



Please reply to:

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Date: 13 March 2018

Notice of meeting

Cabinet

Date: Wednesday, 21 March 2018

Time: 7.00 pm

Place: Goddard Room, Council Offices, Knowle Green, Staines-upon-Thames

The members of the Cabinet	Cabinet member areas of responsibility
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Communications
M.M. Attewell	Community Wellbeing
C.B. Barnard	Planning and Economic Development
M.P.C. Francis	Housing
N.J. Gething	Environment and Compliance
A.J. Mitchell	Corporate Management
O. Rybinski	Customer Service, Estates and Transport
H.R.D. Williams	Finance

Spelthorne Borough Council, Council Offices, Knowle Green

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AGENDA

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- 1. Apologies for absence**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 14**
To confirm the minutes of the meeting held on 21 February 2018 as a correct record.
- 3. Disclosures of Interest**
To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 4. Recommendation from Overview and Scrutiny Committee** **To Follow**
To consider the recommendation from the Overview and Scrutiny Committee on a review of the Code of Corporate Governance.
- 5. Response to Heathrow Consultation - Key Decision** **To Follow**
Councillors Barnard, Gething, Rybinski and Boughtflower

To agree the response from the Council to Heathrow's first public consultation.
- 6. Food Safety and Workplace Health and Safety Service Plans 2018-2019** **15 - 48**
Councillor Gething

To consider the adoption of the Food and Health and Safety Service Plans for 2018/19.
- 7. Leader's announcements**
To receive any announcements from the Leader.
- 8. Urgent items**
To consider any items which the Chairman considers as urgent.
- 9. Exempt Business**
To move the exclusion of the Press/Public for the following items, 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.

10. Exempt report - Award of contract for provision of Insurance Services - Key Decision

49 - 50

Councillor Mitchell

To consider the award of a contract for the provision of insurance services.

This report contains 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:
Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because, disclosure to the public would prejudice the financial position of the authority as the bidders have not yet been advised of the outcome of the tender process and there is a statutory standstill period to be observed and tenderers need to be fully advised of the merits of their tender against the other. If tenderers were aware that this information is made available to the public prior to their notification it might discourage them from submitting tenders to the Council.

11. Exempt report - Council Offices consolidation project - Key Decision

51 - 58

Councillor Harvey

To consider a report on proposals to progress the Council office space consolidation project.

This report contains 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:

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure to the public would prejudice the ability of the authority to secure best value through a procurement exercise by allowing potential bidders to know the Council's estimation of the value of the related contract. This would distort the tender process and have a detrimental effect on the financial viability of the Council's office consolidation project.

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Minutes of Cabinet

21 February 2018

Present:

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination
Councillor A.C. Harman, Deputy Leader and Communications
Councillor M.M. Attewell, Community Wellbeing
Councillor C.B. Barnard, Planning and Economic Development
Councillor M.P.C. Francis, Housing
Councillor O. Rybinski, Customer Service, Estates and Transport
Councillor H.R.D. Williams, Finance

Apologies:

Councillor N.J. Gething, Environment and Compliance

Councillors in attendance:

Councillor J.R. Boughtflower
Councillor S.J. Burkmar

2450 Minutes

The minutes of the Cabinet meeting held on 24 January 2018 were agreed as a correct record.

2451 Disclosures of Interest

There were none.

2452 Recommendations from Local Plan Working Party

Cabinet considered the recommendations from the meeting of the Local Plan Working Party held on 8 February 2018. The documents referred to are attached to these minutes.

Resolved to:

1. note progress made on the Gypsy & Traveller Accommodation Assessment (GTAA), the Strategic Flood Risk Assessment (SFRA), the Employment Land Needs Assessment (ELNA), and the Local Plan;
2. agree that the Self-Build and Custom Housebuilding Register is split into two parts in order to give priority to applicants with a local connection and to the proposed fees for applicants to be entered and maintained on the Register;
3. agree the revised draft Strategic Land Availability Assessment (SLAA) for publication.

2453 Annual Grants 2018-19 - Key Decision

Cabinet considered a report on the proposed Annual Grants for 2018-2019 to organisations in the voluntary and community sectors.

The report outlined grant applications received and explained the benefits that the work of the voluntary sector provides to the local area and communities.

Alternative options considered and rejected by the Cabinet:

Not to award grants as recommended

Resolved to:

1. agree the grants awards for 2018/19 as detailed in the report;
2. note all other support to the voluntary/charity sector; and
3. note the development of SLA's for our top funded organisations.

Reasons for decision:

- To enable a number of charities to continue operating in the borough for the year ahead
- To maintain service levels where charities provide complementary activities to Council frontline services
- To enable new charities and community groups to begin working in the borough, or expand their operations

2454 Capital Programme and Strategy 2018/19 to 2021/22

Cabinet considered the report for the Capital Programme and Strategy for 2018/19 to 2021/22.

The Capital Programme and Strategy outlines current schemes and future schemes for consideration taking into account available resources and corporate priorities.

Resolved to recommend to Council:

1. To approve the Capital Programme for 2018/19 to 2021/22
2. To approve the Prudential Indicators for 2018/19 to 2021/22

Reason for recommendation:

To allow the authority to spend its capital resources for the financial year 2018/19.

2455 Detailed Revenue Budget for 2018-19

Cabinet considered the Detailed Revenue Budget for 2018 – 2019.

The Revenue Budget shows a very positive picture in that a balanced budget has been put forward without the use of reserves, with investment being made in retaining staff, addressing resourcing issues in areas like Property, Management, Finance and Legal and also maintaining the Council's assets and making revenue contributions to Capital.

Resolved to recommend to Council:

1. Participating in the Surrey wide 2018/19 Business Rates Retention pilot scheme.
2. Continuing the Council's Local Council Tax Support Scheme with the current rules and regulations.
3. Continuing the complete disregard of war pension /armed forces pension income from benefit calculations.
4. The growth and savings items as set out in the report's appendices.
5. The Council Tax Base for the whole council area for 2018-19. [Item T in the formula in Section 31b(3) of the local government Finance Act 1992, as amended (the "act")] should be 39,280.00 band D equivalent dwellings and calculate that the Council Tax requirement for the Council's own purpose for 2018-2019 is £197.44 Per Band D equivalent dwelling.
6. To approve a £5 or 2.6% increase on Band D in the Spelthorne Borough Council element of the Council Tax for 2018-19. Moreover:
 - a) The revenue estimates as set out in Appendix 1 be approved.
 - b) No Money, as set out in this report is appropriated from General Reserves in support of Spelthorne's local Council tax for 2018/19.
 - c) To agree that the Council Tax base for the year 2018/19 is 39,280.00 band D equivalent dwellings 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.

That the following sums be now calculated by the Council for the year 2018/19 in accordance with Section 31 to 36 of the Local Government Act 1992.

A	87,047,100	Being the aggregate of the amount which the council estimates for the items set out in Section31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
B	79,291,700	Being the aggregate of the amount which the Council estimates for the items set out in

		Section 31A(3) of the Act
C	7,755,400	Being the amount at 3(c) above (Item R), all divided by Item T (2 above) calculated by the Council in accordance with Section 31B(1) of the Act, as the basic amount of its Council tax for the year (including Parish precepts)
D	197.44	Being the amount at 3(c) above (item R), all divided by item T(2 above) calculated by the Council in accordance with Section 31B(1) of the act, as the basic amount of its Council Tax for the year (including Parish precepts)
E	0	Being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
F	197.44	Being the amount at 3(d) above less the result given by dividing the amount at 3 (e) above by Item T(2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings on those parts of its

		area to which no Parish precept relates.
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That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011.

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
131.63	153.56	175.50	197.44	241.32	285.19	329.07	394.88

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.

That it be noted that for the year 2018/19 Surrey County Council and Surrey Police and Crime Commissioner have stated the following amounts in precepts issued to Spelthorne Borough Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:

Precepts issued to the Council

	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Surrey County Council	940.86	1,097.67	1,254.48	1,411.29	1,724.91	2,038.53	2,352.15	2,822.58
Surrey Police & Crime Commissioner	157.71	184.00	210.28	236.57	289.14	341.71	394.28	473.14

Reasons for Decision:

The Authority is required to set a balanced budget and a Council tax rate for the financial year 2018/19.

2456 Pay Policy Statement 2018/2019

Cabinet considered the Pay Policy Statement for recommendation to the Council.

The Pay Policy Statements set out the Council's policies on a range of issues relating to the pay of its workforce, particularly its senior staff and the lowest paid employees.

Resolved to recommend to Council that the Pay Policy Statement for 2018-19 is approved.

Reasons for recommendation:

Pay Policy Statement must be agreed by full Council and be published by 31 March each year.

2457 Capital Monitoring Quarter 3

Cabinet considered the Capital Monitoring report for the Quarter ending December 2017.

The report showed capital expenditure for the period ending December 2017 as £92.3m, and details of estimated outturn for the financial year.

Resolved to note the current level of spend.

2458 Revenue Monitoring Quarter 3

Cabinet considered the Revenue Monitoring report for the period to December 2017.

The net expenditure report showed a positive variance of £1.86m. The majority of this will be transferred to reserves to protect against the risk of reduced income from property acquisitions.

Resolved to note the current level of spend.

2459 Exemption to contract standing orders for the appointment of a construction project manager and design team.

Cabinet considered the exemption to contract standing orders for the appointment of a construction project manager and design team.

The report considered the options available for the selection and appointment of a project manager and design team in relation to the replacement of the leisure centre in Staines-upon-Thames.

Alternative options considered and rejected by the Cabinet:

Not to agree the exemption.

Resolved to exempt contract standing orders to delegate the selection of a construction project manager and the construction design team to the Group Head of Regeneration and Growth in consultation with the Deputy Chief Executive and the Leader of the Council.

Reasons for decision:

To ensure the development project is progressed as swiftly as possible.

2460 Amendment to Outside Body representation

In his capacity as Executive Leader, Councillor I.T.E. Harvey had made the following amendments to the appointments of Council representatives on an outside body.

Spelthorne Business Forum

Councillor C. Barnard (previously a deputy) replaces Councillor C. Davis as a representative

Councillor I.T.E. Harvey replaces Councillor R. Barratt as a deputy

Councillor O. Rybinski replaces Councillor C. Barnard as a deputy

These changes will be effective until 21 June 2018 when Cabinet will undertake its annual appointments to all outside bodies.

Resolved to agree the changes made by the Leader to representation on the Spelthorne Business Forum effective until 21 June 2018.

2461 Leader's announcements

The following are the latest service updates from various Council departments.

The Council has secured the conviction of a person who had been operating an unhygienic tattoo and body piercing studio from the garage of his home in Stanwell. The magistrates heard that Mr Garcha had been operating without the necessary registration for seven years and had tattooed and pierced many people over that time. Mr Garcha pleaded guilty to the offence and was ordered to pay a £250 fine, £30 victim surcharge and £500 in costs.

Following the collapse of the construction firm, Carillion, the Council issued a statement reassuring residents that it is not affected by the company's liquidation.

Planning has now published its Green Belt Assessment which sets out how areas of the borough are performing against Green Belt criteria. The assessment will form part of the council's evidence for the Local Plan which identifies the needs of the borough in relation to housing, the economy, community facilities and infrastructure.

Work to build eight new flats has started on the site of the former Bugle Pub in Upper Halliford and three two-bedroom homes on the site of the former Churchill Hall in Sunbury. Residents living nearby have been informed. Both projects will be completed in September.

The prestigious Spelthorne Means Business Awards were launched on 6 February. Held at Caffe Gusto in Staines, local businesses and Council representatives gathered to open this year's competition which is designed to acknowledge the achievements of local companies and showcase the 'best of the best' in Spelthorne.

Heathrow has launched a ten-week public consultation regarding expansion at the airport. The council has advertised the consultation and drop-in events and also published an online summary explaining the potential impact of the airport's expansion for local residents.

Cedars Recreation Park in Sunbury-on-Thames is to under-go refurbishment, thanks to funding from London Irish Rugby Club.

A leaflet is being designed to accompany the Council Tax bills which will give residents information about how the tax is divided between the Police, Surrey County Council and Spelthorne.

Registration has opened for the Staines 10K race taking place on 13 May.

Lights in the Tothill multi-storey car park in Staines have been upgraded to LEDs to save money and improve the setting.

2462 Urgent items

There were none.

2463 Exempt Business

Resolved to move the exclusion of the Press and Public for the following item 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.

2464 Exempt report - Acquisition of Property J - Key Decision

Cabinet considered an exempt report regarding the acquisition of Property 'J'.

This property is of strategic importance and value and the acquisition of this links to the assets and income generation strand of the Council's transformation programme known as 'Towards a Sustainable Future'.

Alternative options considered:

- Formally agree not to submit a bid

Resolved to:

1. Approve the acquisition of the investment asset identified in this report;
2. Formally agree the offer submitted, and authorise the Chief Executive to undertake any necessary subsequent negotiations (including a further bid if required) and complete the acquisition of the asset (in consultation with the Chief Finance Officer, the Leader and the Cabinet Member for Finance);

3. Authorise the Chief Finance Officer to decide (i) the most financially advantageous funding arrangements for the purchase, (ii) the most tax efficient method of holding the asset, and overall to ensure the acquisition is prudentially affordable; and
4. Authorise the Head of Corporate Governance to enter into any legal documentation necessary to acquire the asset

Reasons for decision:

It will bring in a steady income stream for the term of the lease. The income stream will assist in the future ongoing financial stability of the Council.

NOTES:-

- (1) ***Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, 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.***
- (3) ***Within five 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 five 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 1st March 2018.***

Cabinet

21 March 2018



Title	Food and Health and Safety Service Plans for 2018/19		
Purpose of the report	To make a decision		
Report Author	Tracey Willmott-French & Fidelma Bahoshy		
Cabinet Member	Councillor Nick Gething	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	Cabinet is asked to adopt the proposed service plans for 2018/19		
Reason for Recommendation	Local Authorities are required to produce and adopt annual service plans for their food safety and health and safety enforcement services (section 2.3 of this report refers).		

1. Key issues

- 1.1 Local Authorities are required by the Food Standards Agency and the Health and Safety Executive to produce annual service plans for their food safety and health and safety services. Each service plan must outline the aims and objectives for the year ahead and evaluate the achievements of the past year.
- 1.2 This report briefly outlines the main achievements of the Environmental Health (Commercial) Team who is responsible for enacting the plans and the objectives. The report also outlines the main objectives for the coming year.
- 1.3 Food Safety Service Plan - in 2016/17 the team continued to focus their resources on the highest risk food businesses. They carried out 410 food hygiene inspections, sent 325 written warnings, served nine hygiene improvement notices and investigated 100 complaints.
- 1.4 The team has also continued to participate in the national Food Hygiene Rating Scheme (FHRS), with 92% of the eligible businesses having ratings of three or above.
- 1.5 Health and Safety in the Work Place Service Plan - in 2016/17, those businesses where local or national intelligence indicate a health and safety inspection may be appropriate were the focus of attention for the team. In addition, the team completed four proactive inspections, 9 targeted inspections, served two health and safety improvement notices and two prohibition notices, and participated in a Surrey-wide project assessing safety and infection control at swimming pools.
- 1.6 Customer Satisfaction – questionnaires were sent out to at least 95% of food businesses following an inspection and positive feedback was received.

- 1.7 The main objectives for the Food Safety Service Plan 2018/2019 are outlined on page 3 of the plan and include a target of inspecting at least 95% of higher risk food businesses, the promotion of the FHRS and to respond to a minimum of 95% of services requests within six days.
 - 1.8 The main objectives for the Health and Safety Service Plan 2018/2019 are outlined on page 3 of the plan and include a target of 100% of all Category A inspections, to respond to at least 95% of service requests and accidents within six days and to participate in selected national/regional projects.
 - 1.9 During 2017/2018, the Principal EHO returned from maternity leave in June and one of the Senior EHOs reduced her hours in August resulting in a vacant post (0.5 FTE). Overall this has impacted on the ability of the team to deliver all aspects of the service plan, however, the team has coped well during this time and has ensured that all high risk premises, complaints and notifications have been attended to.
- 2. Options analysis and proposal**
- 2.1 The preferred option is to adopt the proposed service plans for 2018/19 (**available in the Members Room for viewing**), to come into effect on 1 April 2018.
 - 2.2 There is also an option for Members to amend the proposed service plans.
 - 2.3 There is an option for Members not to adopt the proposed service plans. This would mean the Council would not be following either the Food Standards Agency's "Framework Agreement on Local Authority Food Law Enforcement" or the Health and Safety Executive's Guidance, as this requires local authorities to have food and health and safety service plans and recommends that the plans relate specifically to food and health and safety enforcement. If these service plans are not adopted, the likelihood of the FSA or HSE auditing us would increase.
- 3. Financial implications**
- 3.1 The proposed service plans will be delivered within the proposed budget for 2018/19. The financial implications have been discussed with the relevant finance staff.
- 4. Other considerations**
- 4.1 Under the Food Standards Act 1999 and the Health and Safety at Work etc. Act 1974, the Food Standards Agency and Health and Safety Executive have powers to audit respectively any local authority's food and health and safety enforcement services. In exceptional cases, the FSA and the HSE have the powers to take over the duties of persistently under-performing councils.
- 5. Timetable for implementation**
- 5.1 If the service plans are approved they shall come into effect on 1 April 2018.

Background papers: None

Appendices:

Appendix 1 - Food Service Plan 2018/19

Appendix 2 - Health and Safety Service Plan 2018/19

Spelthorne Borough Council

Food Safety Service Plan

2018 - 2019

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Foreword

This Service Plan has been produced in response to the Food Standard Agency's Framework Agreement on Food Law Enforcement which sets out how the plan should be structured and what the plan should contain.

The Plan explains how we will protect and promote food safety throughout the Borough by a combination of measures which include the enforcement of food safety law, sampling, advice and education and liaising with other organisations. The mix of enforcement includes aspects that are demand driven, inspection driven, education driven and intelligence driven. Our activities and procedures take account of the Food Law Code of Practice and its supporting document the Food Law Practice Guidance (England). In addition our officers take account of the Food Hygiene Rating Scheme – Brand Standard.

The Plan is approved by Elected Members to ensure transparency and accountability and is published on the Council website.

The Plan is reviewed annually.

1. Service Aims and Objectives

1.1 Aims

1.1.1 The aim of the food safety service is to protect health by assuring the production, preparation, storage, distribution and supply of food by businesses within Spelthorne is safe.

1.1.2 We aim to provide a comprehensive food safety service to consumers and the operators of food businesses and achieve a good balance between providing advice, information, training and where necessary enforcement.

1.2 The following objectives have been identified for 2018/19:

	Objective
1.	To achieve at least 95% of higher risk food hygiene inspections/interventions in accordance with the frequencies set out in the Food Law Code of Practice.
2.	To promote the Food Standards Agency (FSA) national Food Hygiene Rating Scheme (FHRS), including publicising on the Council's Facebook and Twitter accounts those business receiving a 5 rating and those at the lower end receiving 0 and 1 ratings.
3.	To achieve a 92% ratio of food businesses with a food hygiene ratio of 3 – 5 compared to those scoring 0 – 2.
4.	To achieve a maximum 4% of food business with a food hygiene rating of 0 – 1. We will actively work with these businesses to improve their standards but where necessary we will take appropriate enforcement action.
5.	To inspect at least 25% of our lowest risk (category E) rated businesses.
6.	To complete the Competency Assessment Framework as set down in the Code of Practice for all officers undertaking official food controls.
7.	To respond to a minimum of 95% of food safety service requests within six days.
8.	To establish a new food hygiene training programme in response to changes to the old system.
9.	To implement any outstanding recommendations arising from the Surrey inter-authority Food Hygiene Rating Scheme Audit.
10.	To actively promote the "Eat Out Eat Well" award.
11.	To participate in national and local sampling projects as appropriate.

1.3 Links to corporate objectives and plans

The Council's Corporate Plan 2016 – 2019 has four key priorities for Spelthorne:

- Housing
- Economic Development

- Clean and Safe Environment
- Financial Sustainability

1.3.1 The Food Safety Service Plan is key in achieving a “Clean and Safe Environment” and contributes to ensuring sustainable “Economic Development”. An effective food safety team contributes to these priorities by protecting the health of its residents and visitors through the provision of safe food, the prevention and detection of food borne illness and food poisoning and by ensuring that good businesses are not disadvantaged by non-compliant traders.

1.3.2 This Plan also incorporates the five values of the Council; these are Accountability, Self-Reliance, Community, Opportunity and Tradition.

2. Background

2.1 Profile

2.1.1 Spelthorne is located in the far North corner of Surrey. Boroughs adjacent to us are Runnymede and Elmbridge to the south in Surrey, Windsor and Maidenhead and Slough to the west in Berkshire, and Hillingdon, Hounslow and Richmond upon Thames to the north and east in Greater London.

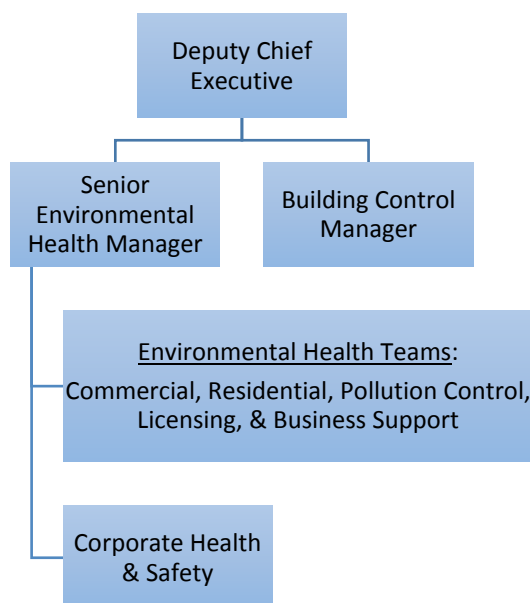
2.1.2 Spelthorne’s population is approximately 95,600, based on figures from the 2011 census. The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

2.2 Organisational Structure

2.2.1 The organisational structure of the Council comprises of the 39 elected members and a Chief Executive who is supported by two deputies. The food safety service forms part of the Environmental Health Department. The food team is headed by the Principal Environmental Health Officer (Commercial) who reports to the Senior Environmental Health Manager (SEHM). The SEHM reports directly to the Deputy Chief Executive.

2.2.2 The food safety service is provided by the Commercial Team who also provide a health and safety enforcement service including smoke-free legislation; and process, monitor and enforce various licensing/registration regimes, such as all animal licensing and beauty treatments in relevant premises.

2.2.3 The 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 Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and associated European Community regulations made under the European Communities Act 1972 in all food premises located within the Borough.

2.3.2 As a designated Food Authority we are responsible for a full range of duties including:

- food hygiene inspections;
- participation in the national Food Hygiene Rating Scheme to enable consumers to make informed choices about the places where they eat out or shop for food;
- the investigation of complaints and service requests relating to food safety matters;
- responding to food safety incidents;
- the provision of advice to businesses and the public on food safety matters;
- sampling of foodstuffs for microbiological and where necessary chemical examination; and analysis of food handling environments through surface swabs;
- controls of imported and exported foods;
- the investigation of notifications and outbreaks of food poisoning and gastrointestinal infection to control and prevent further

cases from source of disease, identify source and prevent spread from primary case;

- provision of food hygiene training courses for food handlers, and food safety advice to managers and proprietors of food businesses;
- the implementation of the Commercial Team's Health Promotion initiatives, e.g. "Eat Out, Eat Well" Award Scheme which is promoted during inspections and via the Spelthorne website; and,
- the maintenance the database of food premises in the Borough and ensuring that the information is accurate and up to date.

2.3.3 Enforcement of food standards and animal feedstuff legislation is the responsibility of Surrey County Council Trading Standards Department and is outside the scope of the service.

2.4 Demands of the Food Service

2.4.1 The majority of food premises in our area are predominantly small to medium sized catering or retail businesses.

2.4.2 The premises profile as of 1 April 2017 was as follow. Please note that this is a snapshot in time and changes regularly as new businesses open and others close.

Type of Premises	Number
Primary Producers	0
Manufacturers & Packers	2
Importers/exporters	1
Distributors/Transporters	13
Retailers	186
Restaurants/Caterers	595
Total	797

2.4.3 In addition there are:

- Two markets – one in Kempton Park every Thursday and one on Staines High Street on Wednesdays, Fridays and Saturdays.
- One approved premises, which is an inflight caterer and one large cereal producer.
- There are also a number of events held within the borough during the year including Staines-upon-Thames Day and Shepperton Village Fair.

2.4.4 The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines upon-Thames, 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 support staff (01784 446291). The Business Support Team is available from 8.30 am to 5.30 pm on Monday to Thursday and 8.30 am to 5 pm on Friday.
- A duty officer is available from 9.30 am to 5.30 pm Monday to Thursday, and from 9.30 am to 5 pm on Fridays.
- By telephoning officers through their direct line telephone numbers.
- By emailing the Commercial Team at eh.commercial@spelthorne.gov.uk.
- Emailing officers directly via their individual email addresses.
- Food safety emergencies can be dealt with by telephoning our 24-hour out-of-hour's 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 at www.spelthorne.gov.uk.
- Submitting information through the Food Standards Agency website portal.
- The food hygiene ratings of eligible businesses can be found at <http://ratings.food.gov.uk/> and via a link on the Spelthorne website.

2.5 Enforcement Policy

- 2.5.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Code and the Environmental Health Enforcement Policy.
- 2.5.2 The policy was last updated in October 2014 and is currently under review. Copies of the Environmental Health Enforcement Policy are available on request and the policy is also available on the Council's website.

3. Service Delivery

3.1 Food Premises Interventions

- 3.1.1 It is the our policy to carry out programmed food hygiene interventions in accordance with the minimum inspection frequencies defined in the Food Law Code of Practice. Priority will be given to inspections of higher risk premises and approved premises.
- 3.1.2 The current profile of premises by risk rating and the anticipated number of interventions to be undertaken during the year 2017/2018 are outlined in the table below. This is a snapshot of the system at one point in time (as of 6 April 2017) and the profile can change quickly, for

example following an intervention a premises can moved either up or down. In particular the number of “A” rated businesses can vary significantly during the year.

Risk Category	Number of Premises	Inspection Frequency
A	0	6 months
B	25	12 months
C	72	18 months
D	100	24 months
E	238	Alternative Strategy
Total	435	

3.1.3 The risk categories are derived from the scoring system laid down in the Food Law Code of Practice and are based on the type of food handled, the size of the business, the level of compliance with hygiene and structural requirements and the extent of management control.

3.1.4 In addition to this list, there will be unrated premises which are awaiting inspection and revisits to premises in line with our Food Hygiene Intervention Policy and Food Hygiene Enforcement Procedure.

3.2 Food Complaints

3.2.1 We will investigate food complaints or complaints relating to the hygiene of food premises in accordance with centrally issued guidance and our own Food Complaints Procedure. The depth and scope of investigation required will depend on the nature of the complaint.

3.2.2 All food complaints involving an imminent risk to health will be responded to as quickly as possible and all others within 6 working days. Where appropriate, complainants will be advised of the outcome.

3.2.3 The following tables outlines the number of complaints received:

Year	Complaints
2016/2017	100
2015/2016	90

From 1 April 2017 to 23 February 2018 we have received 96 food complaints.

The subject of these complaints often include allegations of illness, poor hygiene practices, concerns about cleaning and general repair, pest infestations and foreign body allegations.

3.3 Home Authority Principle and Primary Authority Scheme

3.3.1 We support both the Home Authority Principle and the Primary Authority Scheme. We do not currently have any formal primary authority agreements in place.

3.3.2 The Primary Authority scheme permits any business to register with one local authority as a source of advice on environmental health issues. Officers are required to contact the Primary Authority before taking any enforcement action against that company. The Primary Authority can then block the proposed action if it believes that it is inconsistent with advice or guidance previously given to the organisation concerned.

3.3.3 All authorised officers are registered with the online database and are familiar with the requirements of the scheme.

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.

3.4.2 This includes:

- Running food hygiene training courses/seminars as required.
- Provision of business information sheets, including leaflets detailing 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.
- Advice in written inspection reports.
- Provision of free telephone advice.
- Provision of a food safety newsletter as appropriate.

3.4.3 In 2016/2017 we dealt with 79 specific requests from businesses and individuals for information requiring advice. These requests are often from new businesses setting up, businesses about to refurbish their premises or those wishing to expand upon their current activities.

3.5 Food Sampling

3.5.1 Food sampling provides useful information about the microbiological 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 Our approach to sampling is:

- We will continue to support and participate in FSA/PHE national sampling programmes as appropriate and where resources allow.
- Where appropriate, samples will be taken during routine inspection and if necessary as part of legal proceedings.
- Food complaint samples will be submitted on an ad-hoc basis as appropriate.
- We will re-sample should any sample result be unsatisfactory or potentially hazardous.

3.5.4 Food samples will be submitted for analysis to the PHE laboratory in Porton Down, Salisbury as it currently hold UKAS accreditation for the microbiological examination of food samples.

3.6 Control and Investigation of Outbreaks & Food Related Infectious Disease

3.6.1 We work closely with our colleagues in Public Health England (PHE). In the event of an outbreak of food poisoning we follow the procedures set down in the Surrey Outbreak Control Plan.

3.6.2 We are regularly attend the Surrey Health Protection Group meetings to keep informed of local and national issues. We also regularly attend training events run by this group.

3.6.3 Certain infectious disease must by law be reported to us. In 2016/2017 we received 64 notification of infectious diseases. This is a decrease from 112 received in 2015/2016. As of 1 December 2017 we had received 83 notifications since 1 April 2017.

3.6.4 We have a responsibility to investigate notifications in an attempt to identify the source, to prevent cases from the source or from a primary case. In certain cases we may need to require exclusion from work or nursery/schools. Our officers refer to the Single Case Plan when handling all notifications. This document has been drawn up in conjunction with PHE and is maintained and updated by them.

3.6.5 There were no major food poisonings outbreaks reported in the Borough during 2016/2017. It is expected that any major outbreak would place a significant strain on resources.

3.7 Food Safety Incidents

3.7.1 Food alerts are issued by the FSA and notify the public and food authorities to serious problems involving food that does not meet food safety standards or food that does not meet compositionally standards. They come to a special inbox that is monitored daily.

3.7.2 The content of all food alerts received will be assessed by the Principal Environmental Health Officer (Commercial) or an Environmental Health

Officer on the Commercial team and appropriate action taken as specified in the alert.

- 3.7.3 We will promptly notify the FSA and all other relevant agencies if any potentially serious incident are identified locally.

3.8 Liaison with Other Agencies

3.8.1 We actively participate 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.

3.8.2 This includes:

- Surrey Food Liaison Group
- Surrey Health Protection Group
- Surrey Environmental Health Managers' Group
- Liaison arrangements with Building Control, Planning, Licensing, Legal etc.
- Public Health England
- Surrey County Council Trading Standards
- Surrey Healthy Eating Award Steering Group.

3.9 Food Safety Promotion

3.9.1 We participate in the national Food Hygiene Rating Scheme. The vast majority of our food business are included in the scheme and it is well received by both food business and consumers. The aim of the scheme is to help consumers to make informed choices about where they purchase food from.

3.9.2 We adhere to the guidance contained within the FSA's document – "The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the Brand Standard".

3.9.3 We further publicise businesses with the top rating of 5 on the Council's Facebook and Twitter accounts. From 1 April 2018 we will also share the names of those businesses receiving the lower ratings of 0 (urgent improvement required) and 1 (major improvement required).

3.9.4 We work in partnership with the Trading Standards team at Surrey County Council to promote the Eat Out Eat Well scheme. The scheme is promoted during routine inspections to potentially eligible businesses and on the Council's website.

3.9.5 Unfortunately our number of premises participate in the scheme has fallen in recent years. It is our objective for 2018/19 to work with Trading Standards to promote an increased awareness of the scheme including a targeted mailshot in 2018.

3.9.6 It is our intention to establish a new means of providing food hygiene training in 2018/2019. We plan to look at smarter and most effective means of delivery training to ensure that we meet the needs of our service users. During 2016/2017 no in-house training was run. This was because the awarding body stopped providing the accredited course that we used. These courses were generally run at a loss if the course was not to capacity, however due to the positive impact on attendees the course was considered worthwhile and a good use of officer time.

4. Resources

4.1 Financial Allocation

4.1.1 The cost of providing the food safety service (including staff and budgetary expenses in 2017/2018 is £126,000. It is expected that the budget for 2018/2019 will be similar.

4.2 Staff Allocation

4.2.1 The 2017/2018 staffing allocation is currently 2.9 full time equivalents; this includes administrative supports (0.65) and management support (0.15) such as reviewing service plans, officer performance, service development and budget controls.

4.2.2 In addition approximately 0.1 FTE of authorised officer time is spent on duties such as checking notices, detailed investigations, small outbreaks and preparation for prosecutions etc.

4.3 Staff Development Plan

4.3.1 We recognise the need for all officers engaged in food safety work to be trained, not only to the minimum 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.

4.3.2 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.

4.3.3 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 on-going/update training for each officer should be at least 20 hours per year, of which at least 10 hours must be food based.

4.3.4 Each member of staff receives one annual appraisal and one to one meetings every six weeks at which time development needs are identified and a plan agreed to address these.

4.3.5 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 Council's short courses training budget.
- 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.
- iv. 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.
- v. 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.
- vi. Surrey Food Study Group & Team Meetings - These provide useful forums for exchange of information and experience amongst team members and colleagues, and assist in achieving a uniformity of approach to food safety issues.
- vii. Consistency Exercises – these are held routinely following our monthly team meetings and involve either an exercise provided by the FSA or a recent case presented by one of the team.

5. Quality Assessment

5.1 Internal Monitoring

5.1.1 We have a monthly monitoring programme in place. Each month one authorised food officer is identified as monitoring officer and is

responsible for assessing the work of two other officers in line with our procedure. The monitoring officer selects the activity. Activities can include accompanied inspections/visits, sampling, service request reviews/visits, review of post inspection work (letters/aide memoires), imported food, enforcement follow-up etc. These checks are documented and the details kept in the Monitoring Folder. Contractors are also included in this schedule. The implementation of the schedule is a standing item on the agenda for the monthly Commercial Team meetings.

5.1.2 The PEHO also carries out one to ones with each member of the food team on a monthly basis.

5.1.3 In addition to these checks, all food businesses who are moved out of Categories A & B into lower risk categories must be counter-signed by an authorised officer. In the first instance these files should be passed to the Principal Environmental Health Officer, however in her absence another authorised food officer will be acceptable.

5.2 Customer Care

5.2.1 Customer care questionnaires are sent out to at least 95% of food businesses that have received an inspection to assess the levels of satisfaction with the service.

The following comments were received:

- *We were delighted to get our 5 star rating.*
- *Very constructive. Thank you.*
- *Our inspector was prompt and fair in his assessment.*
- *Regarding the recommendations made, action will be taken in the next 3 months to address the issues.*
- *Am very satisfied. Thank you.*
- *Very professional and helpful visit which makes you feel appreciated for all the hard work.*

5.3 External Monitoring

5.3.1 Our service is subject to audit from the Food Standards Agency. Our last audit was carried out in October 2014 and all the issues raised at that time have been addressed to the satisfaction of the FSA.

5.3.2 An annual return is submitted to the FSA. This is a requirement of all Local Authorities and it outlines in detail the work of our service.

5.3.3 Our implementation of the FHRS was audited in December 2015 as part of an inter-authority audit organised by the Surrey Food Liaison Group and funded by the FSA. There are some outstanding recommendations from this audit to be completed and these will be completed in 2018/2019.

6. Review

This section should be read in conjunction with the Environmental Health's Performance review.

6.1 Review against the Service Plan

6.1.1 The service has continued to provide a professional and quality service. Overall the main food objectives of the Council's food service were met. The service aims to complete 95% of its programmed high risk inspections before 31 March 2017, in addition we have undertaken sampling work, the service enforcement notices, and assisted businesses with support and advice as required. We also regularly attend liaison group meetings.

6.1.2 We undertook 410 food hygiene interventions in 2016/17. We served 9 hygiene improvement notices and sent 325 written warnings.

6.1.3 We have continued to successfully participate in the national Food Hygiene Rating Scheme. As of 23 November 2017, 92% of our eligible businesses have ratings of three or above.

6.1.4 We have continued to provide a large volume of free information and assistance to local businesses.

6.2 Identification of any Variation

6.2.1 Due to staffing issues there has been difficulties in meeting some of the objectives set out in the 2017/2018 plan. The PEHO returned from maternity leave in June 2017 and since August 2017 we have had a vacant post (0.5 FTE). We have employed a contractor to help with inspection based work but this has meant prioritising inspections and targeting our high risk premises. As a result, completion of some objectives from the 2017/2018 that have been delayed, namely the review of our food safety training programme, the completion of our operational food safety procedures, the completion of the Competency Assessment Framework and the full implementation of the recommendations made following the FHRS Inter-authority Audit.

6.3 Areas of Improvement

6.3.1 The following improvements are planned for 2018/2019:

- Continue to update and implement any policies and procedures required to ensure the service complies with the FSA Framework Agreement.
- Ensure that the service is inclusive and is provided to hard to reach groups.

- Continue to promote the FHRS across the Borough and seek to increase the number of eligible businesses achieving a rating of three and above. Also to consider the introduction of cost recovery for the re-inspection process, which is currently carried out free of charge.
- Ensure that technology is used efficiently to record information necessary to deal with customer queries, provide FSA returns and provide information to customers in an electronic format.

Spelthorne Borough Council
Health and Safety Service Plan
2018 – 2019

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1. Service Aims & Objectives

1.1 Aims

- 1.1.1 The aim of the health and safety service is to protect the health and safety of those working within the borough in workplaces where we are the enforcing authority. We also aim to protect members of the public and others who may be harmed by the work practices of those businesses.
- 1.1.2 Enforcement is shared with the Health and Safety Executive, with Spelthorne being responsible for workplaces such as offices, shops, hotels, restaurants, nurseries, pubs, wholesale distribution and warehousing.

1.2 Objectives

Our Health & Safety at Work enforcement objectives will be incorporated into the wider Environmental Health Service Plan.

- 1.2.1 For 2018/19 we have the specific objectives:

	Objective
1.	To achieve 100% of programmed Category “A” health and safety inspections in accordance with frequencies set out in HSE’s Local Authorities National Enforcement Code.
2.	To participate in the flexible warranting scheme with other Surrey local authorities across the county and agree, where appropriate, joint projects to deliver under the scheme.
3.	To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE.
4.	To ensure authorised officers within the Commercial team have completed the Regulators Development Needs Assessment (RDNA).
5.	To actively participate in selected national/regional projects along with other Surrey LAs and HSE.
6.	To respond to at least 95% of health and safety service requests and accidents within six working days.
7.	To continue enforcing smoke free legislation, which bans smoking in most workplaces, work vehicles and public buildings and working with our partners on smoke free initiatives.
8.	To undertake a review of our procedures.

1.3 Links to corporate objectives and plans

The Council’s Corporate Plan 2016 – 2019 has four key priorities for Spelthorne:

- Housing
 - Economic Development
 - Clean and Safe Environment
 - Financial Sustainability
- 1.3.1 The Health and Safety Service Plan is key in achieving a “Clean and Safe Environment” and contributes to ensuring sustainable “Economic Development”.
- 1.3.2 An effective health and safety team contributes to these priorities by protecting the health and safety of our residents and visitors through the provision of safe workplaces, the prevention of workplace injuries and illnesses, and by ensuring that good businesses are not disadvantaged by non-compliant ones.
- 1.3.2 This Plan also incorporates the five values of the Council; these are Accountability, Self-Reliance, Community, Opportunity and Tradition.

1.4 Links to the HSE’s Strategy – National Local Authorities’ Enforcement Code

- 1.4.1 This National Code was developed by the Health and Safety Executive (HSE) to ensure that Local Authority (LA) health and safety regulators take a more consistent and proportionate approach to enforcement. This Code provides statutory guidance and a framework to guide local approaches.
- 1.4.2 It identifies that we should use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed.
- 1.4.3 The HSE Local Authority Circular (LAC 67/2 (rev 5)) specifies how local authorities should prioritise interventions to comply with the National Local Authority Enforcement Code.
- 1.4.4 Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, we have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting our communities and contributing to the wider public health agenda.
- 1.4.5 Taking into account the special characteristics of the LA enforced sector, the HSE has decided that it will be necessary for local authorities to prioritise certain hazards. Based on this list the following hazards are a priority for us:
- Workplace transport in warehousing/distribution.

- Falls from height/working at height.
- Manual handling particularly high volumes warehousing and distribution.
- Commercial catering premises using solid fuel cooking equipment.
- Violence at work.

1.5 Links to the HSE Section 18 – Guidance to Local Authorities

1.5.1 Local Authorities are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.

1.5.2 Section 18 (4) of the HSW Act requires us to perform our duties in accordance with guidance from the Health and Safety Executive (HSE). The “Section 18 Guidance” is therefore mandatory.

1.5.3 Section 18 (4) of the HSW Act states ‘it shall be the duty of every local authority to:-

- I. Make adequate arrangements for the enforcement within their area of the relevant statutory provisions; and
- II. To perform the duty imposed on them by (a) above and any other functions conferred on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.

1.5.4 The HSE considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority:-

- A clear published statement of enforcement policy and practice;
- A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA;
- A Service Plan detailing the LA’s priorities and its aims and objectives for the enforcement of health and safety;
- The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- Arrangements for benchmarking performance with peer LAs;
- Provision of a trained and competent inspectorate; and
- Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.

1.5.5 We need to ensure that we devote sufficient resources to the health and safety enforcement to comply with our duties under section 18 (4). HSE will take a view on the performance of LA enforcement and

promotional activities, in accordance with its strategy using information supplied by authorities as requested (e.g. Annual LAE1 returns) and by reviewing the reports of inter-authority audits carried out using the HELA protocol.

- 1.5.6 If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct the LA to perform their enforcement functions in a specified manner within a specified period of time.
- 1.5.7 If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

2. Background

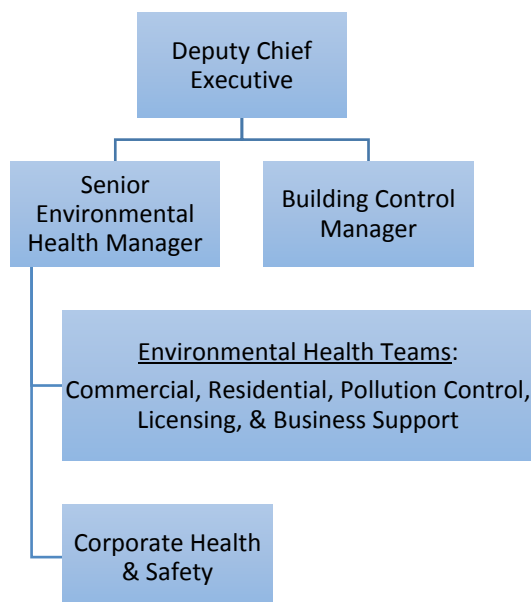
2.1 Profile

- 2.1.1 Spelthorne is located in the far North corner of Surrey. Boroughs adjacent to us are Runnymede and Elmbridge to the south in Surrey, Windsor and Maidenhead and Slough to the west in Berkshire, and Hillingdon, Hounslow and Richmond upon Thames to the north and east in Greater London.
- 2.1.2 Spelthorne's population is approximately 95,600, based on figures from the 2011 census. The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

2.2 Organisational Structure

- 2.2.1 The organisational structure of the Council comprises of the 39 elected members and a Chief Executive who is supported by two deputies. The health and safety service forms part of the Environmental Health Department's Commercial Team. The Commercial Team is headed by the Principal Environmental Health Officer (Commercial) who reports to the Senior Environmental Health Manager (SEHM). The SEHM reports directly to the Deputy Chief Executive.
- 2.2.2 The Commercial Team also provide a food safety enforcement service and licensing/registration regimes, such as all animal licensing and beauty treatments in relevant premises.

2.2.3 The structure is as follows:



2.3 Scope of the Health and Safety at Work Enforcement Service

2.3.1 We provide a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within our borough. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and us. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the “main activity” carried out at the premises.

2.3.2 The main elements of the service are:-

- **Programmed Health and Safety Inspections** - Regular inspection of all our commercial premises, rated in the "A" category to check on health and safety standards to promote safe practices and secure compliance with the law, whilst having regard to the national/regional priority programmes. Commercial premises rated “B1”, “B2” or “C” categories, will not form part of the planned inspection programme. However, these category premises will be subject to other “Intervention strategies” such as planned, local or national campaigns/initiatives on topic based issues (e.g. gas safety initiative and swimming pool safety). The inspections are carried out in accordance with the adopted Health and Safety Inspection Procedure. Enforcement is focused on

particular hazards or sectors where the greatest action will be necessary, to contribute to the HSE's overall strategy.

- **Revisits** are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit.
- **Special/Other Health and Safety Inspections** – To undertake visits as necessary having regard to the priority programmes within HSE's Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary. This may come to light having analysed trends in official accident notifications.
- **Health and Safety Investigations** - Investigation of complaints relating to health and safety received from employers, employees and the general public. In 2016/17, 29 such investigations were carried out in addition to general requests for information and so far since 1 April 2017 we have received 33 requests.
- **Accident Investigation** - Investigation of accident notifications received via the RIDDOR notification online system. This system is managed by the HSE and the PEHO (Commercial) or, in her absence the SEHO (Commercial), checks the database on a daily basis. Accidents are investigated in accordance with the adopted Accident Investigation Procedure.
- The table below shows the numbers of notifiable accidents reported to this Council over the last four years:

Year	No. of notifiable accidents
2016/17	39
2015/16	48
2014/15	47
2013/14	61

From 1 April 2017 to 23 February 2018 we received 33 accident notifications.

- **Health and Safety Initiatives** - To participate in local and national initiatives.
- **Non-Food Premises Database** - we will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regulations 1998, in the Borough and take steps to ensure that the information is accurate and up-to-date.

2.4 Demands on the Health and Safety at Work Enforcement Service

We have the responsibility for enforcing the provisions of the Health and Safety at Work etc. Act 1974, and health and safety regulations

made under the Act in approximately 1186 (as of December 2017) commercial premises located within the Borough. This is likely to be an under-estimation as there is no longer a requirement for new businesses to inform us and as fewer inspections are being carried out this impacts the accuracy of our database.

2.5 Accessing the Service

The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines upon-Thames, 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 support staff (01784 446291). The Business Support Team is available from 8.30 am to 5.30 pm on Monday to Thursday and 8.30 am to 5 pm on Friday.
- A duty officer is available from 9.30 am to 5.30 pm Monday to Thursday, and from 9.30 am to 5 pm on Fridays.
- By telephoning officers through their direct line telephone numbers.
- By emailing the Commercial Team at eh.commercial@spelthorne.gov.uk
- Emailing officers directly via their individual email addresses.
- Health and safety emergencies can be dealt with by telephoning our 24-hour out-of-hour's 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 at www.spelthorne.gov.uk.

2.5 Enforcement Policy

2.5.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Code and the Environmental Health Enforcement Policy.

2.5.2 The policy was last updated in October 2014 and is currently under review. Copies of the Environmental Health Enforcement Policy are available on request and the policy is also available on the Council's website.

3. Service Delivery

3.2 Health and Safety Complaints

3.2.1 Our policy is to investigate health and safety complaints in accordance with our policies and procedure notes, whilst having regard to our

Enforcement Policy. The investigation of some complaints can be a lengthy process, it is expected that officers will ensure a first response within 6 days of the complaint being received. It is also recognised that certain issues will require a quick response and a duty officer rota is in place during office hours to ensure this.

- 3.2.2 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within premises for which the Council has health and safety enforcement responsibility.
- 3.2.3 All complaints are thoroughly investigated and complainants advised of the outcome where appropriate.

3.3 Accident Investigation

- 3.3.1 Our policy is to investigate accident notifications received via the online RIDDOR notification system, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HSE's Guidance including selection criteria.
- 3.3.2 The depth and scope of investigation required will depend on factors such as the nature and seriousness of the accident and whether the accident arose within premises for which the Council has health and safety enforcement responsibility.
- 3.3.3 RIDDOR Accident notifications shall be investigated in accordance with the Accident Investigation procedure.

3.4 Asbestos Notifications

- 3.4.1 Asbestos notifications are received via a portal on the Health and Safety Executive's website. Contractors and others are required by law to notify the relevant enforcing authority of their intention to carry out both licensed and unlicensed work on asbestos. The PEHO (Commercial), or in her absence the SEHO (Commercial), checks this portal three times a week.
- 3.4.2 In 2016/17 we received 1 notification of work. In 2015/2016 we did not receive any notifications.

3.5 Advice to Business

- 3.5.1 We recognise that the majority of businesses seek to comply with the law and during 2016/17 we have endeavoured to provide such advice and assistance as may be necessary. This includes:
- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.

- developing and providing business free information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation;
- providing on the spot free advice during routine visits and inspections;
- provision of free telephone advice;
- Signposting to the Health and Safety Executives website; and,
- Health and Safety initiatives.

3.6 Primary Authority Partnerships

- 3.6.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a business and a specific local authority.
- 3.6.2 It is a statutory scheme and all local authorities will have to have regard to it when considering enforcement action in relation to a business which has a number of branches or units in other 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.
- 3.6.3 Spelthorne does not have PA arrangements with any business at this time.
- 3.6.4 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to and actions taken must be fed back through the specified means.

3.7 Liaison with Other Organisations

- 3.7.1 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 Occupational Health and Safety Study Group
 - Surrey Environmental Health Managers’ Group
 - Health and Safety Executive
 - Local Government Regulation
 - Liaison arrangements with Building Control, Planning, Solicitors
 - Public Health England

4. Resources

4.1 Financial

The cost of providing the health and safety service, i.e. staff and budgetary expenses, in the current financial year (2017/18) is £49,000. The budget for 2018/19 will be similar.

4.2 Staffing Allocation

The 2017/2018 staffing allocation is currently 1.13 full time equivalents; this includes administrative supports (0.3) and management support (0.08) such as reviewing service plans, officer performance, service development and budget controls.

4.3 Staff Training and Development

4.3.1 We recognise the need for all officers engaged in the health and safety service 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 CIEH Continuing Professional Development (CPD) scheme.

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

4.3.3 Training and development of staff 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 Departments short courses training budget.
- iii) In-house/cascade Training - We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers.

- iv) Peer Review - We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.
- v) Commercial Team Meetings - These monthly meetings provide a useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to health and safety enforcement. Health and Safety is a standing item on the agenda for these meetings.
- vi) Attendance at the Surrey Health and Safety study group meetings.
- Vii) Participating in HSE webinars meaning officers do not have to leave the office but log on to a centrally hosted seminar via the internet. Dissemination of this information amongst colleagues, as above.

4.3.4 We will ensure that the Council's appraisal scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff. These are addressed through each member of staff's agreed appraisal personal development plan.

5. Quality Assessment

5.1 Internal Monitoring

- 5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.
- a. Officers carry out joint visits with each other twice a year to ensure consistency between officers (Peer Review).
 - b. The Principal Environmental Health Officer (Commercial) checks a selection of post-inspection risk scores and correspondence that is sent out.
 - c. The PEHO (Commercial) shall carry out joint visits with each officer twice a year to ensure consistency between officers.
 - d. Customer questionnaires are sent out to all businesses, who have received a visit and the results are collated and discussed at team meetings every six months.
 - e. We use the Regulators Development Needs Assessment as a tool for officers to self-assess their competency and to identify potential areas for improvement.

5.2 External Monitoring

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. Our Health & Safety Service was audited on 29 June 2004.

There are no confirmed plans in place for further inter-authority audits at present.

- 5.2.2 We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity.

6. Review

6.1 Performance review against the Service Plan

- 6.1.1 The team continues to provide a professional and quality service. In 2016/2017 we completed 4 proactive inspections of high risk businesses and 9 targeted inspections based on local intelligence identifying concerns.
- 6.1.2 We participated in a Surrey-wide initiative targeting safety within swimming pools. This was identified as a potential problem area due to accidents and incidents that occurred throughout the county. We contacted five pools within the borough to assess their level of compliance and to give advice where necessary.
- 6.1.3 In 2016/2017 we served two improvement notices and two prohibition notices.
- 6.1.4 We continue to provide free advice and support to our local businesses and attend regular liaison group meetings.
- 6.1.5 In January 2018 we successfully prosecuted an unregistered tattoo studio for health and safety offences.

6.2 Identification of any variation

- 6.2.1 Due to staffing issues there has been difficulties in meeting some of the objectives set out in the 2017/2018 plan. The PEHO (Commercial) returned from maternity leave in June 2017 and since August 2017 we

have had a vacant post (0.5 FTE). While we have been able to employ a contractor for food safety inspection based work, the contractor is not undertaking routine health and safety enforcement other than to address matters of evident concern that are identified during routine food hygiene inspections. As a result, completion of some objectives from the 2017/2018 that have been delayed, namely the review of our procedures.

6.2.2 In addition the team have been involved in a number of complex accident investigations and the preparation of a prosecution file. These are labour intensive tasks and have resource implications on the service.

6.3 Areas of Improvement

6.3.1 The National Local Authority Enforcement Code has resulted in a decrease to the number of proactive inspections carried out each year. This has impacted the competency of officers as they now undertake fewer inspections. To offset this, we ensure that officers routinely attend training events and cascade the crucial points of these events to their team.

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