

Environment and Sustainability Committee

Thursday 21 June 2018 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors Mrs G Warner (Chairman), D A Cotty (Vice-Chairman), R J Edis, T J F E Gracey, Mrs M T Harnden, D J Knight, M T Kusneraitis, Miss J K Sohi, N Wase-Rogers and M L Willingale.

In accordance with Standing Order 29.1, any Member of the Council may attend the meeting of this Committee, but may speak only with the permission of the Chairman of the Committee, if they are not a member of this Committee.

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 **Mrs C Holehouse, Democratic Services Section, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425628). (Email: carol.holehouse@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.

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
PART I

Page

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.	REPORT ON TRIAL ENFORCEMENT OF LITTER AND DOG CONTROL LEGISLATION	4
7.	ANIMAL WELFARE AND LICENSING	12
8.	FOOD SERVICE PLAN 2018/19	14
9.	LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES)	16
10.	RECYCLING AND REFUSE SERVICES MEMBER WORKING GROUP	20
11.	MEMBER WORKING GROUP ON REFUSE AND RECYCLING – MINUTES	21
12.	STANDING ORDER 42 – URGENT ACTION	21
13.	EXCLUSION OF PRESS AND PUBLIC	21

PART II

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

a) Exempt Information

14.	DSO REVIEW – PROGRESS REPORT	22
-----	------------------------------	----

(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 15 March 2018. The Minutes of this meeting were included in the April 2018 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 Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

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. **REPORT ON TRIAL ENFORCEMENT OF LITTER AND DOG CONTROL LEGISLATION (ENVIRONMENTAL SERVICES)**

Synopsis of report:

The purpose of this report is to inform Members of the outcome of the trial enforcement initiative covering the service of fixed penalty notices for litter and dog control legislation provided to the Council by Kingdom Environmental Protection Services (KEPS) and propose a number of possible options for the future.

Recommendation(s):

- 1. Members note the outcome of the trial.**
- 2. Delegated authority be given to the CDPES/EH&L Manager to tender the enforcement of fixed penalty notices for littering and dog control legislation for a minimum two year period (with flexibility to extend for further fixed periods).**

3. **The current arrangements with KEPS are extended until 31 Dec 2018 to maintain the present enforcement and deterrent capabilities whilst the recommended tender exercise is undertaken.**
4. **Contracts Standing Order 2.5 continued to be waived for the reasons set out in this report to facilitate the extension of the trial period up to the end of December 2018.**

1. **Context of report**

- 1.1 Members in March 2016 endorsed the extended use of Fixed Penalty Notices (FPN's) for tackling environmental crime including littering and dog fouling. Members then in January 2017 approved an active 12 month trial enforcement of FPN's by an external contractor Kingdom Environmental Protection Services (KEPS) to run from June 2017 to June 2018.
- 1.2 This report provides an 'end of trial' appraisal of the current activity, building on the information provided to Members in September 2017 including in this instance financial matters. The report recommends the continuance of litter and dog control (fouling) enforcement through the service of FPN's utilizing an external contractor into the future subject to an appropriate tendering process being carried out.

2. **Report**

- 2.1 In January 2017 Members approved a 12 month trial enforcement of littering and dog control legislation using FPN's by the external contractor Kingdom Environmental Protection Services (KEPS) to run from June 2017 to June 2018.
- 2.2 Following active publicising of the enforcement trial on the RBC website and across social media platforms in the first six months of 2017, KEPS working on behalf of the Council, commenced enforcement patrols in Runnymede on 7 June 2017. Working 'to a zero tolerance' approach KEPS, have issued a total of 1896 FPN's for litter or dog control offences up to the 31 March 2018 (the effective date for the purposes of this report). Under the current arrangements KEPS will continue to enforce littering and dog fouling legislation in Runnymede until the end of July 2018.
- 2.3 KEPS initially commenced the service with a total of 3 enforcement officers and a full-time administration officer although, the number of officers issuing FPN's throughout the trial period has varied from time to time dependent on available KEPS staff resources. Under the terms of the contract the Council required the contractor not to issue FPN's to persons under the age of 16 or suffering from mental health or other relevant medical conditions. No targets or quotas were set or imposed by the Council on KEPS or its individual officers. The decision to issue FPN's was left with KEPS, as was dealing with any subsequent representations made by the recipient of a FPN with the whole process overseen by the Environmental Health and Licensing Manager (EH&LM).
- 2.4 Residents or visitors suspected of dropping litter were issued with a FPN of £75 (this was raised to £100 on the 1 April 2018, reduced to £80 if paid within 10 days following a change in legislation). Those suspected of failing to clear up dog faeces were issued with a FPN of £100 reduced to £80 if paid within 10 days. In summary

enforcement activity by KEPS for the trial period 7 June 2017 – 31 March 2018 was as follows;

		Litter	Dog Fouling
1	No. of fixed penalties issued	1896	3
2	No. of fixed penalties w/o or cancelled	334	1
3	Total amount of fines collected up 31 March 2018 (Actuals)	£110,080	
4	Total fees paid to KEPS up to March 2018 (Actuals)	£86,118	
5	RBC staffing costs, office recharge, stationery and legal costs etc.	£20,705	
6	Surplus	£3,257	

A more detailed breakdown of enforcement activities including ward information, ethnicity and age profiles is attached at **Appendix A**

- 2.5 Of the total number of FPNs issued, payment was made in 80% of cases (1481) thereby discharging the offender's legal liability for the offence. 17% of FPNs (334) were written off for a variety of reasons e.g. incorrect address, mental illness or referred for prosecution with the remaining 3% of fines still outstanding. Of the 123 cases referred for prosecution (as of the 17 May 2018) 83 people have been successfully prosecuted within the Magistrates' Court and a further 14 are summoned to appear in court in November, other non-payers will be followed-up in due course.
- 2.6 KEPS responsibilities included the issuing of FPN's, administration letters, taking payments and dealing with representations. In addition, in cases where payment was not made or false or no suspected offender details, had been provided KEPS were required to provide the Council with sufficient evidence i.e. body camera video and officer statements to enable the Council to take appropriate follow up action through the courts. All follow up action arising from the 'enforcement trial' period was undertaken by Council Officers from within Environmental Health.

Matters of note from the trial

- 2.7 **Dog fouling:** The number of FPNs issued for dog fouling was disappointing but understandable given that the commission of the offence is fundamentally different from that of littering. Where as the littering offence is committed when litter is discarded, a dog fouling offence is only committed when the person in charge of the dog fails to subsequently clean up the mess. In areas where KEPS officers have patrolled at the request of Council officers, their visible presence has tended to result in owners cleaning up whilst the officer is on site. It is therefore likely that the number of FPN's for dog fouling will continue to be very low whilst the actual issue of dog fouling in areas of the Borough remains problematic.
- 2.8 **Litter:** It is clear that the majority of FPN's issued for littering have been for dropping cigarette butts and may be seen by some as targeting the smoking population. However, given both the advanced and continued publicity of the littering FPN's and subsequent court actions it is difficult to understand why many smokers still fail to appreciate that 'butts' are litter.

- 2.9 **Prosecutions:** At the outset of the trial the impression given by KEPS was that prosecution of non-payers was a fairly straight forward matter and something that the contractor appeared well practiced in. Standard prosecution packs were proposed and assurances given that most cases could be dealt with by the single justice procedure (SJP, one Magistrate sitting with many prosecution files utilising a PC terminal). The reality of the process has been far from that, since the SJP system currently does not operate in the Surrey courts and it is more down to the valuable oversight and assistance from RBC Legal Officers that RBC has been as successful as it has, in taking action against 83 littering offenders for non-payment of FPNs.
- 2.10 Members are made aware that whilst the court in dealing with matters has made compensation orders in favour of RBC and awarded costs in all cases, collection of compensation payments is a responsibility of the court. The Council will only receive these payments following payment to the court; in some cases payments may never be collected. In addition the costs requested by RBC of £75 per case are likely to increase in future court actions, with RBC looking to fully recover all Officer time involved in prosecutions, i.e. the costs of the subsequent Environmental Health investigations and not just those of legal services.
- 2.11 If enforcement is not to be undermined and public confidence is to be maintained the Council must be prepared to take appropriate action in all cases where false or no information is provided to KEPS officers. This is both essential in ensuring that people simply do not get out of paying, knowing that providing false information etc. will not be followed-up and moreover important to the people who do pay up to know that action is being pursued against those that don't. Such follow-up action is outside the scope of the current contract and this extra workload is presently done by Environmental Health staff and is not recharged or included in overall costs of the trial.
- 2.12 **Officer turnover:** Given the 'confrontational nature' of issuing FPNs direct to the individual, (unlike parking notices which are put on the vehicle etc.) there has been a steady turnover of KEPS staff throughout the trial period. However, KEPS have for the most part been able to deploy at least one officer on patrol for the duration of the trial. Given that the contractor only receives income from notices served, the number of officers on patrol and the number of notices served is of less consideration to RBC than it is a continuing problem for KEPS, other than not being able to maintain the visible officer deterrent. Officer turnover is however, a feature that RBC would have to consider if a similar service was provided in-house.
- 2.13 The KEPS administration officer role was found to be crucial in ensuring consistency and the smooth running of the FPN process. The individual provided by KEPS fulfilling that role ensured (through a lot of trial and error) that for the most part things got done and deadlines were met. It was noted that if that individual is away for any extended time the administration process suffers, particularly in relation to follow up enforcement action and dealing with representations. If and whether RBC undertakes wider FPN enforcement going forward, the importance of having the right person(s) in the 'administration role' cannot be over emphasized.
- 2.14 **Service complaints:** Other than representations made in respect of individual FPNs (of which there were many), complaints tended to be about how unfair the system was in that offenders should be given warnings or an opportunity to pick the litter up. Other representations referred to the lack of bins specific to the area of the offence (a point commented on by the Magistrates in court which resulted in a change to RBC witness statements to include the distance to the nearest bin at the time of the offence) or were related to ability to pay and requests for extended payment periods.

There were few formal complaints against either the service overall or the conduct of enforcement officers. Those that were made in relation to the conduct of the enforcement officers normally 'alleged inappropriate or aggressive behaviour' were, upon review of video footage recorded on the officer body worn cameras, unfounded. The vast majority of feedback about the trial from residents and Members has been very positive.

- 2.15 Concerns were raised from Police colleagues in relation to the number of calls made by Kingdom officers during the trial requesting police attendance in situations where offenders would not provide their names and addresses leading to frustrations from both sides. Ultimately the contractor was instructed not to call for police support unless there was a genuine physical threat or actual harm to the enforcement officer. During the trial period there were three separate assaults on Kingdom staff.
- 2.16 **Payment issues:** All payments were taken by KEPS using their accounting system via their website, their telephone payments system or through the 'P Point' pay network. For straight forward payments this caused little problem. Unfortunately, the accounting system proved somewhat in-flexible when it came to taking any additional payments such as 'administration costs' levied in regard to last minute payments by those summoned to court. Nor could parts of the system facilitate reduced penalty payments which resulted in RBC customer services being tasked to take payments in some cases. Whilst, problems have now been rectified a small amount of penalty charge was lost as a result of the original shortcomings in the contractors system.

3 **Gauging success**

- 3.1 There is no simple way by which the 'enforcement trial' can be measured from a success point of view – for example:
- the Council did not set any targets in respect of the number of FPNs to be served, on the contrary it was hoped that residents and visitors would heed the publicity about the trial and dispose of their litter in the appropriate manner. 1896 notices served and 83 prosecutions could be seen both as a success in bringing offenders to justice or a failure as in not being able to educate the general public not to litter.
 - engagement of KEPS to date has proved to be cost neutral to RBC as a result of the 80% payment rates. The trial has also provided valuable data on start up and running costs for future external or internal provision of such a service, both are seen as positive outcomes.
 - littering is still occurring throughout the Borough. For the period June 2017 to March 2018, 95 litter related complaints were recorded by the Council. These included both litter bins overflowing and litter in general on a road, street or pathway. There were very few complaints about litter in the High Street, Egham, Station Road, Addlestone or Guildford Road Chertsey the three areas in and around which the majority of FPN's were issued (also the areas where there are more litter bins). Again it is difficult to know exactly what impact if any the enforcement trial has had overall on the presence of litter in all parts of the Borough. An increase in reported incidents could be because more people are getting involved in tackling litter and reporting problems, rather than an actual increase in litter on the ground.
 - the small number of FPNs served in respect of dog fouling may appear disappointing but we have no way of knowing what if any effect the presence of visible KEPS officers has had in relation to dog walkers cleaning up after their dogs when KEPS officers were in the vicinity.

- is issuing FPN's for littering and dog fouling effective in the long term? Research carried out by Keep Britain Tidy in 2011 suggest that it is more effective in those receiving FPN's in the shorter term who would think again before re-offending. Similarly the same research found that people revert to their old ways in the absence of any enforcement or when they can consider they have a good chance of 'getting away with it'.
- prior to the commencement of the trial the Council neither enforced nor had any enforcement capability to deal with littering and dog fouling. There is no doubt that the trial, and its related publicity, significantly raised awareness amongst residents and visitors of the consequences of littering and dog fouling in Runnymede. The message that littering and dog fouling are environmental crimes and if prevented contribute to a more pleasant and healthier environment can only be seen as a positive outcome overall.

4 Moving forward

- 4.1 Officers believe that there is both Member and public support for maintaining an effective enforcement and deterrent capability to deal with littering and dog fouling problems within RBC if not, increasing, the resource to cover other environmental crimes such as fly posting, graffiti problems and littering from vehicles. Looking to the conclusion of the trial initiative, a number of options together with considerations were highlighted in a separate report to Members in January 2018 including; Doing nothing, extending the current trial, doing it in-house (resourcing enforcement) or pursuing collective working with a neighbouring authority. Added to these and informed by the results of the trial is the option to continue to provide an enforcement and deterrent capability via an external contractor for a further fixed (or extended) period of time subject to a full tendering process being undertaken, with the present provider and any other service provider invited to tender. Options are set out in the following paragraphs.
- 4.2 No further enforcement; To curtail enforcement at the end of the trial would undermine any good work thus far achieved in educating and deterring the public not to litter and clean up after their dogs and to the Council's reputation for being prepared to tackle these and other environmental or anti-social behaviour within the Borough. The experience gained by Officers would also be lost in consequence, the doing nothing option is easily dismissed.
- 4.3 Extending the trial; Extending the current trial beyond the present time frame has many advantages, however financial implications and governance would require the service be appropriately tendered and indefinite extensions cannot be justified.
- 4.4 Bring in-house; Providing the service in-house would require considerable additional resources to those already provided in managing the present contract and would need to be fully costed and resourced. If a service is to be self funded or cost neutral this would need to be through FPN income and this may only be achieved via 'target setting' in some form or other and would be contrary to Government's advice on having target based incentives for enforcement purposes. The trial enforcement initiative has also shown that staff turnover in what is a very confrontational role, is very high and may lead to on-going recruitment and retention problems. Longer term this is likely to be the most costly option to the Council.
- 4.5 Collective working with Woking Borough Council (WBC); WBC arrangements differ from the present RBC arrangements in that the KEPS supply officers to Woking for enforcement purposes for which Woking pay KEPS a fixed hourly rate. The aim of the service being cost neutral with service costs being offset via income from any

FPN's served with the full receipts going direct to Woking. Whilst there are potential staff resource savings from this option it is difficult to gauge effective enforcement and follow-up enforcement responsibilities for non-payers or those failing to provide details etc. In addition, resources for managing the contract as with the other options would still need to be resourced by RBC.

- 4.6 External provision; The report to this Committee on the 19 January 2017 detailed the case for external provision of littering and dog control enforcement and the advantages and disadvantages including financial implications. Other than some changes in clarification of contractor and local authority roles brought in since the trial began (dealing with representations and new legislation on littering from vehicles) the sound reasons for using an outside contractor have not changed and Officers would recommend this to be the best way forward for the Council based on the lessons gleaned from the trial period.
- 4.7 Should the Committee approve to continue to provide this service via an external contractor then it is also recommended that the present contract (i.e. the trial period) with KEPS be extended until 31 December 2018 in order to allow a full service specification to be drawn up (conscious of the matters of note from the trial detailed previously) and a comprehensive tendering process to take place. The outcome of that process to be reported back to this Committee once concluded.
- 4.8 Members are reminded that dog control matters and general anti-social behaviour issues fall under the Community Services Committee therefore the continued or future use of KEPS or any in-house enforcement work may require delegation, resourcing and/or approval from each of the committees going forward.

5. **Policy framework implications**

- 5.1 Enforcement of littering and dog fouling (dog control) offences contribute to the Council's corporate theme of improving the quality of local people's lives and its key priorities as set out in the RBC Corporate Business Plan 2016-2020 of improving and enhancing our environment by dealing with environmental crimes robustly and proactively.
- 5.2 FPNs are one of many enforcement mechanisms that are utilised within the RBC, Environmental Health and Licensing (EH&L) Enforcement Policy, which is designed to address a range of aspects of environmental crime and to help make RBC a cleaner, greener and safer environment to live, work and play. The Enforcement Policy is used to help to ensure that resources are focused on priority areas and problems and that an appropriate balance is struck between the use of FPNs and other existing enforcement tools.

6. **Legal implications**

- 6.1 Should matters not be dealt with via the FPN route the alleged offenders may be summarily prosecuted.

7 **Financial implications**

- 7.1 As with the enforcement trial there are financial implications for each of the considered options with the exception of the 'no further enforcement' scenario. Both bringing the service in-house and partnering with another local authority involve set up and on-going management financial provision up front and ultimately rely on FPN income to make up the difference. The provision of an external provider similar

to that of the enforcement trial whilst having some on-going management costs to the Council should be cost neutral based on a FPN collection rate of 50% being maintained.

- 7.2 The financial predictions made before the commencement of the trial about the numbers of FPNs served, payment rates and overall income made have turned out to be fairly accurate and have resulted in a cost neutral service to the Council. The financial implications detailed in the 19 January 2017 report for externalising the service remain applicable.

8 **Equality Implications**

- 8.1 There are no identified individuals, groups or communities other than the general public at large which may be impacted by the use of FPNs for littering. There are some individuals those registered as blind for example who are exempted from the enforcement provisions of dog control orders.

9 **Conclusions**

Overall the enforcement trial has been a success in providing an effective enforcement and deterrent to littering and dog fouling in the Borough. Payment rates of FPN penalties anticipated at the start of the trial have shown that the service provided by an external contractor could be operated cost neutral to the Council and the trial has provided valuable information to inform a full tendering process and specification for future service provision.

Members are asked to note the outcome of the trial and it is recommended that:

- 1) Delegated authority be given to the CEPES/EH&L Manager to tender the enforcement of fixed penalty notices for littering and dog control legislation for a minimum two year period (with flexibility to extend for further fixed periods);
- 2) The current arrangements with KEPS are extended until 31 Dec 2018 to maintain the present enforcement and deterrent capabilities whilst the recommended tender exercise is undertaken;and
- 3) Contracts Standing Order 2.5 be waived for the reasons set out in this report to facilitate the extension of the trial period up to the end of December 2018.

(To Resolve)

Interim Report Enforcement of Litter and Dog Control Legislation E&S committee 28 Sept 2017

Trial Enforcement of Litter and Dog Control Legislation in Runnymede Borough Council E&S committee 19 January 2017

7. ANIMAL WELFARE AND LICENSING (ENVIRONMENTAL SERVICES)

Synopsis of report:

To inform the Committee of the coming into force on the 1 October 2018 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Regulations bring a number of existing animal licensing regimes together under one broad set of regulations and introduce additional powers to suspend, vary or revoke licenses.

Recommendation(s):

Members note the scheduled date for the coming into force of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and;

- 1) Authorise the CDPEs and the EH&L Manager to authorise any person to act for the purpose of enforcing the Regulations in Runnymede.
- 2) Authorise the CDPEs and the EH&L Manager to issue any applicable notices and grant, suspend, vary, revoke or reinstate suspended licences under the regulations.

1. Context of report

1.1 In 2016 following a wide public consultation exercise, the Government signalled its intention to modernise the animal welfare registration and licensing schemes to improve and simplify the process with a view to harmonising a number of animal licensing schemes under one piece of legislation, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 comes into force on 1 October 2018.

2 Report

2.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 require persons in England involved in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition to be licensed for those purposes. The requirement to be licensed under the 2018 Regulations replaces the current requirements to be registered under the Performing of Animals (Regulations) Act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

2.2 The 2018 Regulations amongst other things sets out how a person may apply to the local authority for a licence and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations,

enforcement and administration. It allows licenses to be granted for periods of 1, 2 or 3 years (for individual business considered rated by the authority to be medium or low risk) and requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under the Regulations. It also makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.

- 2.3 In addition the Regulations set out the circumstances and procedures under which a licence may be suspended, varied or revoked and that a breach of a condition of a licence or the obstruction of any inspector appointed for the purposes of enforcing the Regulations is an offence, applies relevant post-conviction powers contained in the Animal Welfare Act 2006, as well as detailing the appeals procedures (to the First-tier tribunal) for appeals against licensing decisions of the local authority.
- 2.4 Each local authority must provide prescribed information to the Secretary of State including the number of licences in force and fees charged on an annual basis starting on 1 April 2019.

3 Policy framework implications

- 3.1 Any action required by the local authority in relation to issuing licenses or notices will be in line with the new Regulations, Secretary of State guidance and the prevailing Runnymede Borough Council (RBC), Environmental Health and Licensing (EH&L) Enforcement Policy.
- 3.2 The new Regulations allow for a transitional period for any existing licenses in place as of the 31 September 2018 (the day before the date that the 2018 regulations come into force) to continue in force for the remainder of their term (subject to the provisions of the Act it was granted under). No action will be taken against any persons holding such licences under the new Regulations until the expiry date of those licences or in the case of a person registered under the Performing Animals (Regulation) Act 1925 for a period of six months starting from 1 October 2018.

4 Resource implications

- 4.1 Currently all animal related registrations and licenses are issued on an annual basis to run from 1 January for a twelve month period. The new Regulations allow for licences to be issued for up to one, two or three year periods at any time during the calendar year, and for fees to be charged for consideration of applications, renewal or variations and the reasonable anticipated costs of the licence holders compliance with the licence conditions. In addition a fee for the reasonable anticipated costs of enforcement in relation to any licensable activity of unlicensed operators together with costs of making the annual return to the Secretary of State can be made.
- 4.2 So far in 2018 RBC has issued 26 animal related licences including 2 riding establishments, 3 pet shops, 4 dog breeders and 17 animal boarders (5 of which are as a direct result of the new legislation). The 2018 Regulations expand and clarify definitions of activities subject to the new licensing regime e.g. animal boarding now covers four distinct activities including providing home boarding for dogs and providing day care for dogs. Further, the number of breeding bitches kept by a person before licencing is required is reduced from 5 litters in any 12 month period down to three litters. These changes together with a requirement for anyone breeding dogs and advertising a business of selling dogs to be licenced are expected to result in a rise in new applications and licences issued by local authorities. For example the

Government estimates the number of dog breeders to be licensed will increase country wide from the present 650 to around 4950.

- 4.3 Existing Environmental Health staff resource dealing with animal licensing is 0.12 FTE. Whilst this resource may be sufficient to cope with the new licensing scheme once in place, existing resources may not be sufficient to deal with investigation work, following up complaints and enforcement work in policing illegal operators. A further report on staff resources will be brought back to the Committee once the full impact of the new regime is known.
- 4.4 Fees: Central Government have indicated that guidance on fee setting for the new licensing regime will be issued. In anticipation of this and mindful of the requirement to make an annual return of fees charged to Central Government for animal licensing RBC, along with the 10 other Surrey local authorities are currently engaged in work with a view to standardising fees across Surrey.

5 Legal Implications

- 5.1. The law is stated and the implications are dealt with in the body of the report

6 Equality Implications

- 6.1 The Regulations do not discriminate against any individual or particular group of people in Runnymede under protected characteristics as the requirements for licensing apply to all persons subject to the Animal Welfare and Licensing legislation. There are no Equality Implications arising from this report.

Conclusions

Members are asked to note the scheduled date for the coming into force of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and are asked to -

- 1) Authorise the CDPES and the EH&L Manager to authorise any person to act for the purpose of enforcing the Regulations in Runnymede; and
- 2) Authorise the CDPES and the EH&L Manager to issue any applicable notices and grant, suspend, vary, revoke or reinstate suspended licences under the Regulations.

(To Resolve)

Background papers

The Animal Welfare Act 2006

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

The Environmental Health & Licensing Enforcement Policy (Current edition April 2015)

8. FOOD SERVICE PLAN 2018/19 (ENVIRONMENTAL SERVICES)

Synopsis of report:

The purpose of this report is to seek Members approval of the proposed Food Service Plan for 2018/19

Recommendation(s):

The Food Service Plan for 2018/19 as attached at Appendix 'B' be recommended for approval by Full Council on 19 July 2018.

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) to recommend approval to ensure local transparency and accountability.

2. Report

- 2.1 The proposed Plan for 2018/19, attached at **Appendix B**, 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 achieving enhancing our environment and providing support to the business community priorities in the Council's Corporate Business Plan 2016-2020. 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

- 5.1 None

6. Conclusions

- 6.1 The Food Service Plan 2018/19, if Members are satisfied, will be submitted to Full Council on 19 July 2018 for formal approval.

(To Recommend)

Background papers

Food Safety Act 1990

FSA Food Law Code of Practice (England) March 2017

9. LITTERING FROM VEHICLES OUTSIDE LONDON (KEEPERS: CIVIL PENALTIES) REGULATIONS 2018 (ENVIRONMENTAL SERVICES)

Synopsis of report:

To inform the Committee of the coming into force of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 and the proposed 'Modification to the Code of Practice on Litter and Refuse: Guidance on effective enforcement' Consultation April 2018.

In addition, to seek Members approval in setting the fixed penalty fines payable to Runnymede Borough Council in respect of offences relating to littering from vehicles and appropriate officer delegations.

Recommendation(s):

- i) Members note the coming into force of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 and the proposed Modification to the Code of Practice on Litter and Refuse: Guidance on effective enforcement Consultation April 2018.**
- ii) Specify the amount of fixed penalties fines payable, early repayment fees and specified early repayment periods as detailed in paragraph 2.2.**
- iii) Authorise the CDPEs and the EH&L Manager to perform any of the litter authority functions conferred on RBC under these Regulations and to authorise employees of RBC and other persons, as "authorised officers" for the purposes of the Regulations.**

1. Context of report

- 1.1 The Government's Litter Strategy for England (subject of a separate report to this committee in June 2017) is based on three broad themes of education, enforcement and infrastructure. When launched in April 2017 the Government stated its intention both to bring into force legislation on littering from vehicles and fulfil a commitment to issue

stronger guidance to enforcement authorities on the use of enforcement powers in particular, Fixed Penalty Notices (FPNs).

- 1.2 The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 <https://www.legislation.gov.uk/ukdsi/2018/9780111163818/contents> provides for the former and the proposed Modification to the Code of Practice on Litter and Refuse. Guidance on effective enforcement will, subject to the outcome of consultation, fulfil the latter (the consultation ran from 10 April to 8 June 2018, with officers expecting little change to the guidance as issued). The matter is brought before the Committee at this stage, as the intended guidance has some knock on effects to the existing and future issuing of FPNs by the Council (including those issued through its current or future contractors).

2. Report

- 2.1 The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 make provision for a litter authority (a district council in England) to give a penalty notice to a person who is the keeper of a vehicle where the litter authority have reason to believe that a littering offence has been committed in respect of that vehicle on the authority's land i.e. the land in respect of which the litter authority is under a duty to keep clear of litter.
- 2.2 The penalty notice is a written notice requiring the person to pay the amount specified by the litter authority for the normal offence of dropping litter, in this case RBC have already set this penalty fee at £100. If this penalty is not paid in full within the period of 28 days beginning with the day when the penalty notice was given (unless subject to a representation or adjudication) the amount of the penalty increases to £200 with effect from the day after the 28 day period ran out.
- 2.3 The authority may make provision for treating the £100 penalty paid if a lesser amount is paid within a 14 day period of the penalty notice being issued, that lesser amount cannot be less than £50. In line with the £100 already specified by RBC for littering offences officers consider that the lesser amount of £80 be specified as the reduced amount if paid within 14 days which is in line with the 20% reduction applied to other environmental penalty charges set by this Committee.
- 2.4 The registered keeper of the vehicle is not liable to pay the penalty notice if a fixed penalty notice for littering under section 88 of the Environmental Protection Act 1990 is subsequently given to another person in respect of the same offence (or a prosecution under section 87 for the littering offence is brought against another person or the registered keeper). Further, if the registered keeper of the vehicle pays the penalty then no other person can be given a FPN or prosecuted for the same offence.
- 2.5 The Regulations detail how the written notice must be given and what information the notice must contain. Further, the Regulations provide exemptions for keepers of public service vehicles and licensed taxis etc. in that they are not liable to pay a fixed penalty in relation to any littering offence committed by a person who at the time of the offence was a passenger in the relevant vehicle.
- 2.6 Part 4 of the Regulations detail the procedures that RBC will have to carry out when a person makes representations against the issuing of a penalty notice, the rejection by the littering authority of a representation and any appeals to the 'adjudicator' (similar to the system that operates to parking fines). The Regulations prescribe time frames by which the authority must deal with a representation and for the handling of appeals to the adjudicator.
- 2.7 Modification to the Code of Practice on Litter and Refuse. The Code of Practice on Litter and Refuse issued in 2006 to which 'local authorities must have regard to' provided practical guidance to litter authorities on how to discharge the duties imposed on them under section 89 of the Environmental Protection Act 1990 in regard to keeping relevant land clear of litter and refuse, and on local authorities in respect of keeping clean those

public highways for which they are responsible
<https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse> .

- 2.8 At the time of this report, the Secretary of State for Environment, Food and Rural Affairs (Defra) will have finished a consultation aimed at modifying the 2006 guidance in light of the changes to the fixed penalty levels (increased in April 2018 for littering and other environmental crimes), and the new civil penalties for littering from vehicles as a result of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.
- 2.9 It is expected that the new guidance on 'Effective Enforcement' which will form a new section 1A to the 2006 Code of Practice will, if not already in place, be issued shortly. Whilst officers are confident that the present 'enforcement arrangements' between RBC and Kingdom Environmental Protection Service (KEPS) will comply with the updated code (as consulted on) there are a couple of crucial requirements that Members should be aware of with respect to enforcement issues going forward;
- Enforcing authorities may choose to offer recipients of penalty notices the option of paying in instalments if they cannot afford the full amount.
 - Enforcement authorities remain responsible for the whole enforcement process whether they contract out part of it or not and should not contract out the consideration of representations or challenges against penalties.
 - Where external contractors are used, the full text of such contracts/legal agreements should be placed in the public domain by the council – to provide additional scrutiny and reassurance that such contracts are not being used as a revenue raiser.
- 2.10 RBC's present arrangements in respect of FPN and penalty charges is that payment periods be extended in preference to 'payment by instalments' for example a £100 FPN for littering is required to be paid in full within 14 days however taking into consideration the reminder letters sent out before any action is considered the payment period is extended up to 28 days. Should RBC choose to offer instalment payments going forward, this may present its own problems in administration in both accepting and tracking payments together with potential default issues etc. That said, instalment payments could be considered on a case by case basis and any future enforcement service provider would be expected to facilitate such payments.
- 2.11 The consideration of representations in regard to the present enforcement trial is in the first instance undertaken by KEPS overseen by the Environmental Health and Licensing Manager who retains overall decision making responsibility. The Council will need to ensure similar governance arrangements are in place with an 'appropriately identified officer' in regard to any future external service provider.
- 2.12 The Government expects local authorities to be transparent about how they spend taxpayers' money and the services they deliver. The Local Government Transparency Code already requires that councils falling under the Code publish contracts over £5,000 and discourages the use of commercial confidentiality clauses to prevent such publication.

3. Policy framework implications

- 3.1 FPNs and penalty charge notices are one of many enforcement mechanisms that are utilised within the RBC, EH&L Enforcement Policy, which is designed to address a range of aspects of environmental crime and to help make RBC a cleaner, greener and safer environment to live, work and play. The Enforcement Policy is used to help to ensure that resources are focused on priority areas and problems and that an appropriate balance is struck between the use of FPNs and other existing enforcement tools.

4. Resource implications

- 4.1 Should RBC look to actively enforce the littering from vehicle provisions it is likely that additional staff resources would need to be provided. Whilst there is the option of expanding the scope of the current enforcement trial of littering and dog fouling undertaken by KEPS to cover littering from vehicles this contract is due to end on 31 July 2018 and hence it is not considered feasible to apply this option for such a limited period of time. Members are reminded that after the 31 July 2018 active enforcement of litter and dog fouling is due to cease.
- 4.2 In the event that the current trial be extended or the Council engage another external provider (subject to the appropriate tendering process) to enforce littering and dog fouling in the future then littering from vehicles enforcement could be included within the scope of that provision. Members are, however, made aware that as is the case with the present contractor KEPS, it is unlikely that external contractors would have access to the DVLA data to access 'keeper' details and this would need to be done by the local authority as would any process involving or related to the representation or adjudication process (possibly utilising RBC parking enforcement) and therefore would require proper resourcing.
- 4.3 With regard to providing the option of payment of FPN or penalty charges by instalments, Officers consider this to be an appropriate and acceptable option on a case by case basis although there is likely to be some additional costs if action is needed to follow up non-payments and formal action of both criminal and civil sanctions.

5. **Legal Implications**

- 5.1 Section 89(10) of the Environmental Protection Act 1990 stipulates that local authorities must have regard to the information contained in the Code of Practice on Litter and Refuse of which the proposed modifications on 'Effective Enforcement' forms part of.
- 5.2 The remaining law and implications are dealt with in the body of the report

6. **Equality Implications**

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

7 **Conclusions**

- 7.1 Members are asked to note the coming into force of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 and the proposed Modification to the Code of Practice on Litter and Refuse: Guidance on effective enforcement Consultation April 2018 and the Committee is asked to -
- 1) Specify the amount of fixed penalties fines payable, early repayment fees and specified early repayment periods as detailed in paragraph 2.2.
 - 2) Authorise the CDPEs and the EH&L Manager to perform any of the litter authority functions conferred on RBC under these Regulations and to authorise employees of RBC and other persons, as "authorised officers" for the purposes of the Regulations.

(To Resolve)

Background papers

Environmental Protection Act 1990

Litter Strategy for England HM Government April 2007

<https://www.gov.uk/government/consultations/reducing-litter-penalties-for-environmental-offences>

Modification to the Code of Practice on Litter and Refuse: Guidance on effective enforcement https://consult.defra.gov.uk/environment/reducing-litter-proportionate-enforcement/supporting_documents/Consultation%20%20Reducing%20litter
The Environmental Health Enforcement Policy (Current edition April 2015)

10. 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 2018/19 Municipal Year.

Recommendations:

The Committee is asked to –

- i) **Confirm the title, terms of reference, composition and frequency of meetings for the Municipal Year 2018/19 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, together with 2 Runnymede Independent Residents' 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: As required

(To resolve)

Background papers

None

11. MINUTES OF MEMBER WORKING GROUP ON RECYCLING AND REFUSE SERVICES – 5 APRIL 2018 (ENVIRONMENTAL SERVICES)

To note the Minutes of the meeting held on 5 April 2018 at **Appendix C**

(For Information)

Background papers

None

12. STANDING ORDER 42 - URGENT ACTION

Attached at **Appendix D** is the Standing Order 42 Urgent Action (No 903) agreed since the last meeting of Committee

(For Information)

Background papers

None

13. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that –

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would 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) Exempt Information

14. DSO REVIEW – PROGRESS REPORT

b) Confidential Information

(No reports to be considered under this heading)

ENVIRONMENT AND SUSTAINABILITY COMMITTEE

21 June 2018

APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE NO</u>
A	ENFORCEMENT ACTIVITIES ON LITTER AND DOG CONTROL LEGISLATION	1 – 3
B	FOOD SERVICE PLAN 2018/19	5 -13
C	MEMBER WORKING GROUP ON RECYCLING AND REFUSE SERVICES – MINUTES 5 APRIL 2018	14 – 15
D	URGENT ACTION UNDER STANDING ORDER 42	16 - 18

Appendix 'A'

Summary of FPN's issued by Kingdom 6 June 2017 - 31 March 2108		
Description	Count	Total
FPN ISSUED	<u>1896</u>	£0.00
FPN PAID (5 REFUND)	<u>1484</u>	£112,005.00
PAYMENT DUE	<u>92</u>	£0.00
REFUND PAYMENTS	<u>5</u>	£225.00
WRITTEN OFF (11 PAID)	<u>280</u>	£0.00
CANCELLED	<u>54</u>	£0.00
TOTAL:	3811	112230

FPN STATUS SUMMARY			
Description		Count	Total
FPN PAID	AUTO. TEL.	<u>446</u>	£33,575.00
	ONLINE	<u>752</u>	£56,530.00
	PAYPOINT	<u>239</u>	£18,000.00
	Telephone	<u>9</u>	£675.00
WRITTEN OFF	Cancelled FPN - Council	<u>2</u>	£0.00
	Case referred for prosecution	<u>123</u>	£0.00
	Incorrect address/person	<u>43</u>	£0.00
	Mental illness	<u>16</u>	£0.00
	Unable to pursue	<u>5</u>	£0.00
CANCELLED	Uneconomic to pursue	<u>1</u>	£0.00
	Age of offender	<u>26</u>	£0.00
	Incorrect Person or Address	<u>7</u>	£0.00
	Unwell	<u>1</u>	£0.00
	VOID Ticket	<u>9</u>	£0.00
TOTAL:		1679	£108,780.00

FPN PAYMENT SUMMARY							
Offence	Issued	Paid	Outstanding	W/O OR Cancelled	Early Paid (in 10 Days)	Paid On-Time (in 10 to 28 Days)	Paid Late
Cigarette	1811	1425	75	311	833	431	161
Food	11	9	1	1	4	4	1
Fouling	3	1	1	1	0	1	0
Other	12	6	1	5	1	4	1
Paan Spittin	1	0	0	1	0	0	0
Printed Lite	2	1	0	1	1	0	0
Spitting	56	39	3	14	21	15	3
Total:	1896	1481 -80%	81 -4%	334 -17%	860	455	166

AGE BINDING		
Age Binding	Age Binding Count	Percentage
15 and under	<u>2</u>	<u>0.11%</u>
16	<u>8</u>	<u>0.42%</u>
17	<u>11</u>	<u>0.58%</u>
18	<u>19</u>	<u>1.00%</u>
19	<u>40</u>	<u>2.11%</u>

20 - 29	457	24.10%
30 - 39	470	24.79%
40 - 49	348	18.35%
50 - 59	321	16.93%
60 - 69	118	6.22%
70 - 79	62	3.27%
Not known	40	2.11%
Total:	1896	
GENDER		
Gender	Gender Count	Percentage
Female	627	33.07%
Male	1269	66.93%
Total:	1896	
LOCATION AREA		
Area	Area Count	Percentage
Addlestone	977	51.53%
Chertsey	305	16.09%
Egham	510	26.90%
Englefield Green	28	1.48%
New Haw	6	0.32%
Thorpe	3	0.16%
Virginia Water	67	3.53%
Total:	1896	
OFFENCE TYPE		
Offence Type	Offence Type Count	Percentage
Dog Control-Fouling	3	0.16%
Litter Dep-Cigarette	1811	95.52%
Litter Dep-Food	11	0.58%
Litter Dep-Other	12	0.63%
Litter Dep-Paan Spittin	1	0.05%
Litter Dep-Printed Lite	2	0.11%
Litter Dep-Spitting	56	2.95%
Total:	1896	
ETHNICITY		
Ethnicity	Ethnicity Count	Percentage
Not known	5	0.26%
IC1 - White - North European	1564	82.49%
IC2 - White - South European	116	6.12%
IC3 - Black	38	2.00%
IC4 - Asian (India, Pakistan, Bangladesh, Napal)	109	5.75%
IC5 - Chinese, Japanese or other South East Asian	47	2.48%

IC6 - Arabic or North African	<u>13</u>	<u>0.69%</u>
IC9 - Unknown	<u>4</u>	<u>0.21%</u>
Total:	1896	
FPN ISSUED		
FPN	FPN Count	Percentage
FPN issued By Post	<u>375</u>	<u>19.78%</u>
FPN issued on the Spot	<u>1521</u>	<u>80.22%</u>
Total:	1896	

RUNNYMEDE BOROUGH COUNCIL

ENVIRONMENTAL HEALTH SECTION,

ENVIRONMENTAL SERVICES

FOOD SERVICE PLAN - YEAR 2018/2019



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

FOOD SERVICE PLAN 2018/2019

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 Corporate Business Plan 2016-2020 adopted has four key priorities for Runnymede:
 - Supporting Local People
 - Enhancing Our Environment
 - Improving Our Economy
 - Organisational Development
- 1.2.2 The Food Service Plan is a key driver in achieving enhancing our environment and providing support to the business 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 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.

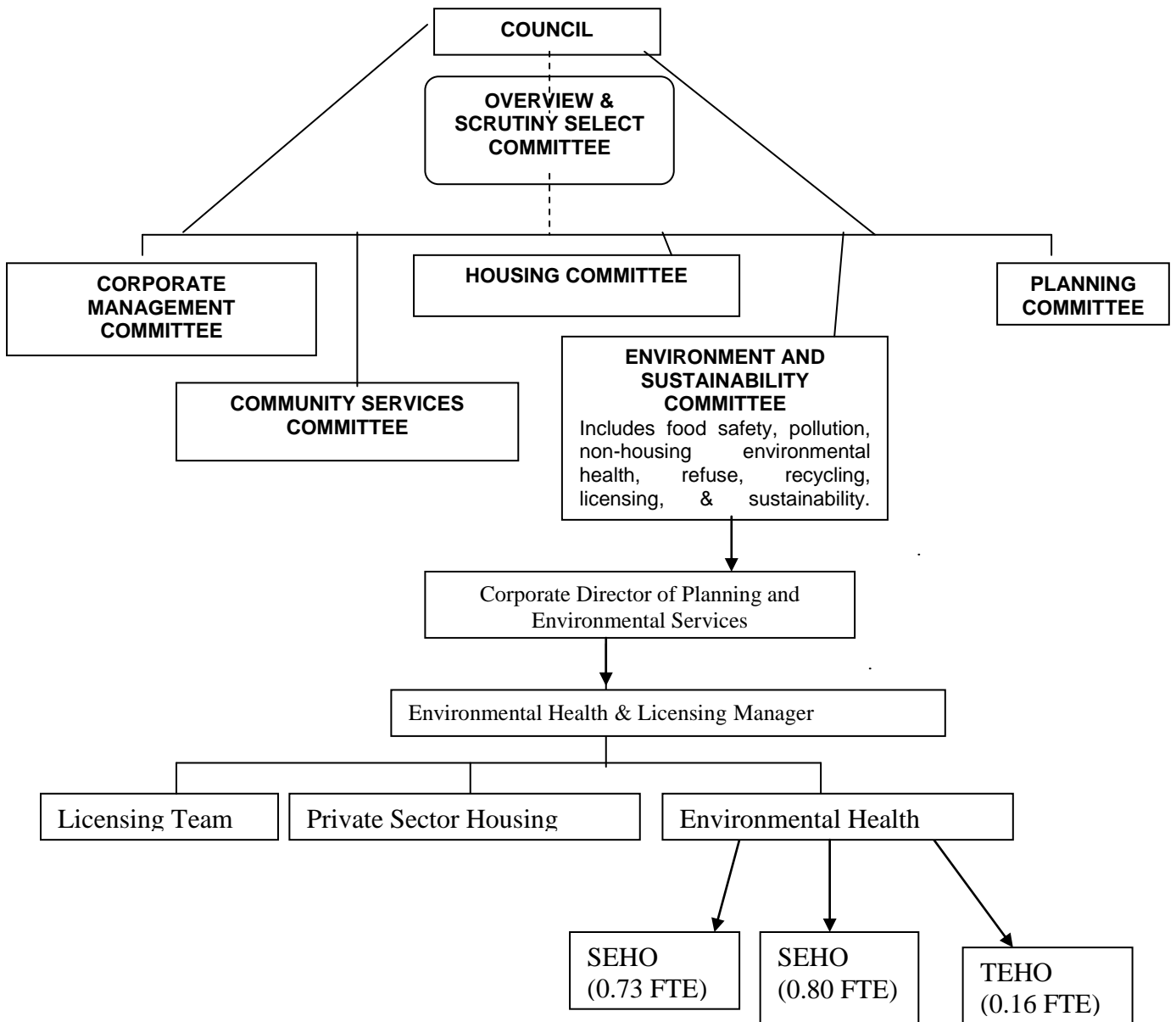
2.2 Organisational Structure

- 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 Director of Planning and Environmental Services (CDPES) 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
TEHO Trainee Environmental Health Officer

2.2.3 Specialist services are provided by:

- (i) Public Analyst: Eurofins Scientific Ltd, 28-32 Brunel Road, Westway Estate, Acton, 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 2018 was:

Type of Premises	Number
Primary Producers	5
Manufacturers & packers	3
Importers/Exporters	2
Distributors/Transporters	3
Retailers	148
Restaurant/Caterers	578
Total	739

Categorisation as per FSA LAEMS Return 2018

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 CHPES 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 2017/2018 the Division undertook the following enforcement actions;

Action	2017/2018
Prosecutions taken	1
Simple cautions issued	2
Food Safety Act Notices issued	4
Written warning Food	68
Voluntary closures	6

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 November 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 2018/2019 is as follows:

Risk Category *	Number of Premises	Inspection Frequency	Number of Inspections Due 2018/2019
A	4	6 months	8
B	38	12 months	36
C	119	18 months	85
D	243	24 months	116
E	331	(AES) 36 months	165
Unrated	20		21
Total	755		431
Number of inspections outstanding from 2017/2018			9***
Estimated total number of inspections due 2018/2019			440

*Risk categories are derived from the scoring system laid down in Annex 5 the FSA Food Law Code of Practice (England) November 2017. 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 difference in numbers is due to inspections carried out between the dates the LAEMs returns are made to the FSA and the dates the data is verified.

***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 2017/18).
- Total 100

3.1.3 The authority endeavours to carry out 100% of the inspections due for 2018/2019. 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 2017/2018 was 91 down from 108 complaints investigated in the previous 2016/2017 period. It is estimated that a similar number of complaints (approx. 90) will require investigation in 2018/2019.

3.3 Home Authority Principle/Primary Authority

3.3.1 The authority endorses and supports both the LACORS Home Authority Principle, and the Department for Business, Energy & Industrial Strategy (BEIS) Primary Authority scheme which entails 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 2017/2018 the department dealt with a total of 114 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. Four national sample studies ran in 2017/18 Study 60: Paan (Betel), Curry, Banana, Vine leaves, Study 61: Legionella and equipment hygiene in gyms and leisure centres, Study 62: Ready to eat (RET) chilled food Eastern European and Study 63: reactive study of ovens cooking meat joints. No samples were submitted by RBC for any of the studies due to staff involvement with a major food prosecution and other enforcement work or the study topic 61 being not relevant to RBC.

3.5.2 For the year 2018/2019 it is intended that the following LGR /HPA studies will be undertaken.

- April to October 2018 : Study 64 Pastry products
- TBD – April 2019: Study 65 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 2017/18.

3.6.3 Notifications of food related infectious disease are investigated in accordance with the Environmental Health Infectious Disease Procedures. In 2017/2018 the division received 104 individual food related infectious disease notifications, up from the previous year's figure of 87. It is estimated that a similar number of notifications will require investigation in 2018/2019.

3.7 Food Safety Alerts

3.7.1 The Authority will on receipt of any food alert warnings issued by the FSA respond as appropriate and in accordance with:

- The sections documented procedure
- Food Safety Act Food Law Code of Practice March 2017
- Instructions issued by the FSA

3.7.2 Out of hours contact arrangements are in place whereby the EH&LM can be contacted by the FSA.

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 Liaison Group which includes Buckinghamshire & Surrey County Council's Trading Standards and representation from LGR.
- The group has professional representation from the Chartered Institute of Environmental Health (CIEH) the professional body for environmental health officers and the FSA.

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 2018, was at 92% of premises included within the scheme had achieved ratings of 3 or above, 2% below the target set in the Environmental Services Business Centre Plan for 2018. In addition the Authority in partnership with Buckinghamshire & 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 2018 were**

Expenditure	
Salaries	£99,500
Training and Recruitment	£2,207
Travelling and Subsistence	£4,823
Furniture and Equipment	£387
General Office Expenses	£519
Communication and Computing	£1,677
Support Service Recharges	£38,760
Services and Expenses	£5,881

	£153,754
Income	
Costs recovered	£17,471
Total	£136,283

4.2 Staffing Allocation

4.2.1 The 2018/2019 staffing allocation is presently 1.69 full time equivalents (FTE). Administrative support staff allocation (0.3 FTE) remains within the general Customer Services Section.

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 March 2017 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.

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 may be 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 2017/2018

- 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 98% 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. 92% 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. A lot of officer time was taken up with the successful prosecution of a national food business operator for various food safety offences. At the time of hearing the record £140,000 fine handed down by the court was a reflection of the time and effort taken by officers in investigating and preparing the case for prosecution.
- 6.1.4. There is some disappointment in RBC not having actively participated in the national sampling study programmes mainly due to the aforementioned prosecution and/or the relevance of the case study to RBC.
- 6.1.5. The service was successful in introducing charging on a cost recovery basis for re-inspection under the FHRS, carrying out 27 such inspections up to April 2018.
- 6.1.6. The 98% figure for programmed inspections in 2017/2018 was up from 94% 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 service plan in 2017/2018.

6.3 Areas for Improvement

- 6.3.1 The following improvements are planned for 2018/2019:

- Review and update 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.
- Actively participate in the national sampling studies where appropriate to RBC premises.

Member Working Group on Recycling and Refuse Services

Held on 5 April 2018

2.00pm Members Room

Present:

Councillor Elaine Gill (EG) (Chair)
Councillor Gill Warner (GW)
Councillor Margaret Harnden (MH)
Councillor Jonathan Wilson (JW)

Dave Stedman (DS) - DSO Manager
Cathy Knubley (CS) – Assistant DSO Manager
Peter Burke (PB) – Environmental Health and Licensing Manager
Ian Maguire (IM) – Corporate Head of Planning and Environmental Services

C.C:

Councillor Pat Roberts (PR)
Councillor Iftikhar Chaudhri (IC)
Councillor Tom Gracey (TG)
Councillor Linda Gilham (LG)
Bernard Fleckney

DSO Review

There have been six meetings to review the activities of the DSO. A report summarizing the results of this review will go to CMC and E&S Committees in the near future.

The first meeting investigated the possibilities of joining the Joint Waste Solutions (JWS) super tender. This option is still being investigated and an indicative price sought.

The second meeting was looking at staff pay, in particular drivers rates. The DSO are struggling to attract HGV and 7.5t drivers due to the competition from surrounding businesses and as a result of this review pay rates have been increased and agreed. An advert is going out in the near future to recruit for vacant posts and an additional 2 spare drivers and loaders to reduce the need for agency staff.

The third meeting was reviewing the fleet requirements and a procurement procedure covering the next three years was agreed. Even if the Council decides to join JWS at some point, the Council would have to supply their own fleet so there is no reason to delay procurement. The vehicle maintenance contract was also extended by a further two years at very competitive rates.

The fourth meeting was surrounding improving street cleansing and environmental maintenance. The Borough is going to be split into three areas with dedicated street cleansing teams in each area. The improvements are dependent on additional funding being approved for new mechanical sweepers for each area. There has been a partnership agreement with Spelthorne for them to take over our grounds maintenance and this agreement has already started with good results.

The fifth meeting covered the pay issue again and the DSO staff structure.

Finally the sixth meeting included a presentation from Jackie Taylor on the subject of Joint Enforcement Team (JET) and Trade waste. A business case is currently being put together to look at improving trade waste income and will be discussed at the next MWG meeting in September. Communication and social media were also discussed for promoting trade and garden waste services.

Garden Waste

The renewal of garden waste services has gone reasonably well with only a few issues between Northgate (the payment system) and Bartec (the operational system).

Jon Pierce and Customer Services were recognized due to their hard work together with members of finance and IT.

JW did question where finance was with reintroducing direct debits back for garden waste subscriptions and IM agreed to ask for an explanation and update from Peter McKenzie.

Surrey Waste Partnership (SWP) Update

CK updated meeting with the current work being discussed regarding governance of SWP and proposed changes to move SWP and JWS to a more transparent format which would be open to the public and would allow each Borough to have a vote depending on the subject matter and budget ownership.

AOB

PB discussed the Kingdom trial was coming to an end in June. A full report to E&C will be going up in June with recommendations. During this trial period there were over 1000 notices served. Approximately 200 of these notices were written off for a variety of reasons. 27 people were prosecuted in March. This service has been provided at no cost to the Council and even made a very small surplus. This success has been publicized and it is recommended that this type of enforcement work is continued.

IM discussed JET is being looked at with some interest. Further progress will be shared with this group once available.

The Government is moving forward with plastic bottle recovery within shops and again further details will be discussed at this meeting when available.

EG asked if there was any promotional leaflets surrounding the message of sharing garden waste bins for those residents who have small gardens. CK checked with the recycling officer and unfortunately we have nothing to hand out but we will be looking at using social media to spread this message.

MH asked about recycling nappies. Protector and Gamble did a presentation to Members of SWP recently, however, whilst there was a lot of interest from Members in this matter, the figures at the present time to launch this service is not there and more work needs to be done to make this potential service viable.

GW reported flytipping in garages off Rowan Avenue. CK to check and clear.

Date of next meeting

6 September 2018
2pm
Members Room

903D

RUNNYMEDE BOROUGH COUNCIL

CONSULTATION WITH APPROPRIATE CHAIRMAN IN RESPECT OF URGENT ACTION
TAKEN UNDER STANDING ORDER 42

Appendix 'D'

TO: Councillor
Chairman of the Environment and Sustainability Committee

FROM: Peter Burke EH&L Manager

MY REFERENCE: Kingdom 18/01

DATE: 7 March 2018

1. Synopsis of report: To extend the present Environmental Enforcement trial of littering and dog control from its current end date of the 6 June 2018 up to and including the 31 July 2018.

The present trial period of 12 months was agreed by the committee at its meeting on 19 Jan 2017 for a 7 June 2017 commencement. The active enforcement period is therefore due to end on the 6 June 2018. Contracts Standing Order 2.5 was waived for the reasons as set out in the report,. This was in order to enable a wider review and assessment of litter and dog control issues to be undertaken to inform a full tendering process and specification.

Indications are that the trial having proved to be popular, successful and self-financing, officers are minded to recommend that the active enforcement of the legislation be continued on a permanent basis subject to the tendering process. Extension of the trial to the 31 July 2018 would allow for the submission of a report to the E&S committee on 21 June 2018, recommending the continuation of the trial period up the end December 2018 to facilitate continued enforcement of littering and dog fouling whilst the service is put out to tender. Should the Committee in June decline to authorise the further extension of the contract to allow for the tendering process then the proposed extension to July will allow for a reasonable period of notice for the cessation of the contract.

2. Reasons why this matter cannot wait for a Committee Decision:

The relevant E&S committee next sits after the expected end date of the present trial and therefore a decision in advance of that committee is required.

3. Recommendation

The extension of the present enforcement trial up to and including the 31 July 2018 be approved to allow a report be placed before the 21 June 2018 committee, recommending a further continuance up to the end of December 2018 and a tender of the service going forward. In addition Contracts Standing Order 2.5 be waived for the reasons as set out in the 19 Jan 2017 report to facilitate the extension of the trial period up to the end of June 2018.

4. Report

The present trial period of 12 months was agreed by the committee at its meeting on 19 Jan 2017. The active enforcement period is due to end on the 6 June 2018. Contracts Standing Order 2.5 was waived for the reasons as set out in the report, and, the Corporate Director of Planning and Environmental Services be authorised to agree terms for a contract for a 12 month trial period with Kingdom Environmental Protection Services in order to enable a wider review and assessment of litter and dog control issues to be undertaken to inform a full tendering process and specification.

Due to the current success of the service Officers are currently minded to recommend its permanent continuation, which will require a full tendering exercise which due to the scale of the contract is likely to take up to six months. Officers do not feel it appropriate to recommend the commencement of that tendering exercise at this stage, only part way through the trail. In June, once a full 12 month trail data has been collated Officers will be in a position to give Members an informed recommendation as to whether the service should continue and in what form.

The Environment and Sustainability Committee is due to meet on 21 June, ideally timed to consider the outcomes of the trail and give approval of how Members wish to take the service forward. However the current contract would cease on 6 June, resulting in a break in enforcement service for two weeks. The proposed extension to the contract to the end of July allows the service to continue under the current contract until that Committee meeting and, should the Committee be minded not to continue the contract, provide for a reasonable notice period to cease the contract.

The report to Committee in July, subject to Officer's consideration of the full pilot outcomes. would include a further extension up to the end of December to allow for the proper tendering processes to be completed.

6. Policy framework implications

The enforcement trial is one of the Key Projects under the Environmental Services Business Plan 2017/18 and is directly linked to the Councils Environmental Enforcement Policy and the Surrey Waste Partnership Enforcement Plan.

7. Financial and Resource implications

The financial implications for this trail were considered in the original committee approval of 19 January 2017. To date the assumptions in that recommendation; that the scheme would be entirely self-financing and likely to generate a small surplus, have proven correct. It is anticipated that this will remain true for the remainder of the trail and the proposed extension.

8. Legal implications

The legal implications, including the use of fixed penalty notices were considered in full by committee in January, and remain unchanged through the proposed extension period.

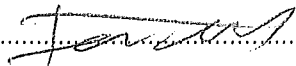
9. Equality implications

None

11. Background papers

Environment and Sustainability Committee 19 January 2017 – Trial Enforcement of Litter and Dog Control Legislation.

12. **Chief Officer(s) Decision**

Signature of authorised officer 

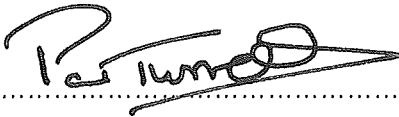
I have been consulted and am in agreement with the above

Signature(s) and position(s) of
other relevant Chief Officer, Corporate Heads or authorised representatives

.....

NB: this must include the Corporate Head of Resources or his authorised representative where the decision involves expenditure, loss of income, or future implications for budget or financial forecast.

13. **Chief Executive's Decision**

Signature of Chief Executive 

I have been consulted and am in agreement with the above

14. **Chairman's Comments**

I concur in the Chief Officer's decision

Signed 

Date 22nd March 2018.

I have the following further comments:

Please can I have some financial figures on the costs + surplus.

Further information may be obtained from Peter Burke on Ext. 5734

The completed copy is to be returned by the Councillor to the Corporate Head of Law and Governance (MLW) who will send a copy to the Chief Officer and report to the relevant Committee as necessary.