/09. The team also participated in an annual health fair at one of the borough's secondary Schools. The main focus was to increase the children's awareness of potential hazards and risks in the workplace, especially in roles undertaken by young people, such as newspaper delivering for newsagents.
- 2.4 Although demand for our Level 2 Award in food safety in catering courses dropped in 2009/10 (from 73 in 2008/09), the Commercial team still trained a total of 53 commercial food handlers to this level.
- 2.5 The main developments since the service plans of 2010/11, which have been reflected in the proposed plans of 2011/12, are as follows:
- (a) An evaluation took place of the levels of satisfaction from local businesses who had received a food hygiene or health and safety inspection in 2009/10. 100% of respondents rated the quality of advice they received as either good or excellent. Furthermore, 100% rated the report they received as either good or excellent.
 - (b) The national indicator for local authorities of measuring the percentage of their food businesses which were "broadly compliant" was scrapped. However, members will be interested to know that at the time of writing this report this percentage for "broadly compliant" Spelthorne food businesses was 79%.
 - (c) Since Spelthorne successfully launched its web based "Scores on the Doors" (SotDs) scheme on 13 October 2008 it has continued to be very popular with residents with over 3,200 "hits" per month on our web-site. Since the launch date, the number of best performing food businesses (those with either a five or four star rating) in the borough has increased by 155. Furthermore, the number of worst performing food businesses (those with either a zero or one star rating) has dropped by 41. Although this scheme is discretionary it has significantly raised the profile of the service and has improved hygiene standards in the borough's food businesses. It has also enabled the service to concentrate limited resources on the poorest performing businesses. In December 2010 the FSA launched their National Food Hygiene Ratings Scheme, which is the equivalent to our SotDs scheme. A decision will soon be made whether or not Spelthorne joins the FSA's scheme or continue with its current one.
 - (d) The Local Better Regulation Office's (LBRO) "Primary Authority" Principle (PAP), which was established in law in April 2009, has been significantly expanded since last year. There are now a total of 310 PA partnerships between large businesses and local authorities, covering regulatory services such as food hygiene, health safety, licensing and trading standards, compared to only 41 last year. The PAP entails a legally binding partnership between certain local authorities ("Primary Authorities") and large businesses which have a number of branches or units in other local authority areas and a decision making base in another area. All other local authorities that are considering enforcement action, such as prosecution, under food and/or health and safety legislation against businesses with such an agreement will first need to consult with the "Primary Authority" to obtain approval. However, it is very unlikely that Spelthorne will become one of these "Primary Authorities".

- (e) There are plans for Spelthorne to become involved in a Surrey wide inter authority auditing initiative relating to its food safety services. It is anticipated that this will take place in May/June 2011. In addition, consideration is being given to closer partnership working in health and safety areas of Environmental Health between other Surrey authorities and the HSE.

3. OPTIONS ANALYSIS

- 3.1 The preferred option is to adopt the proposed service plans for 2011/12 **(available in the Members Room for viewing)**, to come into effect on 1 April 2011.
- 3.2 There is also an option for Members to amend the proposed service plans.
- 3.3 There is an option for members not to adopt the proposed service plans. This would mean the Council would not be following either the FSA's "Framework Agreement on Local Authority Food Law Enforcement" or the HSE's Guidance, as this requires local authorities to have food and health and safety service plans and recommends that the plan relates specifically to food and health and safety law enforcement. If these service plans are not adopted, the likelihood of the FSA or HSE auditing a local authority would increase.

4. PROPOSALS

- 4.1 It is proposed that the Food and Health and Safety Service plans for 2011/12 are adopted. The plans detail how the food and health and safety law enforcement services will be carried out during 2011/12 and assesses performance against the corresponding Service Plans for 2009/10.
- 4.2 The Plans are available for Members in the Members Room.

5. BENEFITS AND SUSTAINABILITY

- 5.1 The Service Plans provide a focus for authorised officers of this Council to contribute towards reducing the number of food poisoning cases and improving the personal and food hygiene practices of food handlers and residents and reducing the number of workplace accidents and ill health occurring in local businesses.

6. FINANCIAL IMPLICATIONS

- 6.1 The proposed service plans will be delivered within the proposed budget for 2011/12. The financial implications have been discussed with the relevant finance staff.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 Under the Food Standards Act 1999 and Health and Safety at Work etc. Act 1974, the FSA and HSE, respectively, have powers to audit any local authority's food safety and health and safety enforcement services. In exceptional cases, the FSA and HSE have the powers to take over the duties of persistently under-performing councils

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 If the service plans are not adopted by April 2011 the likelihood of an audit by the FSA or HSE would greatly increase (see paragraph 3.3).

9. TIMETABLE FOR IMPLEMENTATION

9.1 If the officer recommendation is approved the service plans for 2011/12 will come into effect on 1 April 2011.

Report Author: Jonathan Bramley, Environmental Health Manager (Commercial), (01784 446280)

Background Papers: There are none.

Appendix A – Spelthorne’s “Scores on the Doors” scheme – Improvement of food businesses’ star ratings

Star rating	Description of food hygiene standards	13 October 2008	21 December 2010
5 stars	Excellent	18	97
4 stars	Very good	70	146
3 stars	Good	115	186
2 stars	Fair	136	96
1 star	Poor	41	22
0 stars	Very poor	36	14

SPELTHORNE BOROUGH COUNCIL

FOOD SAFETY SERVICE PLAN

2011/12

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Executive Summary

The Food Safety Service provided in 2009/10 was successful for a number of reasons. These were as follows:

- (a) The Commercial team achieved 98% of planned food hygiene inspections (252) and also inspected a further 51 new businesses, despite one post in the team being vacant for four months. In total 303 food hygiene inspections were completed.
- (b) Our "Scores on the Doors" scheme continued to be a great success. It has not only proved to be very popular, with over 3,200 "hits" per month between its launch date to the end of January 2011, but has led to sustained improvements in food hygiene standards in local food businesses.
- (c) 48 out of 53 commercial food handlers were successfully trained to the Level 2 Award in Food Safety in Catering.
- (d) The service achieved a high level of satisfaction based on the customer care questionnaires returned by local businesses visited by our enforcement officers.
- (e) We organised a number of food hygiene/safety awareness initiatives as part of "Food Safety Week" and attendance at two local School events.
- (f) There are currently 14 local food businesses who have been awarded the "Eat Out, Eat Well" award. This is part of the Surrey "Healthy eating" initiative to encourage targeted local catering businesses to provide more healthy options on their menus.

In 2011/12 the Commercial team are committed to continue improving the food safety service provided to the local communities. Our main aims will be as follows:

- (a) To achieve at least 98% of food hygiene inspections in accordance with the frequencies set out in the Food Safety Act's Code of Practice. However, we will continue to aim for a target of 100%.
- (b) To make a decision whether or not to continue with our "Scores on the doors" scheme on the Council's web-site, or join the Food Standards Agency's "National Food Hygiene" Rating Scheme". Whichever scheme we adopt it will be used as a driver to improve and maintain hygiene standards in our food businesses.
- (c) Continue to offer the Level 2 Award in Food Safety in Catering course to commercial food handlers to promote good hygiene practices in our local businesses.
- (d) Continue to actively take part in the Surrey "Healthy eating" initiative and encourage more local food businesses to achieve the "Eat Out, Eat Well" award.
- (e) Update our operational food safety procedures.
- (f) Take part in a Surrey wide Inter authority audit of food safety services provided by local authorities.
- (g) To ensure that the pilot remote working project being launched within the service is a success in terms of improving the level of service provided to our customers.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Service Aim

1.1.1 The Spelthorne Community Plan 2005-2015, supported by a partnership of local organisations from the public, voluntary, business and community sectors, aims to:

'make Spelthorne a safe, healthy, inclusive, prosperous and sustainable community'.

Particular themes of the Plan include Healthy Spelthorne, Thriving Spelthorne and Young People's Spelthorne. The Food Safety Service Plan will assist in achieving the aims of the Community Plan by improving the standard of food produced and sold in the Borough and by promoting a healthy diet to residents and visitors.

1.1.2 Our Food Safety objectives will be set as part of the Service Improvement Plan when it has been updated following the completion of the current Business Improvement Process for the Environmental Health service. For 2011/12, the Objectives which may be transferred into specific targets for the section are outlined as follows:

- To achieve 98% of all food hygiene inspections in accordance with frequencies set out in Food Safety Act Code of Practice and Practice Guidance. The service however, managed to achieve, or exceed this target since 1999/2000 and will endeavour to continue this trend.
- To ensure that the service that is provided is that desired by the local community and other customers. In 2009/10 100% of businesses that responded were satisfied with the service provided them during a planned visit from our team (see section 5.1.2).
- To ensure that the service continues to demonstrate that it has provided for hard to reach groups. In 2011/12, we will investigate the possibility of organising a food hygiene course specifically for an ethnic minority group.
- Continue to offer the Level 2 Award in Food Safety in Catering to commercial food handlers.
- Update our operational food safety procedures to take into account changes in the FSA's Code of Practice.
- Take part in a Surrey wide Inter authority audit of food safety services provided by local authorities. The areas which will be focused on are officer training, authorisations, inspections and internal monitoring arrangements.
- To make a decision whether or not to continue with our "Scores on the doors" scheme on the Council's web-site, or join the Food Standards Agency's "National Food Hygiene" Rating Scheme". Whichever scheme we adopt it will be used as a driver to improve and maintain hygiene standards in our food businesses.
- Actively take part in the Surrey "Healthy eating" initiative to encourage targeted local catering businesses to provide more healthy options on their menus. Since the initiative was launched in June 2009 14 local food businesses have achieved this award.
- To ensure we comply with the new Regulator's Compliance Code and Regulatory, Enforcement and Sanctions Act 2008.

- To ensure that the pilot remote working project being launched within the service is a success in terms of improving the level of service provided to our customers.

In addition the Service has the following additional aims in terms of the level of service provided:

- To comply with all new legislative requirements imposed on the Borough regarding the enforcement of food safety.
- To respond to 95% of service requests within six working days.
- To ensure that at least 80% of letters sent out to food businesses, following an intervention/inspection, are done so within 7 working days.
- To ensure that the performance of the service is measured in the most appropriate way.

1.2 Links to Corporate Objectives and Plans

1.2.1 This strategy is a detailed part of the Service Plan for the Environmental Health and Building Control Service, which in turn forms part of the corporate Performance Plan.

1.2.2 The food safety service, as part of the overall Environmental Health and Building Control Service, plays an important role in meeting the social, economic and environmental strategic objectives of the Council, which are set out in the Council's mission statement, Strategic Priorities and Core Values as outlined in the Performance Plan. The Council's mission statement is:

"Making Spelthorne a Better Place"

In order to achieve this ambition, the Council has outlined a number of strategic priorities, one of which is the need to ensure that Spelthorne is an attractive and healthy place to live and work. In addition, the authority has adopted 6 priorities, all of which are followed by Environmental Health Staff in the Commercial Team as they do their day-to-day work.

Priorities of the Council

- | |
|---|
| <ol style="list-style-type: none"> 1. A Safer Spelthorne 2. Supporting Younger People 3. A Cleaner and Greener Environment 4. Supporting Housing Needs 5. Help for Older People in Need 6. Economic Development |
|---|

1.2.3 Cross Linkage to other Plans developed by the Authority

We recognise that the work carried out by the food safety service interlinks with other strategic approaches and services. Some key areas where this is the case is:-

Regulator's Compliance Code

This Code replaced the previous voluntary "enforcement concordant" in April 2008. All local authorities' Environmental Health and Trading Standards departments have a legal obligation to have regard to the code in the provision of their services to the public and businesses.

Local Development Framework

We recognise the importance of food businesses to the local economy and work closely with Planning Officers to encourage food businesses to 'design out' potential problems in proposed food premises.

Licensing

We play an active role in the licensing of a variety of premises including food establishments providing late night refreshment after 11pm, night-clubs, public entertainment venues, outdoor events. Officers will ensure that all food safety problems that come to light during visits for other purposes are dealt with without delay.

Health and Social Care Improvement Plan

A Health and Social Care Improvement Plan for North Surrey has been written by the local PCT and the adults and community care team in liaison with other local partners, including this borough. The plan is linked to the local delivery plan. It addresses a wide range of locally identified health and social care issues and will enable agencies to develop services that better reflect the local needs. One of the targets particularly relating to food safety is to increase the number of food businesses that offer healthy eating options on their menus. This is through the "Eat Out, Eat Well" award scheme. Spelthorne Borough Council is signed up to this initiative.

It should be noted that under the Coalition Government's "Health and Social Care Bill" the public health role currently delivered by the NHS PCTs will be transferred across to local authorities in the next two years. Furthermore, a "Public Health England" service will be created to oversee these changes. How these changes will affect district councils is not yet clear.

Customer Care

In addition to informal systems for resolving complaints and dissatisfaction, the Council has an open, clear, formal system for dealing with complaints. Clear corporate targets have been established for the speed and quality of response to letters (7 to 10 working days) and telephone calls (respond within 5 rings) and our performance is publicised in the local press and is available on the Council's website.

Customer consultation and feedback carried out to support national indicators has been used to set specific customer care standards and response times for work area across the organisation, these are contained in the Service Plan for Environmental Health.

Economic Development

The policies set out in the local plan seek to achieve a balance between community health and development.

We aim to take a balanced approach to food safety enforcement that safeguards health, but does not act as a disincentive to business.

Social Inclusion and Diversity

The Food Safety Service provided by the Council is committed to social inclusion and diversity within its communities. This is achieved in the following ways:

- (a) Food hygiene advice leaflets are available in a number of different languages.
- (b) We periodically send out a newsletter to all our food businesses to provide them with information and inviting them to contact us for further advice.
- (c) We will make use of the Council's translation services, where necessary.
- (d) We must have regard to the Regulator's Compliance Code, which requires us to deal with all businesses with fairness and consistency.
- (e) Customer Care Questionnaires are sent out to all food businesses, who have received an inspection, to ascertain levels of satisfaction with the Commercial Section's services.

Investors In People

The Council has been awarded Investors in People Status. This demonstrates the Council's commitment to training and developing staff to their full potential.

2.0 BACKGROUND

2.1 Profile of Spelthorne

The Borough

2.1.1 The Borough of Spelthorne lies 15 miles west of Central London and sits in the far North West corner of Surrey close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt.

2.1.2 The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

The People

2.1.3 Spelthorne's resident population was 90,390 by the end of 2001, based on the 2001 census.

2.1.4 The population is predominantly white with other ethnic groups making up 5.7% of the population compared with the national average (9.1%). This figure is based on the 2001 census.

The Local Economy

2.1.5 The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. A number of large commercial organisations have their main UK offices in the Borough.

2.2 Organisational Structure

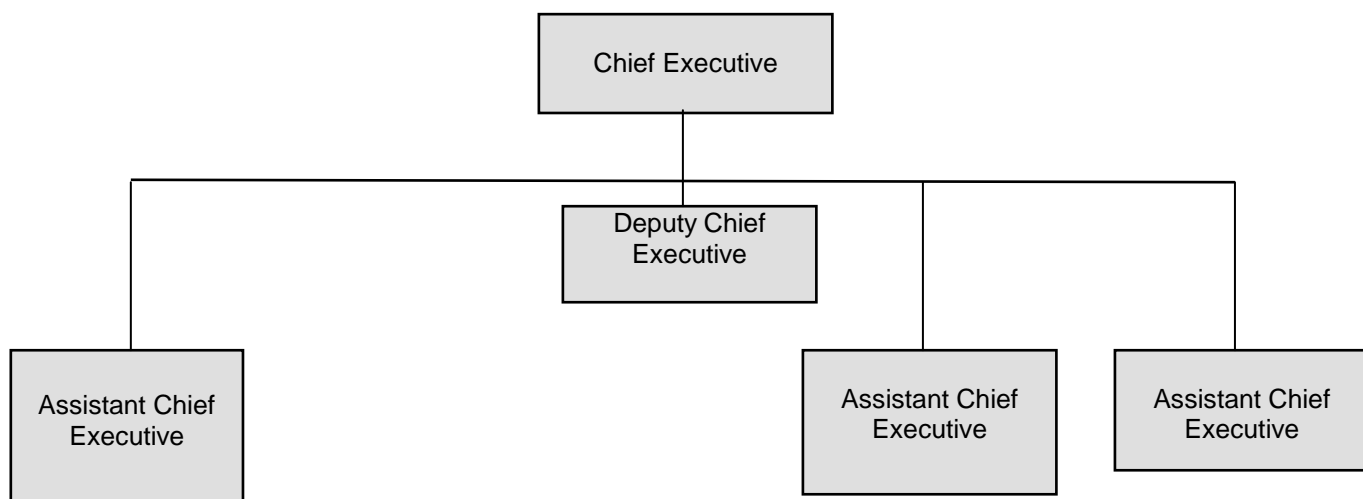
The Political Structure

2.2.1 The Council implemented a 'cabinet' style committee structure, which is attached as appendix 1.

2.2.2 The Cabinet is responsible for deciding matters relating to food and water safety, however the Performance Management and Review Committee scrutinises the work we do in relation to food and water safety, monitors progress against targets and makes recommendations to the executive.

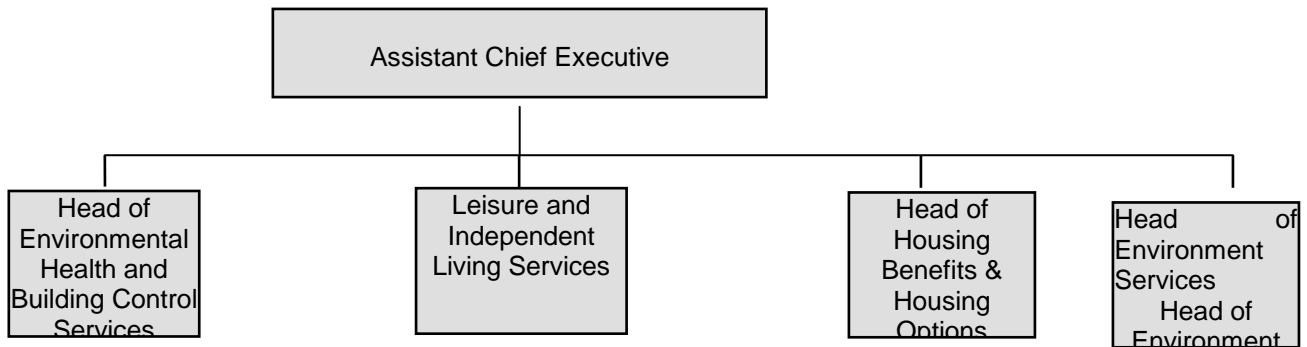
The Council's Management Team

2.2.3 The services provided to achieve the Council's strategic objectives are delivered under the direction of the Council's Management Team led by the Chief Executive. The Management Team comprises the following 5 Senior Officers.



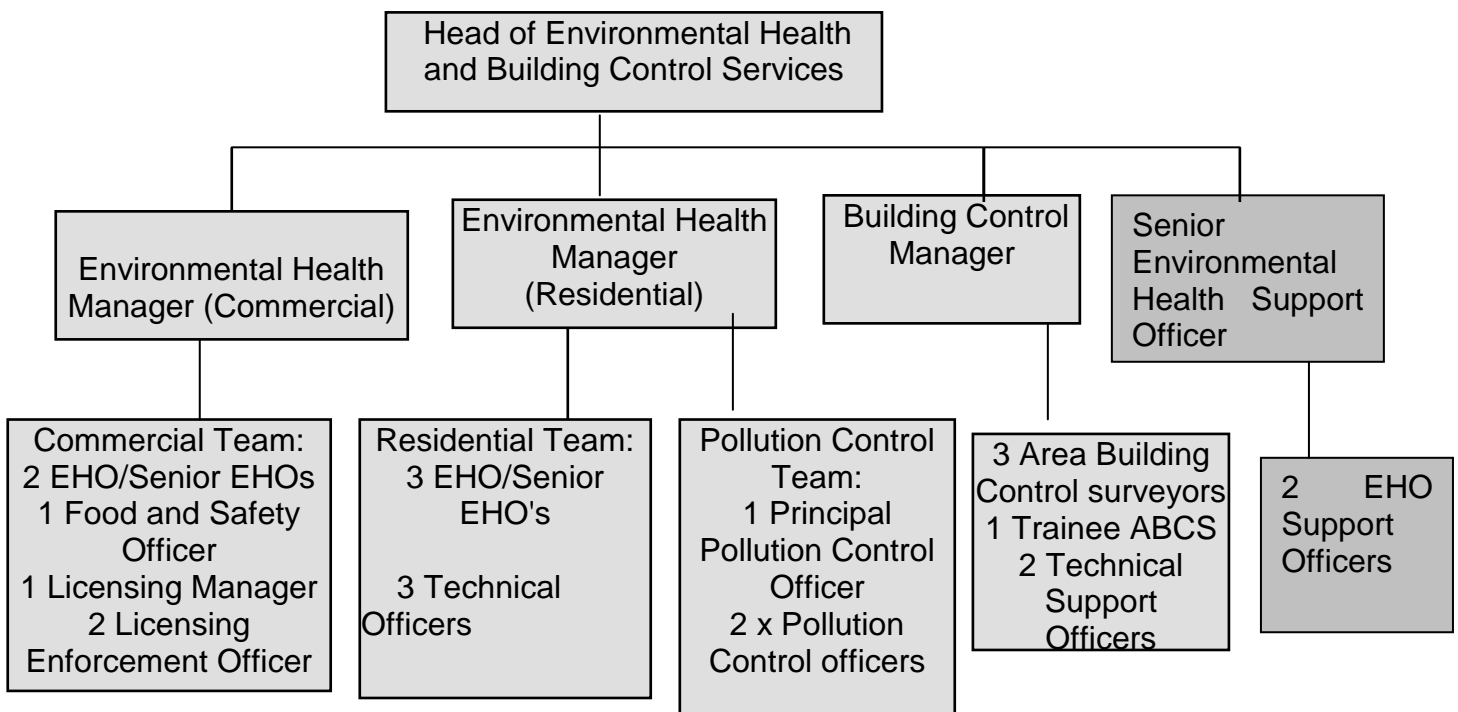
Assistant Chief Executive's Management Team

2.2.4 The management structure for the Assistant Chief Executive with overall strategic responsibility for Environmental Health and Building Control Services is indicated below:



The Environmental Health and Building Control Service

2.2.5 The Department structure is as follows:



2.3 Scope of the Food Service

2.3.1 The Council provides a comprehensive service to food consumers and food businesses in Spelthorne. We have the main responsibility for enforcing the provisions of the Food

Hygiene (England) Regulations 2006, and associated European Community regulations made under the European Communities Act 1972 in all food premises located within the Borough. The main elements of the service are:-

Food Hygiene Inspections - Regular inspection of our 678 food premises to check food safety standards and to promote good hygiene practices.

Food Complaint Investigations - Investigation of all complaints relating to food safety, including poor hygiene, foreign objects in food (e.g. metal, glass, insects), unfit food, and food alleged to have caused food poisoning.

Infectious Disease Control - Investigation of all notifications and outbreaks of food poisoning and gastrointestinal infection to (a) control and prevent further cases from source of disease (b) identify source (c) prevent spread from primary case.

Food Sampling Programme - Sampling of foodstuffs for microbiological examination, on (a) a programmed basis (including participation with Food Standards Agency/Local Government Regulation (formerly known as LACORS) sampling programme) (b) in response to cases of outbreaks of food poisoning or specific investigations, (c) in accordance with relevant Commercial Team work procedures and statutory guidance, as detailed in the sampling strategy.

Health Promotion Programme - Provision of accredited food hygiene training courses for food handlers, and food safety advice to managers and proprietors of food businesses and implementation of the Commercial Team's Health Promotion initiatives, e.g. "Eat Out, Eat Well" Award Scheme.

Food Premises Database – We will maintain the database of food premises in the Borough and take steps to ensure that the information is accurate and up to date.

2.3.2 The food safety service is provided by the Commercial Team who also provide a health and safety enforcement service, process and monitor all the new licensing regime under the Licensing Act 2003 and all animal licensing in relevant premises, and implement the Council's Health Promotion Programme across all Environmental Health Services.

2.4 Demands on the Food Service

2.4.1 There are currently 678 food premises within the borough of Spelthorne, with more than half being classed as restaurants and other caterers (71%). Food retailers make up the second most significant group (26%), with food producers, distributors, importers and manufacturers accounting for the remaining 3% of premises.

2.4.2 Food premises of significance include 2 "A" rated premises, all of which are catering premises. The Borough does not have any "Primary Authority" arrangements with any business. There are only 4 food manufacturers in the Borough. Being close to Heathrow, there are 11 enhanced remote transit sheds and 2 remote transit sheds, through which foods of non-animal origin are imported from time to time, located in the Borough. It should be noted that since 1 September 2007, responsibility for checking and dealing with imported food from our 2 existing remote transit sheds, was transferred to Hillingdon Borough Council. Currently, there are 20 food businesses with a Premises Licence because they sell food/hot drinks after 11pm. There are a total of 296 premises with a Licence under the Licensing Act 2003.

2.4.3 As a direct consequence of the Freedom of Information Act 2000 there will be an increasing demand from members of the public for information about local food businesses, in terms of whether or not it is safe to eat from these places. With our own web based “Scores on the Doors” (SOTDs) scheme in place this should provide most of the information required by the public. The FSA launched their National Food Hygiene Ratings Scheme in October 2010 to help consumers get such information. A decision will be taken in the near future whether or not Spelthorne joins the FSA’s scheme after 30 March 2011.

2.5 Accessing the Service

The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines, Middlesex, TW18 1XB. The Offices are open from 9am to 5pm Mondays to Thursdays and 9am to 4.45pm on Fridays. The office is closed in the evenings and at weekends.
- Telephoning the administrative staff, whose numbers are published in the Borough Bulletin every two months, and in the telephone directory.
- Officers have direct line telephone numbers.
- There is an e- mail box which customers can use to contact the Commercial Team regarding food safety: (environmental.health.commercial@spelthorne.gov.uk). Officers also have individual e-mail addresses.
- Food safety emergencies can be dealt with by telephoning our 24-hour out of hours emergency service where the on-call officer will contact a senior officer from environmental health.
- Information and advice can be accessed via the Council’s website (www.spelthorne.gov.uk)

2.6 Enforcement Policy

2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the new Regulator’s Compliance Code and the Environmental Health Department’s agreed enforcement policy. The policy was last updated and published in 2007. It is published and made available to businesses and consumers in printed format, if requested and on the Council’s website.

2.6.2 We recognise that most businesses want to comply with the law. We will therefore endeavour to help food businesses and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Enforcement action will always be proportional to the risk to public health.

2.6.3 In considering enforcement action we will give full regard to statutory Codes of Practice, the Code for Crown Prosecutors, guidance from the Food Standards Agency, UK or EU Industry Guides to Good Hygiene Practice, and Local Government Regulation guidance and advice. In addition we must also have regard to any relevant guidance produced by the Local Better Regulation Office (LBRO).

2.6.4 All authorised officers will follow the policy when making enforcement decisions. Any departure from the policy must be exceptional, capable of justification and approved by the Head of Environmental Health and Building Control Services.

2.6.5 The Council's enforcement policy will be regularly reviewed and amended.

3.0 SERVICE DELIVERY

3.1 Food Premises Inspections

3.1.1 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food businesses, food hygiene inspections undertaken by Spelthorne Borough Council's team of environmental health professionals serve the following purposes:

- To establish whether food is being handled and produced hygienically;
- To establish whether food is, or will be having regard to further processing, safe to eat;
- To identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.

3.1.2 With this in mind the main objectives of a food hygiene inspection are the:

- Determination of the scope of the business activities and of the relevant food safety legislation that applies to the operations taking place at the premises
- Thorough and systematic gathering and recording of information, from observations and discussions with food handlers, managers and proprietors
- Identification of potential hazards and associated risks to public health
- Assessment of the effectiveness of process controls to achieve safe food
- Assessment of the food safety management system operated by the business
- Identification of specific contraventions of food safety legislation
- Consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with food safety legal requirements
- Provision of advice and information to food business proprietors and food handlers
- Recommendation of practical, good food hygiene practices, in accordance with Industry Guides and relevant sector specific codes of practice where appropriate
- The promotion of continued improvements in food hygiene standards through the adoption of good practice.

3.1.3 EU Food Consolidated Regulations came into force on 1 January 2006. The legislation now used to enforce food hygiene provisions in food businesses comes under the Food Hygiene (England) Regulations 2006, and associated EC Regulations 852/2004 and 853/2004. The main change was the requirement for ALL food businesses to have a written food safety system in place, based on HACCP principles. The FSA have asked LAs to promote a new written system to existing businesses, with no hazard analysis in place, based on Safer Food Better Business (SFBB). This will inevitably continue to impact on officer time during inspection visits, in the forthcoming year.

- 3.1.4 We aim to undertake 98% of food hygiene inspections of premises within the Borough at a frequency which is in accordance with the inspection rating system set out within the Statutory Code of Practice made under the Food Safety Act and Food Hygiene (England) Regulations 2006.
- 3.1.5 All food premises in the Borough are categorised according to potential risk and the frequency that they are inspected depends on this category. The rating system takes account of management practices and past compliance with legislation in determining likely future risk. Premises are inspected within the following minimum frequencies:

<u>Category</u>	<u>Minimum frequency of Inspection</u>
A	At least every 6 months
B	At least every year
C	At least every 18 months
D	At least every 2 years
E	Alternative Enforcement Strategy

In the financial year commencing 1 April 2010 the number of inspections programmed at the time of writing was 289. The risk profile relating to this inspection programme is illustrated in the table below:

Category	No. of Inspections
A	4
B	40
C	193
D	52
E	0

- 3.1.6 Risk category "E" premises will not be part of the programmed inspection programme, but will be included in an "Alternative Enforcement Strategy". There are currently about 109 food businesses within this risk category. It is intended that in 2011/12, Spelthorne will introduce procedures relating to how these types of food businesses will be tackled under such a Strategy.
- 3.1.7 The Council recognises that some food businesses present a higher risk to consumers than others. We plan to visit all Categories of food premises within their due date.
- 3.1.8 Prior notice of an inspection will not normally be given in accordance with the Statutory Code of Practice. Exceptions will be made for home caterers, bed and breakfast businesses, charitable groups, church and community centres and certain large organisations in order that key personnel and documents may be available.
- 3.1.9 Food premises will be inspected during normal trading hours. We recognise that certain food businesses operate in the early hours of the morning, late at night and at weekends and indeed that some businesses are busiest at these times and would therefore benefit from a visit at these times, so the inspections programme will include food hygiene inspections outside of normal working hours. These are agreed with the Environmental Health Manager (Commercial) on a monthly basis.

3.1.10 Food hygiene inspections of all new premises will be undertaken within three months of registration. When we become aware of unregistered premises we will send information to require the business to register and if they do not reply, will inspect as soon as possible, subject to other priorities. We receive information regarding change of occupation from business rates on a monthly basis to assist this process.

3.1.11 Wherever it is practicable and appropriate to do so, we will combine a food hygiene inspection with another visit for food hygiene purposes (e.g. food complaint or a request for advice) to help make effective use of resources to prevent duplication of effort and to minimise disruption to business.

In addition, where we discover or are notified of a new food premises, we shall endeavour to undertake an initial health and safety inspection in conjunction with the initial food hygiene inspection, so that new proprietors of businesses are aware of their main priorities.

Wherever it is practicable and appropriate to do so, where a food business is due a programmed food hygiene and programmed health and safety inspection in the current year, we will combine both inspections to help make effective use of resources to prevent duplication of effort and to minimise disruption to business.

3.1.12 We will reschedule our proactive food hygiene inspection programme in exceptional circumstances if requested to do so by the Food Standards Agency (FSA) in order to take specific urgent action to protect public health. We will co-operate with the FSA and will provide them with any information and assistance as may be necessary.

3.1.13 All food hygiene inspections will be conducted by appropriately qualified officers who satisfy the requirements of the Food Safety Act Code of Practice and are fully aware of advice contained in the current Codes of Practice, Industry Guides and LBRO/LGA guidance.

3.1.14 If we identify serious contraventions of food hygiene legislation and/or poor practices during a programmed inspection and formal action is not appropriate as laid out in the enforcement procedure, we will undertake a revisit to the premises after an appropriate time period to check that matters have been attended to. We will revisit to check compliance with all notices served.

3.1.15 The resources required to deliver the programmed food hygiene inspection programme and associated re-visits in 2011/12 are estimated to be **1.5 FTE**.

3.2 Food Complaints

- 3.2.1 Our policy is to investigate all food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, provided that the food was purchased within Spelthorne's area, in accordance with the departmental food complaints, procedure notes and enforcement procedure, last updated in 2004. We will also investigate all allegations concerning poor hygiene or food complaints in food premises located within the Borough.
- 3.2.2 We will refer any food complaints relating to premises outside the Borough to the relevant food authority. We will refer any complaints regarding food labelling or composition to Surrey County Council Trading Standards Department together with any other matter which is their responsibility.
- 3.2.3 Our main aims in undertaking independent investigations of food complaints on behalf of members of the public are:
- To identify what caused the problem and assess the likely risk to public health;
 - To prevent a recurrence of the complaint by securing improvements in food hygiene standards and/or food handling practices and procedures;
 - To take enforcement action where appropriate.
- 3.2.4 We aim to respond to all food complaints as soon as possible after receipt, or notification in accordance with our documented procedures and relevant statutory Codes of Practice and LGA guidance.
- 3.2.5 The depth and scope of investigation required will depend on the nature of the complaint and whether the food was produced within a food premises for which the Council has food safety enforcement responsibility. If the foodstuff concerned is produced outside Spelthorne Borough, we liaise with our counterparts in the local authority responsible for the premises where the food was manufactured to obtain detailed information about the effectiveness of existing food safety management systems. Should this part of the investigation give cause for concern, a more detailed investigation will be carried out.
- 3.2.6 In certain circumstances, where there is a possibility that formal proceedings may be taken or it is considered in the interests of consumer protection for samples to be formally analysed, we send food complaint samples to the Public Analyst for examination. This service is currently provided by Eurofins, 445 New Cross Road, London SE14 6TA.
- 3.2.7 All complaints are thoroughly investigated and complainants advised of the outcome.
- 3.2.8 If the number of food complaints and enquiries for 2011/2012 is consistent with recent years the human resources required to deliver the service equates to 350 hours of full time equivalent officer time (**0.2 FTE**).

3.3 Primary Authority Principle

- 3.3.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a food business and the local authority where the relevant decision making base (i.e. head office) of the company is located.
- 3.3.2 It is a statutory scheme set up by, LBRO. It means that all local authorities will have to have regard to it when considering enforcement action in relation to a food business which has a number of branches or units in other food authority areas and a decision making base in another area, the relevant "Primary Authority" must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.
- 3.3.3 At present there are a total of 310 PA arrangements between businesses and local authorities (compared to only 41 last year), Spelthorne do not have PA arrangements with any business. . The current resource for this activity in 2011/12 is **0.01 FTE**.

3.4 Advice to Business

- 3.4.1 We recognise that the majority of food businesses seek to comply with the law and will provide such advice and assistance as may be necessary. This includes:
- Running food hygiene training courses/seminars
 - Provision of business information sheets, including leaflets detailing other local providers of food hygiene courses, practical advice on hazard analysis and controlling food safety hazards, temperature control and guides to compliance with specific food safety legislation.
 - On the spot advice during routine visits and inspections
 - Provision of free telephone advice
 - Publication of a guide for new food businesses
 - Provision of a food safety newsletter once or twice a year
- 3.4.2 The resource required for business advice (excluding training) is **0.02 FTE** per annum.

3.5 Food Inspection and Sampling

- 3.5.1 Food sampling provides useful information about the microbiological safety of food produced, prepared and sold within the borough, and constitutes an important element of the intelligence driven side of the food safety enforcement mix.
- 3.5.2 We will ensure that food is inspected and sampled in accordance with our sampling procedure, relevant legislation, statutory Food Safety Code of Practice and centrally issued guidance to ensure that food meets the food safety requirements.
- 3.5.3 We will carry out sampling in accordance with our published food sampling policy, procedures and programme, which was prepared in consultation with the Food Examiner. Our approach to food sampling is:

- We will continue to support and participate in the LGA/HPA national sampling programmes, where staff resources allow.
- We will submit approximately 20 food samples collected during routine food hygiene inspections of Category A, B and C premises.
- Food complaint samples will be submitted on an 'ad hoc' basis where appropriate, as they arise.
- We will adopt a policy of re-sampling should any sample result be unsatisfactory, unacceptable or potentially hazardous.

3.5.4 Food samples will be submitted for analysis to Health Protection Agency (HPA) in Ashford, Kent, which currently holds UKAS accreditation for the microbiological examination of food samples.

3.5.5 Whenever possible, food samplings will be combined with another reason for visiting a premises, such as a food hygiene inspection or food complaint visit. It is estimated that the proposed food-sampling programme can be delivered by 70 hours of full time equivalent officer time (**0.04 FTE**)

3.6 Control and Investigation of Outbreaks and Food Related Infectious Diseases

3.6.1 Doctors are required by statute to notify cases of particular infectious diseases, including food poisoning, to the Proper Officer of their Local Authority.

3.6.2 The Council will investigate all notifications of food poisoning, suspected food poisoning and laboratory notifications of gastrointestinal infections such as campylobacter, cryptosporidium and giardia, in accordance with relevant central guidance, and the departmental procedures relating to the investigation of communicable diseases.

3.6.3 Our objective is to identify the source, to control and prevent further cases from the source if the suspected source is within the Borough, and to prevent spread from the primary case (e.g. if the case is a food handler, health worker or young child).

3.6.4 We received 194 notifications of food poisoning (including suspected food poisoning) in 2009/2010. The table below shows the numbers of cases reported over the past five years:

2008 – 2009	187
2007 – 2008	91
2006 - 2007	152
2005 - 2006	194
2004 – 2005	136

In 2010/11, up to the 9th February 2011, 137 food poisoning cases have been reported to Spelthorne, so fortunately the trend is moving back to 2006/07 levels.

- 3.6.5 If the number of cases of food poisoning reported to the Council in 2011/2012, is consistent with last year, the service can be delivered in 100 hours of full time equivalent officer time **(0.06 FTE)**.
- 3.6.6 In addition to the investigation of sporadic cases of infectious disease, the Council will also investigate outbreaks of infectious disease, such as food poisoning, in accordance with the joint Health Protection Agency and Local Authority Outbreak Control Plan. The plan identifies action to be taken in order to manage infectious disease control in an outbreak situation and describes the roles and responsibilities of the various agencies concerned, including the Council.
- 3.6.7 In such outbreak situations there is a need for co-ordinated action between the Council, under the direction of the Consultant in Communicable Disease Control (CCDC), at Surrey and Sussex HPU, County Hall North, Chart Way, Horsham, West Sussex, the Health Protection Agency (HPA) laboratories at Epsom and Ashford, Kent, and other national agencies such as The Communicable Disease Surveillance Centre in Colindale.
- 3.6.8 The number of outbreaks reported to the Council is thankfully small, and averages one or two per year. However, each outbreak does require a significant amount of officer time to investigate, control and to prepare a case for prosecution (where appropriate), depending upon the individual circumstances of the outbreak.
- 3.6.9 Demand for the service in 2011/2012 is impossible to predict, however should a major outbreak occur, staff will be taken from other Environmental Health duties as appropriate. A reciprocal agreement with other Heads of Environmental Health in Surrey will provide additional staff resources in an emergency situation.

3.7 Food Safety Incidents

- 3.7.1 We have a documented procedure for responding to all food alerts received from the Food Standards Agency, in accordance with Food Safety Code of Practice. Food alerts that notify the public and food authorities to serious problems concerning food that does not meet food safety standards or food that does not meet compositional standards.
- 3.7.2 The content of all food alerts received will be assessed by the Environmental Health Manager (Senior EHO Commercial in his absence) and appropriate action will be taken as specified in the notification. Food Alerts issued by the Food Standards Agency fall into two categories, i.e. "For action" and "For information".
- 3.7.3 In relation to 'For Action' alerts the Council is generally required to take action by making direct contact with relevant food businesses by telephone, letter, fax or e-mail, by undertaking visits, or by making indirect contact via the local media. Food will usually be withdrawn from sale or supply through the voluntary co-operation of food businesses. However, the Council may seize or detain the food if food business proprietors refuse to co-operate with voluntary withdrawal of the product.
- 3.7.4 In addition, the Council will promptly notify the Food Standards Agency and all other relevant agencies if any potentially serious incidents are identified locally via food complaints, food sampling, notifications from GP's or manufacturers etc. in accordance with the Code of Practice.

- 3.7.5 In 2009/2010, we received 35 food alerts, of which none required a response from the Service. Records are kept of all action relating to food alerts. In 2010/11, up to the 9th of February 2010, 10 food alerts had been received by us.
- 3.7.6 It is impossible to predict with any degree of accuracy, the number of food alerts that the Council will have to respond to in the next financial year, but recent experience would suggest that the figures for 2009/2010 are representative of the likely demand on the service. It is estimated that this relatively small demand can be met with 40 hours of full time equivalent officer time (**0.02 FTE**).

3.8 Liaison with Other Organisations

- 3.8.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.

Surrey Food Liaison and Food Study Group
 Surrey Infection and Environmental Health Group
 Surrey Chief Environmental Health Officer's Group
 Liaison arrangements with Building Control, Planning, Solicitors
 Health Protection Agency
 Surrey CIEH Branch
 South East Centre CIEH Group
 Surrey Healthy Eating Award Steering Group

- 3.8.2 The food safety element of these groups accounts for approximately 50 hours, **0.03 FTE officer time**.

3.9 Food Safety and Standards Promotion

- 3.9.1 In addition to enforcing food safety legislation in food businesses, we have sought for many years to achieve high standards of food safety in the Borough by promoting awareness of good food safety practices through our programme of food hygiene training and health education initiatives and by providing businesses with a regular newsletter of information regarding food safety.
- 3.9.2 In 2009/2010 we trained 53 food handlers to CIEH's Level 2 Award in Food Safety in Catering, of which only 5 failed, generating an income of £3,922. This equated to 20 less trained food handlers compared to 2008/2009. In total 6 courses were administered in 2009/2010. In 2010/11,, 45 food handlers attended the six food hygiene courses organised, of which only 2 failed. Income from these courses has generated £3014. Demand for these courses continues to be good, particularly amongst small and medium sized businesses, so we will be providing these courses on a six weekly basis in 2011/2012
- 3.9.3 We occasionally put articles in the Borough Bulletin to provide members of the public with information and advice on food hygiene matters. In 2009/10 we included one article promoting our "Scores on the Doors" scheme.
- 3.9.4 We did participate in National Food Safety Week in June 2010. This involved us organising a food safety stall in one of our borough's busiest shopping centres. In addition

we did take part in two “Health Fairs” at local Secondary Schools in July 2010. We provided advice to School children on good personal hygiene, the dangers involved in tattooing activities and preparing for work.

- 3.9.5 To assist food businesses, particularly small and medium sized businesses, to comply with legislation and improve hygiene standards, we will continue to provide a wide range of advisory information in the form of free leaflets, handbooks and posters. We also will continue to ensure that the advisory information which can be used on our website is up to date and relevant in 2011/12.
- 3.9.6 We will assess the effectiveness of the programme by using a variety of methods, including customer questionnaires and surveys.
- 3.9.7 The resources required delivering this programme of training and health education initiatives in 2011/2012 will be a budgetary provision of £2,500 and **0.2** of full time equivalent officer time.

4.0 RESOURCES

4.1 Financial

4.1.1 The gross cost of providing the food safety service, i.e. staff and budgetary expenses in 2009/2010 was £120,586. It is estimated that the cost of providing the service in 2011/2012 will be £130,721. The difference in the costs of providing this service from 2009/10 and 2011/12 can be accounted for by the fact that for the last three months of the 2009/10 year one senior EHO post in the team was vacant, thus providing savings for the Council. Furthermore, this post was replaced by an EHO starting at the bottom of the salary grade, compared to the previous post holder being at the top of the salary grade..

4.2 Staffing Allocation

Staffing Allocation for Food Safety Enforcement

NAME/ JOB TITLE	F.T.E	QUALIFICATIONS	FOOD SAFETY ENFORCEMENT EXPERIENCE
Jonathan Bramley Environmental Health Manager	0.3	BSc (Hons) Environmental Health, Corporate Member of C.I.E.H, MSc in the Science of Occupational Health, Safety and the Environment	20 years
Liz England Senior EHO	0.5	BSc (Hons) Environmental Health Corporate Member of the C.I.E.H NEBOSH Diploma Part 2.	27 years
Fidelma Harding EHO	0.5	BSc (Hons) in Environmental Health,	5 years
Goga Sheppard Food and Safety Officer	0.5	Bsc (Hons) in Environmental Higher Certificate in Food Premises Inspection.	8 years
Administrative Support	0.3		
Total:	2.1		

In addition, **0.1 FTE of EHO** staff time is spent on duties such as checking notices, detailed investigations, small outbreaks and preparation for prosecutions etc. The team will also be delivering the Level 2 Award in Food Safety in Catering courses.

4.3 Staff Training and Development

4.3.1 We recognise the need for all officers engaged in food safety work to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field and for EHOs' to meet the requirements of the Chartered Institute of Environmental Health Continuing Professional Development (CPD) scheme.

The Food Standards Agency Framework Agreement on Local Authority Food law Enforcement requires Local Authorities to appoint a sufficient number of authorised officers to carry out food enforcement work and that they shall have suitable qualifications, training and experience consistent with their authorisation and duties in accordance with the relevant Food Safety Code of Practice.

The Food Safety Code of Practice requires the Local Authority to ensure that every officer receives structured on going training, which is managed, assessed and recorded. The minimum ongoing/update training for each officer should be at least 10 hours per year food based CPD.

4.3.2 The Council has achieved the Investors in People award three times. All staff are regularly appraised, development needs are set out and records of all training to be undertaken is formally recorded. Follow up evaluation of the usefulness of the training is formally undertaken immediately following the course and 3 months later.

4.3.3. Each member of staff receives one appraisal and bimonthly one to one meetings per year at which development needs are identified and a plan agreed to address these.

4.3.4 Training and development is provided by a range of methods including:-

i) Post Entry Training

Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.

ii) Short Course Training

Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Directorate's short courses training budget. These include the FSA programme.

iii) In-house Training

We encourage in-house training as this helps to develop individual's presentation skills as well as cascade information to other members of staff.

v) Cascade Training

Staff are encouraged/required to cascade information skills and knowledge they possess or have gained through attendance at Seminars and short courses to other members of staff at in-house training sessions.

vi) Peer Review

Through the use of peer review, during joint visits, and in monitoring work performance we encourage exchange of expertise and skills between staff.

ix) Team Meetings

These provide useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to food safety issues.

4.3.5 We will ensure that the Council's training plan is used effectively to identify general and personal training and development needs for all members of staff and ensure that these are addressed through the Commercial Team's Training Plan.

5.0 QUALITY ASSESSMENT

5.1 Internal Monitoring

5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with the statutory Code of Practice, LGR guidance and our own internal procedures and policies. The Environmental Health Manager occasionally checks post-inspection risk score (where risk ratings are lowered from "A" or a "B") and correspondence that is sent out. The Environmental Health Manager carries out joint visits with each officer three times per year to ensure consistency between officers. Customer Care Questionnaires are sent out to all food businesses that have received an inspection, to ascertain levels of satisfaction with the service.

5.1.2 During 2009/10 52 Customer Care questionnaire forms were returned from businesses who had received either a food hygiene or Health & Safety inspection. In terms of whether they were treated fairly by the EHO, 100% of respondents either strongly agreed or agreed. Furthermore, 100% of respondents, when asked if they felt the contact was helpful either

strongly agreed or agreed. The percentage of businesses who felt they were fairly treated by us, as a regulatory service, was 89% in 2009/10.

5.1.3 We recognise the need to strengthen our existing internal monitoring procedures to comply with the new requirements. We will also need to devise and implement some additional monitoring procedures in respect of:-

- Fully implementing the Food Standard Agency Framework Agreement On Local Authority Food Law Enforcement.
- Incorporate the proposed changes to the Food Safety Code of Practice into our policies and procedures.
- Developing a Quality Management System to monitor and control the section's policies, practice and procedures.

These will be progressed towards completion during 2011/2012, as part of an overall review of the Commercial Section's Food Hygiene procedures. This was not completed in 2010/11, because of other demands on the service..

5.2 External Monitoring

Peer Review

5.2.1 Our food safety enforcement service is externally audited on a periodic basis by peer review as part of the local Surrey Districts inter authority audit scheme. The plan is to next audit our food safety service as part of a Surrey wide Inter authority audit, in May and June 2011.

District Auditor

5.2.2 The performance indicator figures submitted by the Division in respect of achievement of the food hygiene inspection programme and response to complaints are periodically audited by the District Auditor, most recently in 2000.

Food Standards Agency

5.2.3 We currently submit a significant amount of additional information on our food safety service on an annual basis to the FSA.

5.2.4 We can expect a targeted external audit at some point in the future from the FSA, who have been undertaking a rolling programme of local authority audits from 1st April 2001. The FSA are currently planning to undertake 40 such audits per annum. It is not possible to predict whether Spelthorne will be amongst those to be audited in 2011/2012.

6.0 REVIEW

6.1 Review against the Service Plan

6.1.1 This section should be read in conjunction with the Division's Performance Plan.

6.1.2 Both this document and the national indicators set for local authorities are used to determine individual and team targets through the annual appraisal process and performance is reviewed through a variety of mechanisms. These include:

- i) Monthly Performance monitoring meetings
- ii) Commercial Team Meetings
- iii) Peer Review

6.1.3 Four principal performance measures are used. These are:-

- i) Performance against food safety inspections programme targets. Our target is to achieve 98% of inspection targets for all food premises.
- ii) Percentage of businesses who felt they were fairly treated by regulatory services.
- ii) Performance against local response targets for Food Safety service requests.
- iii) Number of reports sent out within target time.

6.1.4 Table 1: Commercial Team Performance 2006-2010

Performance Measure	2006/07	2007/08	2008/09	2009/10 Targets
Food Safety Inspection Programme				
Target % - for Programmed Inspection (achieved % in brackets)	100% (100%)	98% (99.7%)	98% (98.7%)	98% (98%)
Rating A-C - No. planned inspections carried out	261	294	243	233
Rating A-C - % inspections carried out	100%	100%	98.3%	98.3%
Rating D - No. inspections carried out	22	19	44	51
Rating D - % inspections carried out	100%	100%	100%	98%
No. of new/unplanned inspections carried out	57	42	39	51
Response to Commercial Enquiries				
Target - to respond to within 6 working days	95%	95%	95%	95%
Number Investigated	169*	73 *	158*	204*
% Responded to within 6 working day target (Average across whole of Environmental Health Service)	82%	90%	90%	94%

* These figures only relates to the number of Food Hygiene/Safety related service requests.

6.1.5 Commercial Team Performance against Target – 2009/10

Food Safety Inspection Programme - The team met the performance target of 98% of the planned inspection programme. . Although this was less than the corresponding figure of 98.7% in 2008/09, it must be taken into account that for the first four months in 2010 the team had one vacant post. A total of 303 food businesses were inspected in 2009/10.

Response to Commercial Enquiries - The team received a total of 204 service requests relating to food hygiene/safety matters for 2009/2010 which was 46 more compared to the number compared to 2008/09. They responded to 94% of these service requests within the target time of 6 working days, which was an improvement on the corresponding figure in 2008/09.

Reports following inspections - The team provided a total of 346 follow up reports following food hygiene and health and safety inspections. 96% of these reports were sent out within 7 working days of the date of inspection, which compared favourably to a figure of 91% in 2008/09.

6.1.6 Other achievements

- a. It is essential that the Service complies with all new legislative requirements imposed upon local authorities regarding the enforcement of food safety legislations. The Commercial Section has managed to keep pace with all main legislative requirements in 2009/10.
- b. Our “Scores on the Doors” scheme continues to be a great success. It has proved not only very popular with residents, over 3,200 “hits” per month, but also has led to sustained improvements in food hygiene standards in local food businesses. For example, the number of 5 and 4 star rated premises (excellent and very good, respectively) increased from 18 and 70 at the start of the scheme, to 97 and 146, respectively, in December 2010. Furthermore, over the same time period, the lowest rated food premises (0 stars (very poor) and 1 star (poor) premises have declined from 36 and 41 to 14 and 22, respectively.
- c. The Commercial team successfully trained 48 food handlers through its food hygiene courses in 2009/10 (see section 3.9.2 for more details).

6.1.7 Comments on Commercial Team Performance

Overall, 2009/2010 had been a very busy year for the section; the team had performed well and managed to meet the Inspection Programme target.

Customer Care questionnaire cards are included in every typed report sent off by the Commercial team since May 2005. Evaluation of the 52 returned questionnaire cards from food businesses, to the end of March 2010 illustrated high satisfaction with our service. A summary of this evaluation is outlined in Section 5.1.2. of this service plan.

6.1.7 Update for 2010/11

Up to the 9th of February 2011 the team had completed 263 food hygiene inspections. A further 93 businesses should have received an inspection before the end of March 2011.

So far 196 follow up food hygiene reports have been sent out after inspection visits. 98% of these reports were sent out within 7 working days of the date of inspection. Finally, of the 166 food related service requests received so far by the service, 96% were responded to within 6 working days.

6.2 Identification of any variation in the Service Plan

During 2009/2010 existing food and hygiene/safety policies and procedures were not reviewed and amended to take into account legislative changes.

During 2011/12 these policies and procedures will be changed to reflect changes to the Food Safety Act Code of Practice.

6.3 Areas of Improvement

6.3.1 As well as updating operational procedures, the following actions will be taken during 2011/2012 to ensure continuing improvement against the objectives:

- a. Ensure that we continue to improve the service provided to local businesses. This will be delivered by continuing to provide staff with relevant training and guidance. We will also act on any feedback we received from our satisfaction surveys, provide improved information on the Council's website and continue to assist businesses with the introduction of Safer Food Better Business throughout the Borough.
- b. Ensure that the Service is inclusive and can be provided to hard to reach groups. This will include continuing to provide Safer Food Better Business Information in other languages to relevant food businesses when this information.
- c. To ensure that a 100% of our Food Safety Services remain "e-enabled" we will ensure that any new services introduced comply with this requirement (all existing services were compliant by the end of December 2005). We will either continue with our "Scores on the doors" scheme, or migrate to the FSA's National Food Hygiene Ratings Scheme and ensure as many of our residents and visitors know how to use it to find out food hygiene information about local food businesses.

6.3.2 In order to ensure that we meet our relevant food safety enforcement objectives for 2011/2012 we will undertake the following:

- a. The Departmental Management Team will continue to carry out performance monitoring meetings to ensure that service standards and service objectives are being met and to discuss any staff issues.
- b. Development needs of all staff will be considered during regular staff appraisals and they will be provided with training and support to enable them to meet service objectives.
- c. The food service will use allocated revenue and capital budgets for the purpose of providing a quality, cost effective service. Capital and revenue budgets will be monitored regularly to ensure that expenditure does not exceed that allocated.

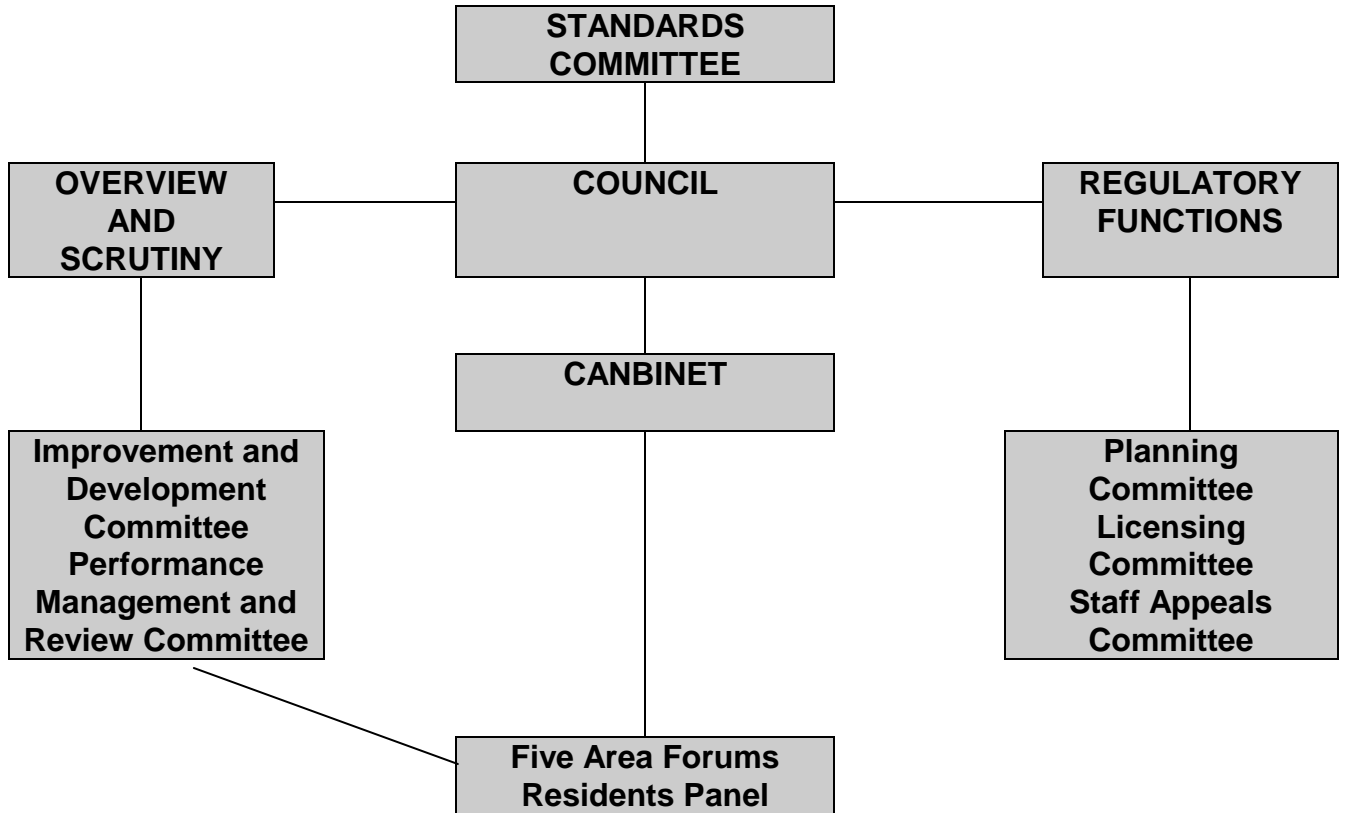
- d. The service will ensure that technology is used efficiently to record information necessary to deal with customer queries, provide FSA returns, provide information on service available to customers in an electronic format and to integrate with other departments to improve service to customers.

Future Reporting

- 6.3.3. A further report will be submitted to the Council's Cabinet in 2012 reviewing performance against this plan and identifying any improvements or service developments necessary to the plan for 2012/2013.

APPENDIX I – SPELTHORNE’S COMMITTEE STRUCTURE

COMMITTEE STRUCTURE



APPENDIX II - Glossary Of Terms

CCDC	-	Consultant in Communicable Disease
CIEH	-	Chartered Institute of Environmental Health
TA		Technical Officer
EHO	-	Environmental Health Officer
FSA	-	Food Standards Agency
LGA	-	Local Government Regulation
PHLS	-	Public Health Laboratory Service
HPA	-	Health Protection Agency
HPU	-	Health Protection Unit
HACCP	-	Hazard Analysis Critical Control Point
LAs	-	Local Authorities
LBRO	-	Local Better Regulation Office
Head of C& CS	-	Head of Communication and Community Safety
HSC	-	Health and Safety Commission
SFBB	-	Safer Food Better Business

DOG CONTROL ORDER

Cabinet: 22 March 2011

Resolution required

Joint Report of the Deputy Chief Executive and Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents

Evidence in the form of complaints suggests that dog fouling in public parks and on the public highway has been increasing within the borough for some time. Enforcement and fines could reduce this and make these places more pleasant for residents.

Purpose of Report

This report is to ask Cabinet to give permission for officers to go out to consultation for the inclusion of a Dog Fouling Order for playgrounds, parks and open spaces and public highway (pavements) within Spelthorne.

Key Issues

- dog fouling in parks and on pavements has increased with some owners not willing to remove and dispose in provided dog bins
- the public are complaining about this issue and there is an expectation that Streetscene can impose “on the spot” fines
- dog fouling is not covered under the current byelaws but need s separate order

Financial Implications

Officer time in consultation and preparation of a new Order. Possible small increase in revenue from fines.

Corporate Priority 5.A Cleaner and Greener Environment

Officer Recommendations

The Cabinet is asked to authorise the Sustainability and Open Space Manager to proceed with consultation on the implementation of a Dog Control Order for parks and highways within Spelthorne.

Report Authors:

Catherine Munro, Open Spaces Sustainability Manager, (01784) 444235

Steve Connor, Neighbourhood Manager, (01784) 446339

Michael Graham, Head of Corporate Governance, (01784) 446227

Area of Responsibility: Nigel Lynn, 01784 446300 and Liz Borthwick (01784) 446376

Cabinet member: Councillor Mrs Denise Grant

MAIN REPORT

1. BACKGROUND

- 1.1 In 2009, the Parks Byelaws were updated and amended to reflect the use and management of our parks and open spaces. These were approved by the Secretary of State.
- 1.2 The updated byelaws cannot make provision for control of dog fouling in parks because this is a matter which is dealt with by the general law, in particular the Clean Neighbourhoods and Environment Act 2005. Under this legislation, if the Council wishes to control dog fouling within its area then it must elect to make a Dog Control Order. Thereafter the Council can proceed to enforce by way of fixed penalty notices.
- 1.3 Streetscene have trained and experienced enforcement officers that can issue fixed penalty notices if the Council has the correct order in place.
- 1.4 A Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).

2. KEY ISSUES

- 2.1 There is no reliable source of evidence for the extent of dog fouling within the borough. However over 50 reports have been received in the last 3 months re dog fouling on the Highway and in Parks indicating that there is still a serious problem in some parks and areas of the borough even though there has been a gradual culture change in society in general which sees dog mess on the streets and in parks as unacceptable. There is a problem when dog walkers refuse to pick up the mess left by their dog, both in parks and on public highway. This has been the cause of complaints to Streetscene and in the last year we estimate that we have received more than 100 complaints.
- 2.2 This results in dissatisfaction with the cleanliness of some of our parks as the perception is that the Council is not maintaining them to a high enough standard.
- 2.3 In the Spring Bulletin, Streetscene have asked park users and residents to provide feedback, if they feel that dog mess is a problem. This may result in a higher level of complaints confirming the view that there are still a number of dog owners who do not wish to clear up after their dog. It is this group that should be the focus of any increased level or concentration of enforcement resources.
- 2.4 A Dog Control Order can deal with the following matters:
 - (a) Failing to remove faeces.
 - (b) Not keeping a dog on a lead.
 - (c) Not putting a dog on a lead under direction.
 - (d) Permitting a dog to enter land from which it is excluded.
 - (e) Taking more dogs onto land than is specified.
- 2.5 It should be noted that the Council is not entitled to use (d) above to exclude a dog from any "road" (which has a slightly wider definition than just a highway to include other private roads and footpaths).
- 2.6 There are defences in all Dog Control Orders of:

- (a) Having a reasonable excuse for failing to comply with an order; or
- (b) Acting with the consent of the owner or occupier of the land, or of any other person or authority which has control of the land.

2.7 Regulations state that being unaware of a dog's defecation, or not having a device or other suitable means of removing the faeces is not a reasonable excuse for failing to comply with the order.

3. OPTIONS ANALYSIS

3.1 The present status quo could be maintained where Streetscene officers explain and encourage dog owners to clean up after their dogs should they see dog mess left in the street. Whilst this would always be the first step in any intervention, Streetscene officers have no other alternatives to use if they meet with resistance from dog owners when asked to clear up dog mess. It is therefore proposed to consult (i) to seek evidence about the likely scale of the problems and (ii) to seek views on the implementation of a Dog Control Order.

3.2 Option 1 – Officers carry out a consultation with residents and park users over the introduction of a Dog Control Order which will result in fines for offenders. This is the preferred option.

3.3 Option 2 – Parks and open spaces will still come under the current byelaws with no change and no dog fouling orders. This will result in Streetscene officers not being able to enforce any “no dog fouling” in parks or public highway.

4. PROPOSALS

4.1 The proposal is that Cabinet approves a consultation exercise to introduce a Dog Control Order to cover Spelthorne's parks and public highways.

4.2 It will cover:

- (a) No dog fouling in any playground
- (b) Any dog fouling in a park or on public highway must be picked up by the dog walker

4.3 Refusal or failure of the above will result in a fixed penalty notice from a Streetscene Enforcement Officer.

5. BENEFITS AND SUSTAINABILITY

5.1 It is to be hoped that there would be an improvement in the cleanliness of our parks and streets if a Dog Control Order is introduced leading to an increase in satisfaction with parks, open spaces and street cleansing for residents.

6. FINANCIAL IMPLICATIONS

6.1 The consultation exercise will be undertaken within existing resources.

6.2 There would be no resource increase for Streetscene officers who will be enforcing on existing rounds and patrols.

6.3 There is the possibility of a small increase in revenue depending on the number of fines for non compliance.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

7.1 Consideration of a Dog Control Order will require an Equality Impact Assessment. This will be undertaken once feedback has been received from residents about the proposals. It should be noted that the Dog Control Orders

Regulations 2006 provide defences for disabled people on the following offences:

- (a) Failing to remove dog faeces.
- (d) Permitting a dog to enter land from which it is excluded.

- 7.2 The Council needs to follow the correct procedures to make an order.
- 7.3 Consultation is necessary because the Council must be satisfied that an order is justified. This means that the Council must be able to show that a Dog Control Order is a necessary and proportionate response to problems caused by the activities of dogs and those in charge of them.
- 7.4 Following consultation a further report will be sent to the Cabinet with recommendations. Any formal publication of proposals by way of a notice in the newspaper would be made following that decision.
- 7.5 Council will need to ratify any Dog Control Order which is made. There is no requirement for an order to be confirmed by the secretary of State.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 None apparent.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If Cabinet approval is given, it is anticipated that consultation will start in May 2011 by contacting recognised park user groups, the County Council, placing notices on the Council website and liaison with the Kennel Club.

Report Authors:

Catherine Munro, Open Spaces Sustainability Manager, (01784) 444235

Steve Connor, Neighbourhood Manager, (01784) 446339

Michael Graham, Head of Corporate Governance, (01784) 446227

Background Papers: There are none

LEISURE EVENTS PROGRAMME

Cabinet: 22 March 2011

Resolution Required

Report of the Assistant Chief Executive

EXECUTIVE SUMMARY

How does the content of this report improve the quality of life of Borough Residents

The events organised by the Leisure Services Department provide opportunities for local residents of all ages to take part in a wide variety of different activities throughout the year. Many of the events are run in partnership with other agencies and community groups, which creates greater community cohesion and participation.

Purpose of Report

To propose the events programme for 2011.

Key Issues

- The 2011 events programme will incorporate several small events. This format has been successful in previous years.

Financial Implications

- The events budget for 2011/2012 is £7,800. This budget does not cover the cost of all the events. The other leisure budgets, such as youth, sport, arts and play are used to supplement this, in addition to seeking external funding.

Corporate Priorities

Supporting Younger People.

Officer Recommendations

The Cabinet is asked to:-

1. **Agree the main events programme for 2011:-**
 - (a) **Youth Awards (A Youth Council event, with support and guidance from Leisure Services)**
 - (b) **10K Road Race (Runnymede Runners and Staines Strollers clubs coordinate the event with support from Leisure Services).**
 - (c) **Summer youth events (Urban Jamming) - coordinated by Leisure Services.**
 - (d) **Sports Awards for the Surrey Youth Games and Spelthorne Sports Council. - Co-ordinated by Leisure Services in liaison with the sports council.**
 - (e) **An event to promote the 2012 open weekend and countdown to the Olympics.**
 - (f) **National Play Day - coordinated by Leisure Services**
 - (g) **Santa Sprint- coordinated by Leisure services**

- 2. Agree for the Leisure Services Department to support local community / voluntary groups to enable them to deliver community events, such as choirs/bands in parks and to promote community events by producing the summer events leaflet.**

Report Author: Lisa Stonehouse, Leisure Services Manager, Tel: (01784) 446431

Area of Responsibility: Liz Borthwick, Assistant Chief Executive Tel: (01784) 446376

Cabinet member: Councillor Mrs Denise Grant

MAIN REPORT

1. BACKGROUND

- 1.1 Spelthorne Borough Council has been delivering events for the local community for the past 17 years. Over this time the events programme has changed from having a few high expenditure events, as part of the Spelthorne festival to having more community focused events. The events that have been established over the last few years are more closely linked to the leisure services work programme.

2. KEY ISSUES

- 2.1 Our 2010 community events were well received as follows:-
- 2.2 The youth council in liaison with Leisure Services organised a very successful youth awards ceremony. 55 young people were nominated for awards for a range of achievements. Awards were given in a number of categories such as community spirit, unselfishness, kindness and bravery, triumph over adversity, sport and academic achievement. The youth council were fabulous hosts and the young people who won awards were an inspiration. The awards evening was attended by family and friends of the nominees and council members. The events included; live music and dance performances and the charity fundraiser/motivational speaker Lloyd Scott MBE gave an inspirational speech and presented the awards.
- 2.3 Over 300 young people from Spelthorne were involved in training sessions for the 2010 Surrey Youth Games. Many of the sessions are led by coaches from local clubs, with the aim of encouraging young people to join the clubs following the games. 25 teams competed in a range of sports at the event against teams from the 11 Surrey boroughs. Spelthorne took joint 5th position and were awarded the Surrey County Playing Fields Association 'Fair Play' award for good sporting attitude, which was also jointly awarded to Runnymede. The young people, coaches and families were all invited to the very successful sports awards evening in July, which was held at Kempton Park Racecourse in liaison with the Sports Council.

- 2.4 The annual Staines 10K road race had a record 516 runners taking part in 2010. The event is organised by the Runnymede Runners and Staines Strollers and is supported by the leisure team. The number of runners taking part is increasing each year. The entry limit has been increased to 600 for the 2011 event.
- 2.4 An Urban Jamming (U Jam) event was held on Staines High Street aimed at young people age 13-18 during the summer:-
The event included live youth bands, youth dancers, graffiti art demonstrations, DJing and guitar workshops, free running demonstrations and dance mat sessions. The High Street location was again very successful and ensured that the event was very well attended. We estimate that over 1000 people attended throughout the day.
- 2.5 The Spelthorne Santa Sprint was held for the 3rd time in 2010. The overall aim was to run a fun event for the community, but to also promote the physical activity for all ages. 186 people dressed in Santa suits for the fun run/walk around Staines Town Centre, which was a spectacular sight. Several families took part, including toddlers and pensioners. The Staines and Ashford News printed a very good article and pictures of the event.
- 2.6 National Play Day was held in Memorial Gardens in 2010, which was a change from the usual Staines Park venue. The event aimed at the under 5's and their families attracted approximately 750 people. We had a beach theme, which included donkey rides, Punch and Judy performances, sand and water play, arts and crafts activities, a bouncy castle and Homestart Spelthorne provided play activities at the event.
- 2.7 Our 2012 open weekend events took place on 23-25 July and was part of a national celebration leading up to the 2012 London Olympics. The theme was 'try something new'. In liaison with the Spelthorne Museum, the walking for health volunteers and Queen Mary Sailing Club we managed to host 5 events in the local area during this weekend. The leisure team coordinated a Summer Fun Fest in The Lammas Park, which included sport taster sessions and arts activities for the whole family. In addition we took part in the Discovering Places aspect of the weekend, which aims to help local people discover and explore the hidden gems, such as historic buildings or new areas within their own community. The museum volunteers led a guided walk through Staines and the Walking for Health leaders led a walk through the Church Lammas onto Staines Moor. The museum also coordinated a Saxon themed open day. Queen Mary sailing club offered to run taster sessions at the sailing club at reduced prices as part of our events. These sessions were all very popular.
- 2.8 The leisure team supported the BP Big Screen event which was held at the BP site in Sunbury in June. The Opera shown in 2010 was Carmen. The leisure team supported the event by promoting it in the summer events leaflet, by providing gazebo's for the entrances

handing out programmes on the night and providing litter bins and litter pickers on the night.

- 2.9 Last year we organised several musical performances in the walled garden during the summer. A variety of local bands and choirs performed which again proved to be very popular.
- 2.10 In order to promote all community events we produced a summer events leaflet, which listed all the Spelthorne Council coordinated activities and other community events running throughout the summer. It included community fetes, concerts, open days and exhibitions.

3. OPTIONS ANALYSIS

- 3.1 To agree the events programme for 2011 as outlined in the proposals, or not to proceed with the events as proposed.

4. PROPOSALS

- 4.1 **YOUTH AWARDS** - This event celebrates the successes/achievements of young people in Spelthorne as outlined above in the key Issues. The awards are co-ordinated by Leisure Services, but the decisions about arrangements and deciding on who receives awards is carried out by the Spelthorne Youth Council. It is proposed that the 2011 event will take place in October at Spelthorne Leisure Centre. This is a change of date due to the elections in May.
- 4.2 **10KM ROAD RACE** - This road race event is organised by Runnymede Runners and the Staines Strollers with support from Leisure Services. These clubs have now formed a voluntary committee to organise the annual race and any profits raised go to local charities. The 2011 event will take place on Sunday 15 May. The Leisure Services Department support the road race committee with advice, meeting room bookings and the loan of equipment on the race day.
- 4.3 **SUMMER YOUTH EVENTS** - The proposal for 2011 is to coordinate another Urban Jamming (U Jam) event on the Staines High Street, similar to last year as outlined in the above key issues. The event will again incorporate youth bands, dancers and youth activities. It is hoped that the U Jam event will take place on 11 August. We will keep the U Jam brand, as this proved to be very successful. This youth events will enable us to increase young people's awareness of activities and facilities available within the Borough.
- 4.4 **SPORTS AWARDS** - The Spelthorne Sports Awards celebrate the success of our young people at the Surrey Youth Games and the achievements in relation to sporting success of all ages in Spelthorne. Spelthorne Borough Council will host the evening in association with the Spelthorne Sports Council. The evening will again consist of awards for players, coaches, volunteers and administrators who have been nominated by their clubs. It will also include a DVD of the achievements in the youth games and sport in the Borough. The event will benefit those involved in sport in Spelthorne. This evening acts as a chance to acknowledge all of the hard work involved in competing, coaching and running the many clubs across the borough. It is also an

opportunity to celebrate the achievements of these people. It is proposed that this event will take place on 14 July.

- 4.5 **NATIONAL PLAY DAY** - National Play day is an annual event which celebrates children's rights to play. The aim of the day is to encourage families and children to play, and each year the day has a different theme, set by Play England. Activities at the event are free of charge and largely focus around free play and initiating children's play. The event is very popular and it is a good way to promote the importance of play. If approved, the event will be held on 3 August.
- 4.6 **OPEN WEEKEND EVENT** – This event will celebrate one year to the start of the London 2012 Olympics and is part of a national celebration coordinated by London 2012. We plan to have an event or coordinate several small events to celebrate sport, arts and culture in Spelthorne in liaison with clubs and voluntary organisations during the weekend of 22-24 July.
- 4.7 **COMMUNITY EVENTS** - Each year voluntary and community groups across Spelthorne organise and run various local community events, such as open days, 'have a go days' at sports clubs, community and school fetes and music events in the parks. Community events organised by other local groups help to support the wider need for leisure activities in Spelthorne. We support these events by including them in our summer events leaflet. We also hope to organise further musical performances in the walled garden in Sunbury throughout the summer.

5 BENEFITS AND SUSTAINABILITY

- 5.1 All the events aim to deliver a sense of community spirit and aim to encourage participation in a wide range of activities. Many of the events recognise the achievements of local people and their contribution to their community. The events support the young people and healthy community priorities.

6 FINANCIAL IMPLICATIONS

- 6.1 The budget for 2011/2012 is £7,800. It is not possible to run all the events on this budget alone and other leisure budgets are used for events such as the youth awards and UJam. With the budget of £7,800 in 2011/2012 it is anticipated that a further £8,000 will be used from the youth budget. External funding is sought where possible, and last year the Council received £5000 in sponsorship and grants for Urban Jamming, £2000 for the youth awards and £1000 for the sports awards.

7 LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 As with all events the council organises there is a necessity to comply with statutory requirements, these are mainly around health and safety, insurance and licensing issues. The council's health and safety, insurance and licensing officers will be consulted as necessary.
- 7.2 The Leisure Services department is always investigating alternative ways to promote events, especially by the use of technology. The

website, the e board in Staines and the e newsletter are all regularly used to promote events.

8 RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 Risk assessments will be undertaken for each event and will be approved by the Council's Health and Safety Officer. If appropriate, the emergency services are consulted and informed in advance about the events. The police and fire brigade are always consulted regarding the Staines High Street events.
- 8.1 One of the biggest variables is the weather, which is something we cannot change or control.

9 TIMETABLE FOR IMPLEMENTATION

Outline timetable:

10K Road Race	15 May
Sports Awards	14 July
Open Weekend	22-24 July
National Play Day	3 August
Urban Jamming	11 August
Youth Awards	October
Santa Sprint	4 December

Report Author: Lisa Stonehouse, Leisure Services Manager, Tel: (01784) 446431

Background Papers: There are none

PARKING SERVICES – FUTURE OF ON-STREET ENFORCEMENT

Cabinet: 22 March 2011

Resolution Required

Report of the Assistant Chief Executive

REPORT SUMMARY

How does the content of this report improve the quality of life of Borough Residents By carrying out on-street enforcement assists in reducing traffic congestion and dangerous parking.

Purpose of Report

To agree an option for on and off street enforcement in Spelthorne.

Key Issues

- Financial viability
- Operational functionality
- Surrey County Council out sourcing

Financial Implications

The financial implications are to be confirmed

Corporate Priority Community Safety, Environment,

Officer Recommendations

The Cabinet is asked:

1. **To authorise the Head of Sustainability and Leisure to proceed with the development of the options for on-street parking enforcement, including collaborative bids with other districts and boroughs.**
2. **To delegate authority to the Assistant Chief Executive in consultation with the Leader and portfolio holder to sign-off any final bid for submission to Surrey County Council for on-street parking enforcement.**

Report Author: Sandy Muirhead Head of Sustainability and Leisure 01784 446318

Area of Responsibility: Assistant Chief Executive Liz Borthwick 01784 446376

Cabinet member: Councillor Gerry Forsbrey

MAIN REPORT

1. BACKGROUND

- 1.1 Surrey County Council (Surrey CC), in early 2010, looked to outsource their on-street enforcement across the whole of Surrey. Surrey CC's reasoning for this was that it could no longer bear the cost of the deficit of on-street enforcement being generated by the districts and boroughs within Surrey who have carried out this function for 6 years.
- 1.2 After concern at this proposal was voiced by the districts and boroughs, Surrey CC sought to work with the Districts and Boroughs to identify a long term solution. This has initially allowed an extension of the current agency agreements for a year to March 2012. These agreements are similar to the existing ones but for the year April 2011 to March 2012 it was agreed that any deficit was borne by the districts with agreement to pool any surplus to assist the overall finances within the year.
- 1.3 By April 2011 Surrey CC is looking for robust, even if not fully finalised, bids from Districts and Boroughs to run on-street enforcement without deficit and preferably with a significant income generated across Surrey. Surrey CC is also looking for significant savings in overall operating costs. Potentially this should encourage collaboration between authorities to develop more efficient services in partnership. Spelthorne has looked to work with others (see key issues).

2. KEY ISSUES

- 2.1 Surrey CC has, within their ongoing budgets, projected a significant income from on-street operations in the next three years. This expectation of a significant return in financial terms for on-street enforcement is related to opportunities to reinvest funds in highways/environment related issues as required by the 2004 Traffic Management Act. Given the current economic climate they also can no longer afford to run a loss making service.
- 2.2 Beyond March 2012, when Surrey CC wish to see new contracts in place, Spelthorne has examined a number of business models in order to determine which is potentially the most viable for us and Surrey CC.
- 2.3 In terms of looking at business models the best fit to Surrey CC's criteria of larger operating units than an individual Borough or District is a joint operation between Runnymede, Elmbridge and Spelthorne. However, Elmbridge have categorically stated they will outsource without looking at further options. Outsourcing may not necessarily be the best option. Downsides include reduced flexibility as many commercial contracts state quite rigid deployment guidelines thus reducing, without a cost, to changing situations or demands within a Borough or district. Therefore, Runnymede and ourselves have sought to look at alternatives which will give us the most efficient, income generating and flexible service to meet current and future demands.

3. OPTIONS ANALYSIS

- 3.1 There are a number of options as follows:-

- 4 boroughs (Spelthorne, Woking, Surrey Heath and Runnymede) - one integrated business but each retaining income and demonstrating to Surrey CC ability to run efficient on-street enforcement
- all 4 boroughs - on-street only but with separate off street (doesn't necessarily suit us as most efficient when integrated due to economies of scale so not considered at this stage)
- Spelthorne and Runnymede in house
- Spelthorne, Runnymede and Elmbridge outsourced
- Spelthorne and Elmbridge outsourced
- Surrey CC outsource on-street enforcement and we join in (or not) with off street car parking
- Spelthorne as one unit.

4. PROPOSALS

- 4.1 It is currently proposed that we develop a bid for Surrey CC, which will provide efficiencies in terms of operation as well as providing the best opportunities for meeting Surrey's criteria in running a service on their behalf. The Head of Sustainability and Leisure will evaluate all the options.

5. BENEFITS AND SUSTAINABILITY

- 5.1 If the preferred proposal was successful then there would be operational and financial benefits. Also, in developing a new service opportunities can be examined in terms of reducing mileages and ensuring a fuel efficient fleet is used.

6. FINANCIAL IMPLICATIONS

- 6.1 Spelthorne has re evaluated deployment this year (10/11) and has confirmed a forecasted deficit for Parking Services of 15K or less. Providing we can maintain our current performance the deficit for on street enforcement will move towards zero by 31 March 2011 and a small surplus in 11/12.
- 6.2 In looking at the option of a joint operation with four other Surrey authorities we are seeking efficiency gains particularly for IT and overheads.

7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS

- 7.1 If the partnership progressed then there would be a need for relevant agreements to be drawn up between the parties involved.
- 7.2 An effective accounting system would also need to be agreed to ensure appropriate allocation of costs and income.

8. RISKS AND HOW THEY WILL BE MITIGATED

- 8.1 Inability to align services and costs with 4 Boroughs - through detailed discussion and encouraging accountants to take the lead looking to mitigate/overcome and address these risks

- 8.2 Runnymede considering partnership not viable whether in the relationship between four or with Elmbridge. Maybe others can take over Runnymede's on-street enforcement and they would just concentrate on car parks.
- 8.3 Surrey CC decide to outsource – then Spelthorne needs to look to adopt a new tact such as outsourcing off street or running as separate business

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Whichever option is selected Surrey CC is expecting to start new contracts 1 April 2012.

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Background Papers:
There are none