

# Environment and Sustainability Committee

**Thursday 22 June 2017 at 7.30pm**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors J J Wilson (Chairman), Mrs G Warner (Vice-Chairman), T J F E Gracey, Mrs M T Harnden, D J Knight, M T Kusneraitis, Mrs Y P Lay, P I Roberts, Miss J K Sohi and M L Willingale.

## AGENDA

### Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr M L White, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425623). (Email: [malcolm.white@runnymede.gov.uk](mailto:malcolm.white@runnymede.gov.uk))**.
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- 4) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

5) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If you wish to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the Committee meeting.

**LIST OF MATTERS FOR CONSIDERATION**

Page

**PART I**

**Matters in respect of which reports have been made available for public inspection**

1.	FIRE PRECAUTIONS	4
2.	NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	4
3.	MINUTES	4
4.	APOLOGIES FOR ABSENCE	4
5.	DECLARATIONS OF INTEREST	4
6.	CHARGING FOR INSPECTIONS UNDER THE FOOD HYGIENE RATING SYSTEM	4
7.	FOOD SERVICE PLAN 2017/18	6
8.	GOVERNMENT DRAFT AIR QUALITY PLAN 2017	8
9.	RECYCLING AND REFUSE SERVICES MEMBER WORKING GROUP	11
10.	APPOINTMENT OF REPRESENTATIVES: RIVER THAMES ALLIANCE	12
11.	EXCLUSION OF PRESS AND PUBLIC	13

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

a) Exempt Information

12.	FUTURE AGENCY AGREEMENTS	15
-----	--------------------------	----

(b) Confidential Information

(No reports to be considered under this heading)

1. **FIRE PRECAUTIONS**

The Chairman will read the Fire Precautions, which set out the procedures to be followed in the event of fire or other emergency.

2. **NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP**

3. **MINUTES**

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 23 March 2017. The Minutes of this meeting were included in the April 2017 Council Minute Book.

4. **APOLOGIES FOR ABSENCE**

5. **DECLARATIONS OF INTEREST**

If Members have an interest in an item, please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests, which are recorded in the Minutes to be considered at this meeting, need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant to prejudice the Member's judgement of the public interest.

6. **CHARGING FOR INSPECTIONS UNDER THE FOOD HYGIENE RATING SYSTEM (ENVIRONMENTAL SERVICES)**

**Synopsis of report:**

**To seek the Committee's approval to apply a flat rate charge of £150 on a cost recovery basis for re-inspections requested by food businesses under the national Food Hygiene Rating Scheme (FHRS).**

**Recommendation:**

**Members authorise the application of a flat rate charge of £150 on a cost recovery basis for re-inspections requested by food businesses under the national Food Hygiene Rating Scheme**

1. **Content of Report**

1.1 Runnymede Borough Council (RBC) participates in the Food Standards Agency (FSA) national FHRS. Under this scheme food business are rated between 0 (*lowest score - urgent improvement necessary*) and 5 (*highest score - very good*) with regard to the food hygiene standards found during programmed food hygiene inspections.

1.2 If a business is given a rating of less than 5, and, after undertaking any necessary improvements, they are entitled to request a re-inspection with a view to obtaining a higher rating. The FSA, on 13 March 2017, following a trial charging exercise involving a number of Local Authorities (LAs) has issued advice confirming its change of policy to allow LAs to introduce charging for re-inspections under the FHRS on a cost recovery basis.

## 2. Report

- 2.1 The Food Standards Agency (FSA) on 13 March 2017, issued advice to LAs confirming its change of policy in relation to LAs charging for re-inspections in response to requests by food business for re-rating under the national FHRS. Its previous policy, set in 2010, was that LAs did not have the power to charge for re-inspections under domestic food hygiene law. However, following on from a trial charging exercise and the clarifying of legal matters, the FSA have now confirmed their view that the existing powers under the Localism Act 2011 (the Act) does allow for charging for re-inspections since the LA is not under any Statutory Duty to provide the service.
- 2.2 The Act allows LAs to charge for things done under the general power conferred by Section 1 of the Act. Broadly speaking, the LA can use the general power when the following circumstances are satisfied;
- *a service is provided on a non-commercial basis by the LA to a person who has agreed to the service being provided.*
  - *that service is or could be done using the general power under section 1*
  - *the LA is not under a Statutory Duty to provide the service; and*
  - *the LA does not have any other power to charge for the service.*
- 2.3 The FSA considers that each of the above circumstances apply to re-inspections under the FHRS and, therefore, the LA can apply a charge. Re-visits and any inspections undertaken outside of the FHRS, i.e. in order to protect public health or evaluate if further enforcement actions are applicable, fall under LA Statutory Duties and so are not within the scope of the proposed charging scheme.
- 2.4 The latest FSA guidance, issued under the FRHS Brand Standard, advises that food businesses are able to request a re-inspection of their respective business which would not normally be otherwise carried out until a period of three months has passed since the original rating visit (*the standstill period*) and then they can only request one re-visit in total. If such a request is made, the LA then has up to a further three months to undertake the re-rating visit (in effect six months is the maximum time any business should have to wait for a re-rating inspection to take place).
- 2.5 If RBC were to apply a charge for the re-inspection visit the 'standstill' period is no longer applicable. The re-inspection visit would be carried out within three months of the receipt of the request or, where payment is required in advance, the receipt of the payment (whichever is later).  
Should RBC charge a fee there is no limit to the number of re-visits the food business can request although each request will be subject to the payment of the applicable fee. The Brand Standard however, makes it clear to business that ratings may go down, up, or remain the same following re-inspection
- 2.6 Between April 2016 and March 2017, RBC received a total of 27 requests for re-ratings from businesses within the RBC area. In the majority of cases, the re-inspection of the premises resulted in the award of a higher rating. At this present time, it is not a legal requirement for a business to display their awarded food hygiene rating. However, it is clearly in the commercial interest of the business (and for the consideration of the potential customer) to have as high a rating as possible where the rating is being displayed. All ratings are also available to the public on the FSA website.
- 2.7 There is a growing consensus to have the display of the FHRS rating made mandatory as is currently the case (only) in Wales. Should display become mandatory it is likely that the number of businesses requesting re-inspections will increase and this will have a direct impact on other day-to-day Statutory duties of the Council under the general provisions of the food safety legislation. Businesses requesting re-inspections should have actioned required improvements prior to re-rating. In cases where improvements are more structural in nature e.g. broken tiles, damaged equipment then such re-inspections usually take no

longer than one hour. However, re-inspections involving failures in management or processes often take up to two hours or more.

### **3. Policy framework implications**

- 3.1 Participation in the national FHRS is a key performance indicator for RBC under both the Annual Food Service Plan and the Environmental Services Business Centre Plan.

### **4. Financial implications**

- 4.1 Based on Officer costs of £60 per hour, it is proposed that a flat rate of £150 be charged to ensure all costs associated with re-inspections are being recovered. This cost reflects up of two hours of Officer time together with the additional administration costs of processing requested re-inspections, payments, report writing, postage, printing and provision of replacement rating stickers. This is less than the £160 introduced in Wales as part of the mandatory display scheme. Based on a similar number of requests for re-rating in the last reporting year, RBC would recover around £4050 per year going forward.

### **5. Resource implications**

- 5.1 Increasing numbers of requests and re-inspections from low-rated food businesses under the FHRS divert and will continue to divert existing 'food' Officer resources away from other Statutory food duties. Given that there is a direct benefit to the business in obtaining a higher rating cost recovery for providing this discretionary service is both justified and appropriate.

### **6. Equality implications**

- 6.1 There are no Equality Implications arising from this report.

### **7. Legal implications**

- 7.1 Under section 1 of the Localism Act 2011 the Council has power to charge on a cost recovery only basis for providing discretionary services such as re-rating inspections carried out under the FHRS as there is no Statutory Duty on the Council to provide such a service.

### **8. Conclusions**

- 8.1 Members are asked to note the proposed change in FSA policy with regard to charging for re-inspections carried out under the national Food Hygiene Rating Scheme and to endorse a flat rate charge of £150 to any business requesting a re-inspection within the RBC area.

**(To resolve)**

#### **Background papers**

FSA letter 13 March 2017 to Heads of Environmental Health Service Charging for requested Food Hygiene Rating Scheme (FHRS) re-inspection/re-visits FSA.

The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the Brand Standard Revision 5 – March 2017 The Localism Act 2011

### **7. FOOD SERVICE PLAN 2017/18 (ENVIRONMENTAL SERVICES)**

#### **Synopsis of report:**

**The purpose of this report is to seek Committee approval of the proposed Food Service Plan for 2017/18**

**Recommendation:**  
**The Food Service Plan for 2017/18 as attached at Appendix 'A' is approved.**

**1. Context of report**

- 1.1 The Food Standards Agency (FSA) has produced a framework agreement on Local Authority food law enforcement. One part of that agreement contains service planning guidance. This ensures that key areas of enforcement covered by the Food Law Enforcement Standard are included within local Food Service Plans, whilst allowing scope for flexibility and the inclusion of any locally defined objectives. The requirement to produce a local Food Service Plan came into effect on 1 April 2001.
- 1.2 The Food Standards Agency requires a Local Authority's proposed service plans to be submitted to the relevant Member forum (which is this Committee followed by approval by Council) for approval to ensure local transparency and accountability.

**2. Report**

- 2.1 The proposed Plan for 2017/18, attached at Appendix 'A', will satisfy the requirements of the Food Standards Agency. Members are asked to approve the proposals contained within the plan

**3. Policy framework implications**

- 3.1 The Food Service Plan is a key driver in supporting local people, which is one of the Council's four priorities in the Corporate Business Plan.
- 3.2 Implementation of National Food Hygiene Rating Scheme (FHRS) is a key performance indicator for the food service within the Environmental Service Business Centre Plan

**4. Legal implications**

- 4.1 The production of a local food service plan is a matter of following Agency Guidance Best Practice, rather than Statutory compliance. Service plans developed under the Framework Agreement provide the basis on which local authorities are monitored and audited by the Agency under The Food Standards Act 1999 and Official Feed and Food Controls Regulations.
- 4.2 The Council has a Statutory Duty to enforce legislation relating to food. The Food Standards Agency Food Law Code of Practice (England) March 2017 details the minimum training and qualification requirements for Officers authorised by Food Authorities to undertake food enforcement work. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.

**5. Equality implications**

None have been identified

**(To recommend)**

**Background papers**

## 8. GOVERNMENT DRAFT AIR QUALITY PLAN 2017 (ENVIRONMENTAL SERVICES)

### Synopsis of report:

To inform the Committee of the publication, on 5 May 2017, of the Government's consultation; *Improving air quality: Reducing Nitrogen Dioxide in our towns and cities*. The consultation comprises a number of documents including a draft UK Air Quality Plan for Tackling Nitrogen Dioxide and a Clean Air Zone Framework all aimed at dealing with known breaches of the EU air quality standards in relation to Nitrogen Dioxide. The consultation closes 15 June 2017.

### Recommendation:

The Committee notes the contents of the Government's consultations.

## 1. Context of report

- 1.1 Members may recall that in November 2016, following a High Court case brought by Client Earth, the Government was ordered by the Court to produce a draft Air Quality Plan by 24 April 2017 and a final plan by 31 July 2017 explaining how it intended to tackle known breaches of the EU air quality standards in relation to nitrogen dioxide within towns and cities in the UK. The Government applied to Court for an extension of those deadlines to 30 June 2017 and 15 September 2017 respectively due to the General Election 'purdah' intervening.
- 1.2 Following a further Court hearing on 27 April 2017, the Government was ordered to produce the draft plans by 9 May 2017 and a final plan by 31 July 2017; hence its publication of the present draft plan for consultation issued on the 5 May 2017.

## 2. Report

- 2.1 On 5 May 2017 the Government published its draft UK Air Quality Plan for tackling nitrogen dioxide. The plan sets out actions being planned or implemented at local, regional and national levels to meet the annual and hourly EU limit values for nitrogen dioxide in the shortest possible time. The Government's primary driver for action on air quality is the impact it can have on health and the environment. A cleaner, healthier environment benefits both people and the economy
- 2.2 In preparation for its final plan to be published later in the year the Government is presently seeking views on the draft plan and has issued a number of consultation documents aimed at improving air quality including the following:
  - i) The draft plan itself "*Tackling nitrogen dioxide in our towns and cities*".  
<https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>  
The plan provides an overview of the Government intentions listed for the most part in table 1 to this report.
  - ii) A summary of the consultation responses to the earlier government consultation "*Seeking views on the implementation of Clean Air Zones in England*".  
<https://www.gov.uk/government/consultations/implementation-of-clean-air-zones-in-england>  
The consultation for implementing and mandating Clean Air Zones ran from 13 October to 9 December 2016 and applied to England only.



- iii) The document - *Clean Air Zone Framework ; principles for setting up Clean Air Zones in England* following on from consultation detailed in (2) above.  
<https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>

The framework sets out the principles for the operation of Clean Air Zones in England. Providing the expected approach to be taken by local authorities when implementing and operating a Clean Air Zone

- 2.3 This consultation applies to England, Wales and Northern Ireland and is by way of an on-line survey questionnaire. A separate consultation is to be carried out by the Scottish Government, commencing 14 September next.
- 2.4 In brief, the Government's plan to deal with the problem of breaches of nitrogen dioxide is that they seek to carry on with a raft of existing policies and procedures and introduce further measures, initiatives and actions within England, as listed in the Table below:

<b>Additional actions</b>	<b>Lead</b>	<b>Partners</b>	<b>Timescale</b>
Mandate Local Authorities(LA) to implement Clean Air Zones within the shortest possible time	Defra	Relevant LA	begin immediately with the first Clean Air Zones in place as soon as possible
Tackling air pollution on the English road network	Highway England /DfT/Defra	Relevant LA	work will begin immediately
New Real Driving Emissions requirements to address real world NOx emissions	DfT	VCA	The second of 4 planned legislative packages comes into force in September 2017
Additional funding to accelerate uptake of hydrogen vehicles and infrastructure	DfT		The competition will be launched in Summer 2017
Additional funding to accelerate the uptake of electric taxis	OLEV/DfT		Launched in March 2017
Further investment in retrofitting alongside additional support for low emission buses and taxis	DfT/Defra/OLEV		Further information on scheme & how to apply will be issued later in 2017
Regulatory changes to support the take up of alternatively fuelled light commercial vehicles (vans)	OLEV	DfT	Within 12 months subject to outcome of consultation
Exploring the appropriate tax treatment for diesel vehicles	HMT		Within 12 months

Call for evidence on updating the existing HGV Road User Levy	DfT	HMT	Within 12 months
Call for evidence on use of red diesel	HMT		Within 12 months
Review of information to ensure wider environmental performance is apparent to consumers when considering purchasing cars (car fuel efficiency label)	DfT/Defra/VCA	Low CVP	Within 12 months
Updating Government procurement policy	Defra/DfT		Within 12 months
New emissions standards for non-road mobile machinery (NRMM)	DfT/BEIS	VCA	New emission standards mandatory for new engines being sold, the first tranche of categories from Jan 2019
New measures to tackle NOx emissions from Medium Combustion Plants (MCPs)	Defra		By end 2018
New measures to tackle NOx emissions from generators	Defra		By end 2018

#### Glossary for Table 1

Defra -	Department for Environment Food & Rural Affairs
DfT -	Department for Transport
VCA -	Vehicle Certification Agency
OLEV -	Office of Low Emission Vehicles
HMT -	Her Majesty's Treasury
Low CVP -	Low Carbon Vehicle Partnership
BEIS -	Department for Business, Energy and Industrial Strategy

2.5 The Government have posed 8 questions within the consultation document. The main thrust of the questions-set relates to whether or not people consider what the Government is doing and what they proposed to do is the best way forward to deal with the nitrogen dioxide problem as quickly as possible in terms of the methodology and the financing of the initiatives. The Government also seek any other useful suggestions that could be adopted to help combat the problem.

### 3. Policy framework implications

3.1 With the exception of proposed Clean Air Zones which in themselves are more targeted and applicable to larger urban areas the majority of measures within the consultation are already included within the RBC 2013 Air Quality Report and 2014 Action Plan approved by this Committee in June 2014 see <https://www.runnymede.gov.uk/CHttpHandler.ashx?id=5497&p=0>.

4. **Resource implications**

- 4.1 There are minimal resource implications for RBC at this stage. Should the consultation result in the Council having to implement any new measures e.g. a Clean Air Zone, this will be subject to a further report to Committee.

5. **Equality Implications**

- 5.1 There are no Equality Implications arising from this report.

6. **Conclusions**

- 6.1 This report brings to the attention of Members the Government's Draft UK Air Quality Plan for tackling nitrogen dioxide and Members are asked to note the contents of the plan. A further report on the outcome of the present consultation and any implications of the final Air Quality Plan will be brought back to Committee once the plan is finalised.

**(To resolve)**

**Background papers**

Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities May 2017 Defra consultation on the implementation of Clean Air Zones in England 2016 <https://consult.defra.gov.uk/airquality/implementation-of-cazs/> RBC 2013 Air Quality Report and 2014 Action Plan June 2014

9. **RECYCLING AND REFUSE SERVICES MEMBER WORKING GROUP (ENVIRONMENTAL SERVICES)**

**Synopsis of report:**

**To confirm the continuing arrangements for this Committee's specialist Member Working Group for the 2017/18 Municipal Year.**

**Recommendations:**

**The Committee is asked to –**

- i) Confirm the title, terms of reference, composition and frequency of meetings for the Municipal Year 2017/18 of the Recycling and Refuse Services Member Working Group.**
- ii) Subject to i) above, to then appoint Members of the Group.**

1. **Context of report**

- 1.1 From time to time the Council convenes small informal cross-party working groups of Members to consider specialist topics in greater detail than could be achieved in full Committee. The Group has no decision-making powers and is not subject to the same access to information or political balance requirements as Committees or Sub-Committees of the Council, (although in practice the membership has usually tended to broadly reflect the political composition of the Authority as a whole). Substitute Members have been permitted where necessary. (Where appropriate, this Committee receives recommendations from the Group).

2. **Report**

- 2.1 In recent years, the Committee has approved the continuing establishment of a Members' Working Group to monitor performance of the refuse/recycling collection

service, to monitor flytipping and to act as a conduit to raise public and Member concerns about these services and to advise the Environment and Sustainability Committee accordingly.

2.2 The following Terms of Reference are currently in place:

Scope: To advise the Environment and Sustainability Committee regarding:

- i) issues arising from monitoring of performance of the Council's recycling and refuse services;
- ii) flytipping
- iii) to act as a conduit for both Public and Members' concerns regarding i) and ii) above

Composition: Currently, the composition of the Working Group is 4 Conservative Members, ( one of whom is not a member of the Environment and Sustainability Committee) together with 2 Runnymede Independent Group Members. All Members of Council may attend meetings of this particular Working Group subject, however, to the prior agreement of the Chairman of the Environment and Sustainability Committee.

*NB. The Council's Constitution permits each Political Group, through its Leader, to appoint its Working Group representatives irrespective of whether such Members serve on the parent Committee, and the Leaders may also change the appointed members representing their groups from time to time.*

Frequency of Meetings: Currently ad-hoc and recently there has been a change from daytime to evening meetings

**(To resolve)**

**Background papers**

None

## 10. **APPOINTMENT OF REPRESENTATIVES - RIVER THAMES ALLIANCE**

**Synopsis of report:**

**To consider re-appointing two Members (a Member and Deputy representative) of the Environment and Sustainability Committee to serve on the River Thames Alliance (RTA) for the next year.**

**Recommendations:**

- i) To consider whether RBC should continue its membership of the RTA, and, if so,**
- ii) to appoint two representatives to the RTA to support the views of Runnymede Borough Council on matters appertaining to the River Thames.**

### 1 **Context of report**

1.1 The RTA was originally set up in June 2004 but reformed in 2013. It is a partnership of public and private sector organisations that help manage the non-tidal River

Thames and which co-ordinates plans to rejuvenate the River Thames through the Thames Waterways Plan.

- 1.2 The Plan provides the framework through which the Alliance aims to achieve its vision for the River Thames.

## 2. **Report**

- 2.1 The Environment Agency supports the RTA but no longer acts as its secretariat. It is supported by the Management Group with representatives from inter alia, the Environment Agency, River Thames Society, Reading Borough Council, West Berkshire District Council, South Oxfordshire Council and Vale of White Horse District Council, Surrey County Council, British Marine Federation Thames Valley, Mid-Thames Riparian Landowners, Community Sports and the Thames User Group (navigation).
- 2.2 The River Thames Alliance also has the support of the Environment, Food and Rural Affairs (DEFRA).
- 2.3 Flooding and illegal mooring are amongst the current issues affecting Runnymede Borough Council involving the River Thames. The latter is becoming prominent following Richmond Borough Council's approved byelaw in 2015 to prosecute owners of unlawfully moored boats on its land or managed land (this is now a criminal offence which could carry a substantial fine and/or prison sentence). Consequently, some boat owners ejected from downstream may well be inclined to moor unlawfully up-river. There has been one prominent case involving a 'floating hotel' which reached national media.
- 2.4 The RTA may prove a useful sounding-board for the Council on such matters. The Officers' view is that these issues are current and the small cost of £500 is worth the investment for at least a further year. Councillors Knight and Mrs Harnden represent this Council on the RTA as Member and deputy representative.
- 2.5 However, Officers believe that the decision to renew membership for one further year, or not should be based on Councillor Knight's recommendation to this Committee.

## 3. **Resource implications**

- 3.1 It is understood that the cost of annual membership will remain at £500, for which budgeting provision has been made.

## 4. **Conclusions**

- 4.1 The retiring Member is Councillor D J Knight, who has represented RBC over the last year and his guidance would be appreciated. Financial provision has been made in Estimates for this subscription.

**(To resolve)**

### **Background papers**

None

## 11. **EXCLUSION OF PRESS AND PUBLIC**

**OFFICERS' RECOMMENDATION that –**

the press and public be excluded from the meeting during discussion of reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would then be likely to involve disclosure of exempt information of the description specified in paragraph 3 of Schedule 12A of the Act.

(To resolve)

## **PART II**

### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

a)	<u>Exempt Information</u>	<u>Para</u>
12.	<b>FUTURE AGENCY AGREEMENTS</b>	3

b) Confidential Information

(No reports to be considered under this heading)

# Environment and Sustainability Committee

22 June 2017

## APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE NOS</u>
A	FOOD SERVICE PLAN	1-10

# **RUNNYMEDE BOROUGH COUNCIL**

## **ENVIRONMENTAL HEALTH SECTION,**

## **ENVIRONMENTAL SERVICES**

## **FOOD SERVICE PLAN - YEAR 2017/2018**



**Runnymede Borough Council  
Runnymede Civic Centre  
Station Road  
Addlestone  
Surrey KT15 2AH  
Telephone No.: 01932 838383**



## **FOOD SERVICE PLAN 2017/2018**

1. **SERVICE AIMS AND OBJECTIVES**

2. **BACKGROUND**

3. **SERVICE DELIVERY**

4. **RESOURCES**

5. **QUALITY ASSESSMENT**

6. **REVIEW**

# **FOOD SERVICE PLAN 2017/2018**

## **1. SERVICE AIMS AND OBJECTIVES**

### **1.1 Aims and Objectives**

- 1.1.1 To ensure that any food purchased and produced in the Borough of Runnymede is safe for consumption.
- 1.1.2 To meet statutory responsibilities in a cost effective and responsible manner in accordance with Food Standards Agency (FSA) and Local Government Regulation (LGR) and other centrally issued guidance.
- 1.1.3 To encourage best practice and publish advice on Food Hygiene Regulations to business and voluntary groups.
- 1.1.4 To carry out enforcement responsibilities as laid down in the Environmental Health Enforcement Policy, the Enforcement Concordat adopted by the Council for Environmental Health Services in November 1999 and the Regulators Code 2014.
- 1.1.5 To undertake discretionary duties in relation to Food Sampling and Food Safety Promotion.

### **1.2 Links to Corporate Objectives and Plans**

- 1.2.1 The Food Service Plan fits into the Authority's corporate planning process forming part of the Environmental Services Business Plan. The Council's Sustainable Community Strategy adopted in September 2012 has four key priorities for Runnymede:
  - A voice for Runnymede
  - An environment to be proud of
  - Healthy and vibrant communities
  - Revitalisation
- 1.2.2 The Food Service Plan is a key driver in achieving a Health and Vibrant Community. An effective food safety service contributes to the above priorities in protecting the health of its residents and visitors through the provision of safe food outlets, the prevention and detection of food borne illness and food poisoning and ensuring good businesses are not being disadvantaged by non-compliant traders.
- 1.2.3 Implementation of the National Food Hygiene Rating Scheme (FHRS) is a key performance indicator for the food service within the Environmental Service Business Centre Plan

## **2. BACKGROUND**

### **2.1 Profile of the Local Authority**

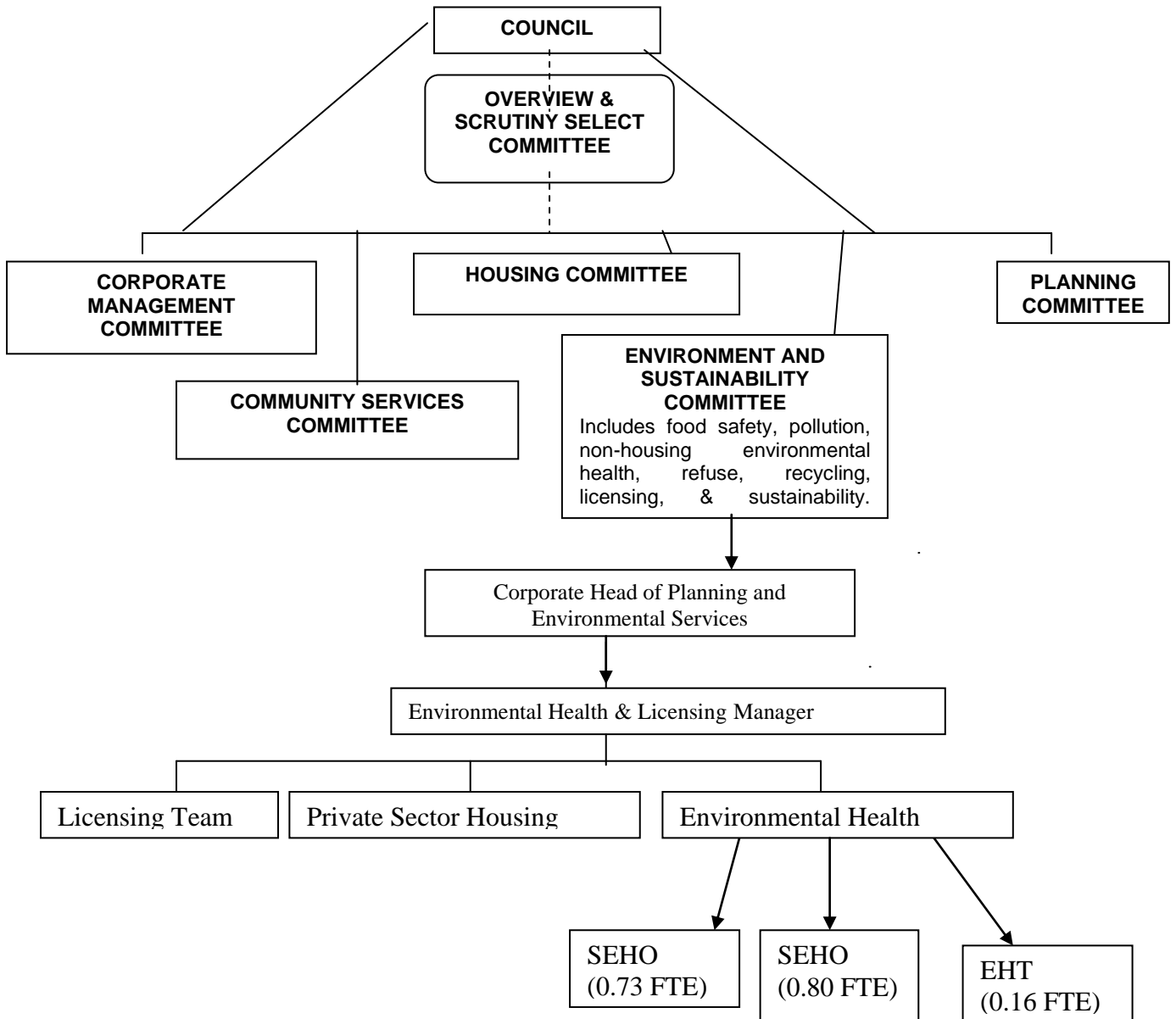
- 2.1.1 With a population of 80,510 (Office for National Statistics, Census 2011) the Borough of Runnymede covers 7,804 hectares in the north west of Surrey where it has a lengthy boundary formed by the rivers Thames and Wey. Within its boundaries, which reach from Windsor Great Park almost as far south as Woking, the Borough comprises a number of towns and villages, including in the north, the town of Egham and the residential areas of Virginia Water, Thorpe and Englefield Green. Further south is the town of Chertsey, the town of Addlestone and the villages of New Haw, Ottershaw and Woodham. Although it has a number of businesses Runnymede is basically a residential area bisected by the M25 running north-south and the M3 running east-west.

### **2.2 Organisational Structure.**

2.2.1 The organisational structure of the Council comprises the full council and 5 main service committees. Food safety issues fall under the terms of reference of the Environment and Sustainability Committee. The Corporate Head of Planning and Environmental Services (CHPES) and the Environmental Health and Licensing Manager (EH&LM) have delegated responsibility for food safety enforcement with service delivery undertaken by the authorised officers of the Environmental Health and Licensing Section.

2.2.2 The organisational structure of the Council and Environmental Services Business Centre is as follows:

**RUNNYMEDE BOROUGH COUNCIL – ORGANISATIONAL STRUCTURE**



SEHO Senior Environmental Health Officer  
 EHT Environmental Health Technician

- 2.2.3 Specialist services are provided by:
- (i) Public Analyst: Eurofins Scientific Ltd, 28-32 Brunel Road, Westway Estate, Action, London W3 7XR
  - (ii) Food Examiner: Health Protection Agency, Food Water & Microbiology Laboratory Porton, Porton Down, Salisbury, SP4 0JG
  - (iii) Kent, Surrey & Sussex Public Health England: Consultant in Communicable Disease Control County Hall North, Chart Way, Horsham, West Sussex, RH12 1XA

## 2.3 **Scope of the Food Service**

2.3.1 As a designated Food Authority the Council is responsible for the full range of duties under the Food Safety Act 1990, Including:

- the provision of advice to businesses and the public on food safety matters
- the investigation of complaints and requests for service relating to food safety matters
- food premises inspection
- food inspections
- investigations of food complaints
- responding to food safety incidents
- provision of training
- investigation of food related infectious diseases
- control of Imported foods

2.3.2 The Council has additional food related responsibilities under the European Communities Act 1972 in respect of Products of Animal Origin imports and exports and 2 officers from the Environmental Health are presently authorised to undertake this work.

2.3.3 Further service elements are provided at the discretion of the Council, e.g. health education, start up advice and water sampling. These discretionary services have a complementary and reinforcing role in the Council's overall objectives of protecting public health.

2.3.4 Enforcement of Food Standards and Animal Feeding Stuffs legislation is the responsibility of the Surrey County Council Trading Standards Department and is outside the scope of the service.

2.3.5 In addition to food safety, other environmental health functions are delivered alongside the food service. These include health and safety at work, infectious diseases, private water supplies, animal welfare licensing, pollution, contaminated land, environmental crime, health and safety and smoke-free enforcement responsibilities.

## 2.4 **Demands on the Food Service**

2.4.1 The majority of food premises in the area are predominately small to medium sized catering or retail businesses. The premises profile for the Authority as at 1 April 2017 was:

Type of Premises	Number
Primary Producers	6
Manufacturers & packers	4
Importers/Exporters	2
Distributors/Transporters	2
Retailers	142
Restaurant/Caterers	588
Total	744

Categorisation as per FSA LAEMS Return 2017

2.4.2 In addition there are:

- an international golf tournament held each year at Wentworth requiring the inspection of a number of visiting food outlets
- a large activity centre at Thorpe Park with in excess of 20 food outlets catering for up to 1½ million visitors a year
- a number of annual agricultural show/fairs e.g. Egham, Chertsey and the Black Cherry Fair.

2.4.3 The service is delivered through the Environmental Health and Licensing Section based at the Runnymede Civic Centre and the service is available from 8.30 a.m. to 5.00 p.m. Monday to Thursday and 8.30 a.m. to 4.30 p.m. on Friday (e-mail messages can be left outside normal work hours via the Council website). In the event of a major incident or an outbreak of food poisoning the Safer

Runnymede Centre holds contact details of Senior Officers who could be contacted in the event of an emergency.

- 2.4.4 A significant number of catering establishments are operated by people whose first language is not English. Where appropriate and feasible, documentation and information is provided in the business owners first language

## 2.5 **Enforcement Policy**

- 2.5.1 The council adopted the Central and Local Government Enforcement Concordat in regard to its Environmental Services Department in November 1999 expanding this adoption to all other Council enforcement services in 2001. Additionally the Environmental Services works to the current Environmental Health Enforcement Policy. All food safety enforcement decisions are made in consideration of the enforcement policy and any deviations from the policy will be documented. . Statutory action may only be taken with the agreement of the CHP&ES or EH&LM.

- 2.5.2 Copies of the Environmental Health Enforcement Policy are available on request and the Policy is made available on the Council's website.

- 2.5.3 As a follow-up to inspections carried out in 2016/2017 the Division undertook the following enforcement actions;

Action	2016/2017
Prosecutions taken	0
Simple cautions issued	3
Food Safety Act Notices issued	3
Written warning Food	70
Voluntary closures	3

## 3. **SERVICE DELIVERY**

### 3.1 **Food Premises Interventions (Inspections, audits, monitoring)**

- 3.1.1 It is the Council's policy to carry out programmed food hygiene interventions in accordance with the minimum inspection frequencies defined in the Food Safety Act Food Law Code of Practice issued March 2017. Priority will be given to inspections of higher risk premises and any product specific approved premises.

- 3.1.2 The current profile of premises by risk rating in Runnymede and the anticipated number of interventions/inspections to be undertaken during the year 2017/2018 is as follows:

Risk Category *	Number of Premises	Inspection Frequency	Number of Inspections Due 2017/2018
A	3	6 months	6
B	27	12 months	32
C	118	18 months	78
D	238	24 months	143
E	339	(AES) 36 months	116
Unrated	19		19
Total	744		394
Number of inspections outstanding from 2015/2016			12**
Estimated total number of inspections due 2017/2018			406

\*Risk categories are derived from the scoring system laid down in Annex 5 the FSA Food Law Code of Practice (England) October 2015. Scores being given for the type of food produced, size of the business, level of compliance with hygiene and structural requirements and extent of management control, the higher the score the higher the risk category.

\*\*The majority of these inspections relate to access problems and seasonal variations in trading hours.

In addition it is estimated that:

- 25 premises will require revisiting to check compliance following adverse reports after initial inspection
  - 20 new food premises will open and require inspection
  - 30 outdoor/temporary mobile food traders at show/fairs will be visited
  - 25 premises will request official re-visiting under the FHRS (27 official requests in 2016/17).
- Total 100

3.1.3 The authority endeavours to carry out 100% of the inspections due for 2017/2018. The service will continue to respond to any inspection priorities identified by the Food Standards Agency.

3.1.4 An Alternative Enforcement Strategy (AES) continues to be applied to some premises in the lower risk category C and the majority of the low risk premises in categories D and E.

## **3.2 Food Complaints**

3.2.1 The authority will investigate all food complaints or complaints relating to the hygiene of food premises in accordance with the relevant Food Safety Act Code of Practice, centrally issued guidance and its own Food Complaint Procedures. All food complaints involving an imminent risk to health will be responded to as soon as possible and all others within 3 working days.

3.2.2 Enforcement of food safety is undertaken in accordance with the Food Safety Act 1990 and associated legislation, Codes of Practice and in particular the LACORS "Guidance on Food Complaints" for Local Authorities Dealing with Food Complaints, Second Edition November 1988. Decisions shall be made in accordance with the Council's Environmental Health Enforcement Policy

3.2.3 The number of food complaints and complaints relating to food hygiene practices investigated in 2016/2017 was 108 up from 48 complaints investigated in the previous 2015/2016 period. It is estimated that a similar number of complaints will require investigation in 2017/2018.

## **3.3 Home Authority Principle/Primary Authority**

3.3.1 The authority endorses and supports both the LACORS Home Authority Principle, and the BDRO Primary Authority scheme which entail the local authority in whose area the decision making body of large or national food business are located to act as a lead and coordinating authority for other local authorities when dealing with such business to ensure consistency of advice and enforcement across the whole of that individual business undertakings.

## **3.4 Advice to Business**

3.4.1 The authority will work with food businesses to help them comply with the law. It is the Council's policy to provide advice to businesses including:

- providing on the spot advice during routine visits and inspections
- responding to queries
- advisory visits on request
- provision of advice relating to planning applications
- provision of free advisory leaflets and information sheets (including leaflets in other languages)
- targeted mail shots arising from legislative and policy changes
- the use of consultation mechanisms to seek comments on proposals and policy

3.4.2 The authority is an activate participant in the BDRO Better Business for All (BBfA) programme a partnership approach to better regulation whose purpose is to bring businesses and local regulators together to consider and change how local regulation is delivered and received. .

3.4.3 In 2016/2017 the department dealt with a total of 64 specific requests from food businesses and individuals for information requiring officer input on food safety matters in addition the service provided consultation on a number of planning applications in respect of food premises

## **3.5 Food Sampling**

3.5.1 The Authority recognises the important contribution sampling makes to the protection of public health and the food law enforcement functions of the Authority. The Authority will actively participate in:

- EU coordinated control programmes
- LGR/PHA voluntary coordinated sampling programmes
- Coordinated programmed surveillance sampling with other members of the Surrey Food Liaison Group

In addition, the Authority where necessary, and in accordance with its Food Sampling Policy, will submit samples for analysis or examination which arise from the investigation of food contamination and food poisoning incidents, as a result of inspection and/or complaint work. The number of informal food samples submitted for analysis/examination in 2016/2017 was 13 (Study 58 hygiene in catering premises). Only two national sample studies ran in 2016/17 no samples were submitted by RBC for the second study; Study 59: Sauces from catering premises.

- 3.5.2 For the year 2017/2018 it is intended that the following LGR /HPA studies will be undertaken.
- April to December 2017 : Study 60 Paan (Betel), Curry, Banana, Vine leaves
  - TBD – April 2018: Study 61 Topic presently being decided

This will result in approximately 20 samples being submitted for examination.

- 3.5.3 Unless otherwise directed as part of a nationally coordinated sampling programme, analysis and/or examination of all food samples is undertaken by one of the 'Official Food Control Laboratories in the UK' as indicated at 2.2.3.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease**

- 3.6.1 In the event of an outbreak of food poisoning the Authority follows the procedures set out in the Surrey Outbreak Control Plan and the Environmental Protection Division will act in conjunction with the Public Health England and if necessary, under the direction of the Consultant in Communicable Disease Control (CCDC).
- 3.6.2 There were no major food poisoning outbreaks reported in the Borough during 2016/17.
- 3.6.3 Notifications of food related infectious disease are investigated in accordance with the Environmental Protection Division Infectious Disease Procedures. In 2016/2017 the division received 87 individual food related infectious disease notifications, up from the previous year's figure of 69. It is estimated that a similar number of notifications will require investigation in 2017/2018.

### **3.7 Food Safety Alerts**

- 3.7.1 The Authority will on receipt of any food alert warnings issued by the Food Standards Agency respond as appropriate and in accordance with:
- The divisions documented procedure
  - Food Safety Act Food Law Code of Practice October 2015
  - Instructions issued by the FSA
- 3.7.2 Out of hours contact arrangements are in place whereby the Environmental Health and Licensing Manager can be contacted by the Food Standards Agency.
- 3.7.3 The resource implications are very much dependent on the category of any particular food alert warning. All work relating to food alert warnings is undertaken by officers of the authorised food officers. In the event of a large scale warning support staff would be utilised from other areas of the department.

### **3.8 Liaison with Other Organisations**

- 3.8.1 The authority has in place various arrangements to ensure that enforcement action taken in its area is consistent with those in neighbouring local authorities.
- A senior officer sits on the Surrey Food Safety Study Group.
  - A senior officer sits on the Surrey Food Liaison Group which includes Surrey County Council Trading Standards and representation from LGR.
  - Both of the above groups have professional representation from the Chartered Institute of Environmental Health (CIEH) the professional body for environmental health officers.

3.8.2 There is formal liaison with the Kent, Surrey & Sussex Public Health England Unit and the local water company in relation to public water supplies.

### **3.9 Food Safety Promotion**

3.9.1 The authority will aim to accommodate any request to run basic food hygiene courses during the course of the year (subject to minimum attendance numbers being available). Requests for in-house or one off company training courses will be met subject to staff availability. The service will continue to provide a range of suitable and relevant food safety promotion materials, publications and advice sheets on request and where required in other languages.

3.9.2 The service continues to operate the FSA's National Food Hygiene Rating Scheme (FHRS) across the Borough. As of the 31 March 2017, remains at 93% of premises included within the scheme had achieved ratings of 3 or above 1% below the target set in the Environmental Services Business Centre Plan for 2017. In addition the Authority in partnership with Surrey Trading Standards continues to support the Eat Out Eat Well scheme.

## **4. RESOURCES**

### **4.1 Financial Allocation**

4.1.1 The actual costs of the service for the year ending 31 March 2017 were

Expenditure	
Salaries	£95,600
Training and Recruitment	£1,873
Travelling and Subsistence	£5982
Furniture and Equipment	£355
General Office Expenses	£1,266
Communication and Computing	£1,686
Support Service Recharges	£34670
	-----
	£141,432
Income	
Costs recovered	£0
<b>Total</b>	<b>£141,432</b>

### **4.2 Staffing Allocation**

4.2.1 The 2017/2018 staffing allocation is presently 1.69 full time equivalents (FTE). Administrative support staff allocation (0.3 FTE) remains within the general Customer Services Section. The FTE is slightly higher than reported last year this is due to re-balancing of the FTE numbers by training up a non-food officer detailed in the 2016/2017 service plan.

### **4.3 Staff Development Plan**

4.3.1 The Council operates a staff appraisal scheme which includes an agreed Personal Development Programme for the forthcoming twelve months following any appraisal. Each year training needs are identified and may be provided in house or externally depending on the requirement. Environmental Health Officers are required to undertake 20 hours per year Continuous Professional Development. Under the statutory Food Law Code of Practice October 2015 there is a minimum requirement of 20 hours on-going CPD for officers specifically engaged in food related work. Records are kept of training undertaken and continuous professional development records are available for scrutiny by the professional body (CIEH) or for audit purposes.

4.3.2

## **5. QUALITY ASSESSMENT**

### **5.1 Quality Assessment**



- 5.1.1 Ranges of monitoring arrangements are in place to assess performance, particularly having regard to the number of premises due for inspection that are to be inspected during the year.
- 5.1.2 Officers are monitored by accompanied visits to assess conformance to standards and to ensure consistency of approach. Section meetings, routinely address consistency issues within the team.
- 5.1.3 The information is used by the FSA to assess the compliance of the authority in relation to the standards set out in of the FSA Framework Agreement on Local Authority Enforcement and in the compilation and publishing of enforcement information this provides a continuing assessment by which the Food Safety Service is measured.

## **6. REVIEW**

### **6.1 Review against the Service Plan 2016/2017**

- 6.1.1. The service has continued to provide a professional and quality service to both its external and internal customers. Overall the main food objectives of the Council's food service were met. The service completed 94% of its programmed inspections, had limited participation in the national food sampling surveys, regularly attended all the relevant liaison body meetings and generally met its internal performance targets across all food enforcement areas.
- 6.1.2. The FSA's National Food Rating Scheme has now been running within the Borough since April 2012. The scheme is well embedded within the food business community and use of the rating scheme via the FSA website by the general public continues to grow. 93% of Runnymede's eligible businesses under the scheme have ratings of 3 or above, the same level as that of the previous year.
- 6.1.3. The authority continued to provide a large volume of information and assistance to local business in publishing and helping food business operators successfully meet the requirements of the Food Information Regulations 2014.
- 6.1.4. The 94% figure for programmed inspections in 2016/2017 was up from 91% for the previous year. Access problems and the seasonal nature of some of the business being the main reason for the small number of inspections missing their inspection deadlines.

### **6.2 Variation from the Service Plan**

- 6.2.1 There were no significant variations from the from the service plan in 2016/2017.

### **6.3 Areas for Improvement**

- 6.3.1 The following improvements are planned for 2017/2018:

- Continue to update and implement any policies and procedures required to ensure the services compliance with the FSA Frame work Agreement.
- Continue to expand the amount of food safety information available to businesses and the general public on the Council's new website.
- Continue to promote the FSA FHRS across the Borough and seek to increase the number of eligible business achieving rating of at least 3 and over.
- Introduce charging on a cost recovery for re-inspection under the FHRS, presently carried free of charge.