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Tuesday, 24 September 2019

To: The Members of the **Licensing Committee**  
(Councillors: David Mansfield (Chairman), David Lewis (Vice Chairman),  
Rodney Bates, Vivienne Chapman, Colin Dougan, Tim FitzGerald, Sharon Galliford,  
Ben Leach, Alan McClafferty, John Skipper, Pat Tedder, Helen Whitcroft and  
Valerie White)

**In accordance with the Substitute Protocol at Part 4 of the Constitution,  
Members who are unable to attend this meeting should give their apologies and  
arrange for one of the appointed substitutes, as listed below, to attend.  
Members should also inform their group leader of the arrangements made.**

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House on **Wednesday, 2 October 2019 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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## AGENDA

	<b>Pages</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes of the Last Meeting</b>	<b>3 - 6</b>
To confirm and sign the minutes of the meeting held on 26 June 2019.	
<b>3 Declarations of Interest</b>	
Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.	

<b>4</b>	<b>Food Safety Service Plan 2019-20</b>	<b>7 - 32</b>
<b>5</b>	<b>Health and Safety Service Plan</b>	<b>33 - 48</b>
<b>6</b>	<b>Licensing Sub Committee Minutes</b>	<b>49 - 56</b>
<b>7</b>	<b>Committee Work Programme</b>	<b>57 - 58</b>

**Minutes of a Meeting of the Licensing  
Committee held at Council Chamber,  
Surrey Heath House, Knoll Road,  
Camberley, GU15 3HD on 26 June 2019**

+ Cllr David Mansfield (Chairman)  
+ Cllr David Lewis (Vice Chairman)

+ Cllr Rodney Bates	+ Cllr Alan McClafferty
+ Cllr Vivienne Chapman	+ Cllr John Skipper
- Cllr Colin Dougan	+ Cllr Pat Tedder
- Cllr Tim FitzGerald	+ Cllr Helen Whitcroft
+ Cllr Sharon Galliford	+ Cllr Valerie White
+ Cllr Ben Leach	

+ Present

- Apologies for absence presented

Members in Attendance: Cllr Cliff Betton and Cllr Emma McGrath

**1/L Minutes of the Previous Meeting**

The minutes of the meeting held on 16 January 2019 were confirmed and signed by the Chairman.

**2/L Hackney Carriage and Private Hire Licensing- Driving Medical Assessments**

The Committee considered a report detailing a proposal to require Hackney Carriages and Private Hire drivers to notify the Council of specific medical conditions which may affect their fitness to drive.

The Local Government (Miscellaneous Provisions) Act 1976 set out the regulations surrounding the issuing of Hackney Carriage and Private Hire Driver Licences including making provision for licensing authorities to set additional local requirements on the grounds of public safety. In line with many other local authorities, Surrey Heath Borough Council implemented additional local conditions which now require all licensed drivers to undergo a medical examination upon application and then every 3 years subsequently, until the age of 65 and where examinations took place annually.

The Council currently required licensed drivers to obtain a DVLA Group 2 medical and DVLA guidance dictated that a driver of any class of vehicle would be fined and prosecuted if they did not tell the DVLA of a medical condition which affected their driving and were involved in an accident as a result. However any action, as per the DVLA guidance, against a taxi driver would only have the lower Group 1 standard, for any private car or motorcycle, applied and not the higher Group 2, Surrey Heath implemented, standard.

It was proposed that Surrey Heath driver conditions were amended to include a requirement that Hackney Carriage and Private Hire drivers would notify the

Council in writing should they develop a condition or receive treatment for a notifiable medical condition, as defined by the DVLA Group 2 Standard.

Members felt that the proposed guidance on when a licence holder must report their new medical condition was unclear. It was noted that, under some circumstances, a Licence holder may not be aware of a condition which they had developed and thereby it would be unreasonable to expect them to inform the Council in respect of the condition within its first 7 days. As a result it was agreed to amend the proposed medical standards document to reflect that drivers should only have to inform the Council of any new medical condition within 7 days of becoming aware of it.

**RESOLVED that the proposed revisions to the conditions for Hackney Carriage and Private Hire drivers as set out in paragraph 9 of the agenda report be adopted as amended.**

### **3/L Safeguarding Training for Hackney Carriage and Private Hire Drivers and Private Hire Operators**

The Committee received a report asking it to consider a requirement for Hackney Carriage and Private Hire Drivers to receive compulsory Safeguarding Adults and Child Sexual Exploitation (CSE) Training.

The government had placed responsibility upon local authorities, private hire operators and individual drivers to ensure that all licensed drivers were aware of the warning signs that could indicate a passenger was at risk of CSE. Free CSE training had been available for existing licensed drivers for nearly 4 years and free online training had been available for the last 12 months.

It was proposed that CSE training would be made mandatory for all Surrey Heath licensed Hackney Carriage and Private Hire Drivers and Operators in order to promote public safety and to ensure that such persons remain 'fit and proper' to fulfil their role. It was also proposed that all new applicants would undertake appropriate CSE training as part of the application process. Any existing drivers who had not completed CSE training by 31 October 2019 would have their licence suspended or revoked.

Following questions from Members, it was underlined that sharing economy car for hire services, such as Uber, which were licensed outside of the Borough, were not within the Council's control. However it was noted that all 11 Surrey Districts and Boroughs were committed to having all their drivers, operators and licensed holders CSE trained.

In addition it was noted that there were currently 32 Surrey Heath – licensed drivers which had not completed CSE training. Members were reassured that the CSE training- outstanding drivers would be contacted several times, via the methods of emails, phone calls and letters, before the suspension or revoking of licenses where necessary.

**RESOLVED that**

- 1. all persons who make an application to renew or be granted a Hackney Carriage and Private Hire Drivers licence must first receive compulsory safeguarding training, as defined by the Executive Head of Community, regarding Child Sexual Exploitation (CSE) with immediate effect and for licence conditions to be amended accordingly; and**
- 2. any existing Hackney Carriage and Private Hire Drivers who have not received safeguarding training, as defined by the Executive Head of Community, regarding Child Sexual Exploitation (CSE) by 31 October 2019 shall have their licence suspended or revoked.**

**4/L Licensing Sub Committee Minutes**

The Chairman signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

**5/L Licensing Act 2003 - Summary of Decisions**

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

Chairman

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## Food Safety Service Plan 2019/20

### Summary

The Food Standards Agency requires all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards are addressed and delivered locally. The Framework Agreement on Local Authority Food Law Enforcement which provides guidance on Food Safety Service Plans advises that they should be submitted to the relevant member forum for approval to ensure local transparency and accountability. This report presents the Food Safety Service Plan for 2019/20.

### Recommendation

The Licensing Committee is advised to resolve that the Food Safety Service Plan 2019/20 attached at Annex A to this report be approved.

#### 1. Resource Implications

- 1.1 There are no additional resource implications arising from this report.
- 1.2 The Council employs 2.20 FTE officers to enforce food safety in 636 food businesses.

#### 2. Key Issues

- 2.1 The Food Standards Agency requires all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards are addressed and delivered locally. The Framework Agreement on Local Authority Food Law Enforcement which provides guidance on Food Service Plans advises that they should be submitted to the relevant member forum for approval to ensure local transparency and accountability.
- 2.2 The draft Food Safety Service Plan 2019/20 is attached at Annex A.
- 2.3 The headlines are as follows:
  - a. The number of Food Businesses in the Borough which are “Broadly Compliant” with food hygiene law remains high at 95.4%. This figure is particularly good as there were 104 new businesses inspected over the course of the last year. Broadly compliant businesses are those which receive a rating of 3, 4 or 5 in the food hygiene rating scheme. The small percentage of 0,1 and 2 rated businesses are subject to written warnings, hygiene improvement notices or voluntary / emergency closure depending on the severity of non-compliance. The number of broadly compliant businesses can vary each year depending on the inspection cycle as some premises require inspection only once every 18 months and therefore are not inspected every inspection year. Also businesses open and close,

so the business profile and inspection programme can vary from year to year.

- b. Officers carried out 276 food safety interventions with 100% completed within the due date. All interventions completed were of the correct standard and quality.
- c. We continue to support our six Primary Authority Partnerships (PAPs) with Exclusive Hotels, the owners of Pennyhill Hotel & Spa, Krispy Kreme Ltd, Kerry Food Ltd, Manning Impex Ltd which is a food importer, Huel who provide nutritional / protein shakes and HFMA, Health Food Manufacturers Association. The PAP scheme entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a Local Authority (LA). Those businesses are expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs.

- 2.4 In 2019/20 the Council intends to build on the success of the Food Hygiene Rating System and maintain the proportion of food businesses which are “Broadly Compliant” with food hygiene laws to at or above 95%.

The number and percentage of broadly compliant food businesses has increased consistently since 2009/10. In 2009/10 87% of food businesses were broadly compliant. Officers have done a significant amount of work with the non-broadly compliant businesses to achieve these improvements. Over the next year focus will be on sustaining the improvements in the businesses and continuing to take action in non-compliant businesses.

- 2.5 We will continue to focus on conducting the first inspection at premises within 28 days of registering and conducting programmed interventions within 14 day before or after the due date target.
- 2.6 Officers continue to regulate food hygiene standards consistently and in accordance with the Council’s Enforcement Policy.
- 2.7 The food sampling and environmental swabbing programme will continue in 2019/20 and will include imported foods from third country of animal origin and non-animal origin.

### **3. Options**

- 3.1 The options are to approve or to amend the attached Food Safety Service Plan for 2019/20.

### **4. Proposals**



- 4.1 The proposal is for the Licensing Committee to approve the attached Food Safety Service Plan for 2019/20.

## **5. Supporting Information**

- 5.1 Further information on the requirement and contents of Food Safety Service Plans can be found at <http://www.food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf>.

## **6. Corporate Objectives And Key Priorities**

- 6.1 The food safety service helps meet the following Corporate Objectives in the Council's Five Year Strategy:

**Place** – continued focus on our vision to make Surrey Heath an even better place to live. Clean, green and safe. Where people enjoy and contribute to a high quality of life and a sustainable future.

**Prosperity** – to sustain and promote our local economy so people can work and do business across Surrey Heath, promoting an open for business approach that attracts investment and complements our place.

**People** – to build and encourage communities where people can live happily and healthily in an environment that the Community is proud to be part of.

**Performance** – to deliver effective and efficient services better and faster.

## **7. Legal Issues**

- 7.1 In the United Kingdom Food Safety Law is enforced by officers employed by local authorities and port health authorities who are collectively known as Food Authorities. The enforcement of food safety law is one of the Council's statutory functions.
- 7.2 The Central Competent Authority for the arrangement of food official controls is the Food Standards Agency. Statutory guidance on the way that official controls should be carried out is provided in the Food Law Code of Practice and this is supported by non-statutory guidance in the Food Law Practice Guidance. Further guidance is provided by the Food Standards Agency with respect to the delivery of official controls by food authorities in the Framework Agreement which also sets out the Agency's arrangements for food authorities.
- 7.3 The Food Standards Agency's power to monitor and audit local authorities is contained in the Food Standards Act 1999. The Food Standards Agency follow-up action to Agency audits will depend on the level and type of non-conformance identified and the action plan produced by the local authority. Follow-up arrangements by the Agency

will, in some circumstances, include re-visits to local authorities. Where these arrangements identify a local authority failing to implement all or part of their action plan, subsequent Agency action will be considered on a case by case basis.

## 8. Risk Management

- 8.1 Failure of the Authority to have an approved Food Law Enforcement Service Plan could result in criticism and even action by the Food Standards Agency and could have a detrimental effect on the reputation of the Council.

<b>Annexes</b>	Annex A – Food Safety Service Plan 2019/20
<b>Background Papers</b>	None
<b>Author/Contact Details</b>	Emma Bourne - Environmental Health Manager emma.bourne@surreyheath.gov.uk
<b>Head of Service</b>	Tim Pashen, Executive Head of Community

### Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	✓
Capital		
Human Resources		
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	✓
Policy Framework		
Legal	✓	✓
Governance		
Sustainability		
Risk Management	✓	✓
Equalities Impact Assessment	✓	✓
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

**FOOD SAFETY SERVICE PLAN 2019-20**  
**ENVIRONMENTAL HEALTH**  
**COMMUNITY SERVICES**  
**SURREY HEATH BOROUGH COUNCIL**

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### Section 1 – Service Aims and Objectives

#### 1.0 Aims and Objectives

1.1 The purpose of **Community Services is to build and encourage communities where people can live happily and healthily** in Surrey Heath. The food safety team significantly contribute to achieving this objective.

1.2 The overall aim of the food safety team is help ensure that food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the Borough is without risk to the health or safety of the consumer. This aspiration will be met by the appropriate and proportionate enforcement of food safety legislation, carrying out inspection of food and food premises, sampling and analysis of foodstuffs, the investigation of complaints regarding food and food premises, including cases of food poisoning, and the provision of advice to businesses and the public on legislative requirements and good food hygiene practice.

The objectives are:

- To discharge food safety inspection and enforcement responsibilities in accordance with the Environmental Health Enforcement Policy.
- To meet statutory responsibilities in a cost effective manner in accordance with guidance from the Food Standards Agency.
- To investigate complaints about food premises.
- To investigate suspected and confirmed cases of food poisoning.
- To implement national and local food and environmental sampling programmes.
- To provide advice and guidance to businesses on food safety.

#### 2.0 Links to corporate objectives and plans

2.1 The aims of the Food Safety Plan can be clearly linked to the overall aims and objectives of the Council.

#### 3.0 Annual Plan 2019/20

3.1 The Annual Plan sets out how the Council will deliver its objectives for 2019/20 as defined in its Five Year Strategy. Each objective breaks down into key priorities; key management projects and service specific milestones. The Council's Objectives and key priorities for 2019/20 are:

**Place** – continued focus on our vision to make Surrey Heath an even better place to live. Clean, green and safe. Where people enjoy and contribute to a high quality of life and a sustainable future.

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**Prosperity** – to sustain and promote our local economy so people can work and do business across Surrey Heath, promoting an open for business approach that attracts investment and complements our place.

**People** – to build and encourage communities where people can live happily and healthily in an environment that the Community is proud to be part of.

**Performance** – to deliver effective and efficient services better and faster.

The percentage of food premises achieving a 3 rating or above is an additional success measure specifically outlined in the Annual Plan as an indicator which focuses on matters of particular interest to residents.

### **4.0 Portfolio Holder Performance Meetings**

**4.1** The Executive Head of Community and the Community Portfolio Holder have meetings monthly to discuss progress with the targets set in the annual plan.

### **5.0 Licensing Committee**

**5.1** The Environmental Health Manager reports annually to the Licensing Committee on the food safety activities that have taken place over the last year and on the plans for the forthcoming year.

### **6.0 Annual Appraisals and Monthly one-to-one meetings**

**6.1** Targets from the annual plan are included as objectives in individual team member's annual appraisals and monitored throughout the year in one-to-one meetings.

### **7.0 Equality Scheme**

**7.1** The Council's Equality Scheme demonstrates its commitment to equality internally and externally and ensures that all sections of the community are given an opportunity to contribute to the wellbeing of the community. An equality impact assessment has been carried out on this Policy and Procedure.

**7.2** The Council ensures that consultation is representative of the community and that consideration is given on how to consult hard to reach groups and will positively learn from responses.

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### **Section 2 – Background**

#### **8.0 Profile of the Borough**

- 8.1** Surrey Heath covers 36.5 square miles in North West Surrey. It is an attractive mix of urban and rural environments and is one of the safest districts in the safest county in England. Surrey Heath shares boundaries with other Surrey authorities as well as those in Hampshire and Berkshire.
- 8.2** Much of the rural part of the Borough is within the green belt and includes extensive areas of heath and woodland and includes habitats for endangered bird species.
- 8.3** Surrey Heath has a population of 86,144 (Census 2011), and an ageing population which mirrors that of the country as a whole. Around 9.8% of the Borough's residents are from a range of ethnic minorities. Of the inflow of residents into Surrey Heath 23% are from overseas. The percentage of economically active disabled people in the Borough stands at 8.19%.
- 8.4** There are 33,546 households with an average occupancy of 2.52 people. 78% of homes are 'owner occupied', significantly higher than the national average, with 9% social housing and 12% privately rented.

#### **9.0 Organisational Structure**

- 9.1** Attached in Appendix 1 is a chart showing the organisational structure of the Environmental Health Department and Appendix 2 shows the Committee Structure.
- 9.2** The Lead Officer for Food Safety is:  
Nathita Fleet - Senior Environmental Health Officer.
- 9.3** Consultant in Communicable Disease Control (CCDC):  
(Duty CCDC) Kent, Surrey and Sussex, Public Health England (PHE).
- 9.4** Public Analyst:  
Hampshire Scientific Services.
- 9.5** Food Examiner:  
Food Water and Environmental Microbiology Network (Porton Down Laboratory).

#### **10.0 Scope of Food Service**

- 10.1** To fulfil statutory and implied obligations of the Authority in relation to food safety through:

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- The conduct of the programmed intervention, approval and registration schemes.
- The investigation of complaints relating to food items, premises or related illness, and food alerts.
- The promotion of understanding, appreciation for, and application of high standards of hygiene and safety in connection with food provision and consumption through various advice, information and education activities.
- The gathering and processing of information including the completion of official returns.
- The sampling of foodstuffs and application of imported food controls.
- The implementation of other orders, directions or duties as may be required or apply from time to time.

**10.2** The food safety service is delivered by the Environmental Health team located within Community Services.

**10.3** Responsibility for Food Standards enforcement including fertilizers, feeding stuffs, and Food Hygiene Standards for primary production, e.g. farms, rests with Surrey County Council Trading Standards department based at Redhill, with which there are established links.

**10.4** Formal liaison takes place at the quarterly meetings of the Surrey Food Liaison Group, or on an ad hoc basis. The Surrey Food Liaison Group meets quarterly and as well as Surrey Local Authorities, attendees include representatives from SCCTS, PHE and Porton Down Laboratory. Surrey Heath currently provide the Secretary role for this Group. Examples of liaison have included food alerts, food labelling, allergen issues and the Eat Out, Eat Well Scheme.

### **11.0 Demands on the Food service**

**11.1** The food safety service is based within the Environmental Health Team which covers all areas of Environmental Health except for private sector housing. The Environmental Health Team forms part of Community Services and is located at Surrey Heath House, Knoll Road, Camberley. The team can be accessed via the Council's Contact Centre during normal office hours. Individual officers can be contacted by direct dial or email.

**11.2** The public can also e-mail general food related service enquiries to [environmental.health@surreyheath.gov.uk](mailto:environmental.health@surreyheath.gov.uk). Information regarding the Service is also available on the Environment section of the Council's website.

**11.3** The Environmental Health Team provides a 24 hour, 365 days a year out of hours service which allows for dealing with emergency food poisoning outbreaks and contact with the PHE, if required.

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- 11.4** In Surrey Heath, as of the 1<sup>st</sup> April 2019, there were 636 food businesses subject to inspection. These range from national fast food restaurants to residential care homes and a hospital kitchen producing hundreds of meals daily to a sandwich café run by an independent trader. There are no specific local requirements associated with specialist or complex processes.
- 11.5** Separate regulations (Regulation (EC) 853/2004) lay down specific hygiene rules and approval requirements for businesses that conduct certain processes involving foods of animal origin. There are currently no approved premises operating in the Borough.
- 11.6** The majority of interventions are conducted during office hours however officers regularly carry out routine inspections in the evening when businesses are normally open.
- 11.7** The service continues to respond to requests for advice and guidance from persons who are interested in starting new food businesses, including those new food business operators who are taking over existing food businesses.

### 12.0 Enforcement Policy

- 12.1** All formal and informal enforcement actions taken against food businesses to comply with food hygiene legislation is in accordance with the Environmental Health Enforcement Policy.

## Section 3 – Service Delivery

This section provides details of how service will be delivered.

### 13.0 Food Premises Interventions

- 13.1** Food premises are inspected in accordance with the Food Law Code of Practice as published by the Food Standards Agency. The profile of Surrey Heath businesses as at 1<sup>st</sup> April 2019 is at Table 1, below:

**Table 1 – Profile of Food Businesses as at 1<sup>st</sup> April 2019**

Risk Category	Frequency of Inspection	Total
A	Every 6 months	0
B	Once a year	14
C	Every 18 months	95
D	Every 2 years	269
E	Alternative enforcement every 3 years – visit or self-assessment questionnaire	250



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- 13.2** School kitchens that are managed by Surrey Commercial Services come under an alternative intervention strategy agreed across all Local Authorities in Surrey. It was agreed in 2010 by the Surrey Food Liaison Group that as the majority of the schools that are managed by Surrey Commercial Services are broadly compliant they would be a suitable group for an alternative intervention. Schools received a full inspection and then the following visit is a monitoring visit where a defined set of areas are examined and documented. There are standard forms to complete to ensure a consistent approach.
- 13.3** Child minders are initially inspected when they register as a food business and in most circumstances then come under the alternative enforcement strategy for low risk businesses.
- 13.4** Most E rated businesses are sent a self-assessment questionnaire when they are due for an intervention except those included in the food hygiene rating scheme who are inspected to allow the business to be rated. The returned questionnaires are reviewed, then risk assessed by officers and followed up by an intervention if necessary.
- 13.5** The food inspections due in 2018/19 are listed in Table 2 below. Revisits are conducted in a number of premises each year and are targeted at premises with a significant risk, vulnerable groups and non-broadly compliant premises. The Council employs 2.20 FTE staff work in food hygiene enforcement this covers all areas of the service from interventions to sampling to advice to complaint investigation.

**Table 2 Food Inspections Due in 2019 / 2020**

Risk Category	Number of Inspections due
A	0
B	16
C	85
D	149
E	101
Total	351

- 13.6** The numbers above do not include new businesses registered during the year. The council has a statutory duty to inspect all newly registered food businesses within 28-days. In 2018/2019 the council inspected 104 new food businesses.
- 13.7** Currently 4 officers are authorised to approve premises that are subject to 853/2004. These regulations require that certain businesses who produce foods of animal origin require approval.

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### **14.0 Food Complaints**

- 14.1** The Council has a written policy for the investigation of all complaints about food or a food premises.
- 14.2** In 2018/19, 80 complaints were received from the public. Of these 49 related to food and 31 related to hygiene in premises. All complaints were investigated.
- 14.3** It is expected that a similar number of complaints will be received during 2019/20. It is not possible to estimate the resource required as the nature and type of investigation vary greatly on a case by case basis however during 2018/19 approximately 40 officer days were spent investigating complaints.

### **15.0 Primary Authority Partnership Scheme**

- 15.1** We participate in the Primary Authority Partnership Scheme (PAPS) as supported and regulated by the Office of Product Safety and Standards which is part of the Government department for Business, Energy and Industrial Strategy (BEIS). The PA Scheme entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a Local Authority (LA). Those businesses are expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs.
- 15.2** Officers contact Primary Authorities when investigating food complaints and if there are matters of policy and procedures following interventions. Officers have received training in Primary Authority and are aware of the legal framework of the scheme. For example Primary Authorities have to authorise the service of Hygiene Improvement Notices and Prosecutions and follow inspection plans if they have been produced. Where possible, officers attend Primary Authority Workshops which take place 3 times a year and provide a platform for networking and information sharing between SCCTS and the Partnership Surrey LA's.
- 15.3** All Officers have access to the Primary Authority Register and check the database for Primary Authority partnerships and relevant inspection plans.
- 15.4** The Council is Primary Authority to Krispy Kreme, Exclusive Hotels who own Pennyhill Park Hotel, Manning Impex, a food importer, Kerry Foods, who are large multi-national food manufacturer, Huel nutritional shakes and Health Food Manufacturers Association (HFMA). Activity includes meetings with representatives and providing advice and

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assistance to other Local Authorities who have queries following inspections and when investigating food complaints.

**15.5** Approximately 15 days per year is currently spent on this activity, where Surrey Heath can recharge the business.

### **16.0 Advice to Business**

**16.1** The service provides free advice to potential and existing food business operators via information on the website, verbal advice at premises and in the Council offices or on the telephone. In 2018/19, 53 food enquiries were received and responded to.

**16.2** Advice and guidance is given in a number of areas to help food business operators comply with food safety law. We encourage and facilitate meetings with food business operators prior to a premises opening also occur to help ensure that the design, layout and equipment complies with food safety legislation.

**16.3** In 2018/19 there were 5 visits to Food Businesses where officers provided advice and education.

**16.4** The service has a link to the three pub watch groups across the Borough and Surrey Chamber of Commerce.

### **17.0 Food Inspection and Sampling**

**17.1** The Council takes part in routine sampling and swabbing of food premises based on local intelligence and as part of county and national sampling programmes. Sampling and swabbing also takes place during food complaint and outbreak investigations.

**17.2** Samples for examination are submitted to the Public Health England laboratory in Porton Down. The laboratories currently hold UKAS accreditation for microbiological examination of food samples.

**17.3** Samples for analysis are submitted to, UKAS accredited, Hampshire Scientific Services located at Portsmouth. A courier service is employed to take these samples to the laboratory when required.

**17.4** During 2018/19, samples were collected from 22 food businesses. A total of 73 samples were taken for microbiological examination. The results showed that 16% of the samples were classified as unacceptable or unsatisfactory. Where possible samples are taken from food premises that are poorly compliant. All unacceptable/unsatisfactory results are followed up with advice by letter or visit. An estimated 20 days are allocated to this activity.

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**17.5** Public Health England provided Surrey Heath BC with a sampling credit allocation of £3,386 for 2019/20 and a courier service for delivering samples to the laboratory.

### **18.0 Control and Investigation of Outbreaks and Food Related Infectious Diseases**

**18.1** The Service works in partnership with Public Health England (PHE) to investigate cases of food poisoning and related illnesses. Our aim is to try to locate the source and ensure infection is contained.

**18.2** On receipt of a notification of a food poisoning case, a risk-based approach is adopted when carrying out investigations to decide whether further information is required. Officers aim to identify cases involving high-risk groups or occupations such as food handlers or children attending playgroups. Relevant statutory powers are used, where necessary, to exclude patients from work or playgroups, to prevent the spread of the disease within the community. In 2018/19 Surrey Heath was notified of 138 cases of infectious disease which Officers spent approximately 30 days investigating. In 2017/18, 153 cases were notified and a similar number are expected next year.

**18.3** Officers attend the Surrey Infection and Environmental Health Group, which include representatives from other Local Authorities, PHE and water utilities. There are three half day meetings a year which can take up to 3 days of officer time including travel and preparation. Officers attend meetings if there are matters of interest. The meetings allow officers to share best practice and changes to legislation plus discuss cases of interest and investigations that involve multiple Local Authorities.

### **19.0 Food Safety Incidents**

**19.1** The Service has a procedure for the implementation of the Food Law Code of Practice in respect of product withdrawal notices, product recall notices and food alerts for action.

**19.2** The Food Standards Agency regularly issue Food Alerts via RIAMS (FSA Smart Communications). Actions vary from circulation to staff for information, issuing press releases, to sending information to business or visiting premises and removing items from sale.

**19.3** The time taken to action food alerts varies on a case by case basis depending on the nature of the alert. In 2018/19 there were 126 reported incidents by the FSA and approximately 4 to 5 days of officer time. A similar number are expected during 2019/20.

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### **20.0 Liaison with Other Organisations**

**20.1** The Council takes steps to help ensure consistency of enforcement with other Food Authorities in Surrey.

**20.2** Actions to promote consistent enforcement, facilitate best practice, exchange information and coordinate activity are achieved through the following:

- Representation on the Surrey Food Liaison Group
- Representation on the Surrey Environmental Health Managers Group
- Representation on the Surrey Infection & Environmental Health Group
- Contact with the Consultant in Communicable Disease Control
- Contact with the FSA nationally and via the regional office representative office
- Contact with Surrey County Council Trading Standards
- Representation at Pub Watch Groups across the Borough when necessary
- Liaison and joint visits with the Fire Safety Officer from Surrey Fire and Rescue
- Liaison and joint visits with the Private Sector Housing team within the Authority regarding housing above food premises
- Notification and liaison with planning and building control within Council on applications
- Liaison with Licensing service within Council
- Liaison when necessary with the Approvals team at FSA, egg marketing inspectorate (DEFRA), plant and seed inspectorate (DEFRA)
- Liaison and referrals with the UK Border Agency on immigration
- Access to EHCnet, RIAMS, EHMS, FSA, LGR, CIEH, LBRO and other similar interest websites
- Notification from Veolia when commercial water supply is to be disconnected at businesses within the Borough.

**20.3** In order to maintain such necessary links some officer time is given to attendance at meetings and any support work or activity that results. An estimated 10 days are allocated to these activities.

### **21.0 Food Safety Promotion**

**21.1** Food safety promotion is a small area of work due to limited staff resources available. In 2018/19 our focus was on promotion of 5 rated food businesses. This led to a number of social media and press release publications. We also sent 5 rated businesses a promotional leaflet with their food hygiene rating sticker which was found to be a positive and successful exercise, warmly received by the food business operators.

**21.2** The Service participates in a Surrey County Council Trading Standards led initiative 'Eat Out, Eat Well' enabling customers to make healthier

## **ANNEX A**

choices when eating out. Officers refer businesses for the scheme and one officer has been on nutrition training and is able to assess applications. One officer represents the Environmental Health team at the quarterly meeting.

- 21.3** Advice to businesses is available on the website and at certain times of the year advice is provided on the website to consumers about food safety at home. For example barbecue safety and Christmas dinner cooking.

### **Section 4 – Resources**

#### **22.0 Financial Allocation**

2019/20

The total budget for the food safety service, including salaries, support services, equipment, etc. is £333,552.

#### **23.0 Staffing Allocation**

- 23.1** Currently there are 5 members of the team authorised and competent in food safety. The time dedicated by officers in the area of food safety equates to 2.20 FTE. In addition there is 0.2 FTE available in administration. The Council also has a contact centre which receives all the initial telephone calls, emails and other correspondence for the service. The current resource allocation is adequate to deliver the Council's statutory food service for 2019/20.

- 23.2** All officers are authorised to inspect all categories of food businesses as well being authorised to serve hygiene improvement notices. However, where there is imminent risk of safety four officers are authorised to serve hygiene emergency prohibition notices.

- 23.3** All food officers are authorised to investigate complaints, enter premises and take samples.

- 23.4** The Environmental Health Manager is responsible for assessing the quality of inspections and monitoring competency through the monitoring policy and recommending levels of authorisation to the Executive Head of Community in line with the authorisation policy.

#### **24.0 Staff Development Plan**

- 24.1** All officers receive annual appraisals which highlight the specific development training and training needs of each officer. The Environmental Health Manager monitors to ensure that the training and

## **ANNEX A**

development needs are completed during the six month appraisal review and monthly one to one meetings.

- 24.2** The training and development of staff is achieved through attending training courses, on-line training, information updates in monthly team meetings and mentoring. The Lead Food Officer maintains a training log for all officers and ensures that they achieve the required 10 hours a year CPD in food safety.
- 24.3** The monitoring policy ensures that all officers are following the intervention policy and enforcement policy.
- 24.4** Corporate training is also provided for general subjects such as IT skills, health and safety, and customer skills.
- 24.5** EHOs are encouraged to become Chartered Members of the CIEH, in order to demonstrate competence and professional accreditation.

### **Section 5 – Quality Assessment**

#### **25.0 Quality Assessment**

- 25.1** The Authority was subject to a Food Standards Agency audit in June 2015. The audit covered:
- service planning
  - documented policies and procedures for incidents and alerts
  - qualifications, training and authorisation of officers
  - interventions
  - enforcement
  - internal monitoring
- 25.2** The Food Standards Agency was generally happy with the findings of the audit and made very few recommendations to improve the service. These have now been implemented, and the audit signed off by the FSA as completed.
- 25.3** An internal audit of food service was carried out in 2017/18 which covered food premises registration, inspections and complaint investigations. 4 minor recommendations were made which have already been achieved.
- 25.4** The food premises database used to record all activities in food enforcement is regularly updated and systems are in place to check data to ensure that is correct. A number of reports can be produced electronically to regularly monitor actions in relation to interventions, complaints, queries and enforcement action.

## **ANNEX A**

- 25.4** The EH Manager monitors activity in food safety and reports activity to the Executive Head of Community, the Community Services Scrutiny Committee and annually to the FSA via the LAEMS report.
- 25.5** There is the ability for Surrey Local Authorities to exchange statistics annually to benchmark food safety resources and activities and these statistics are discussed at the Surrey Food Study Group and Surrey Environmental Health Manager's Group. There are also national and regional data.
- 25.6** There is an authorisation and monitoring procedure in place to ensure consistency and staff competency.
- 25.7** Newly qualified officers, students training and officers who are returning to work in food safety undergo a monitoring procedure which is supervised by the Environmental Health Manager.
- 25.8** The EH Manager is responsible for the implementation of an Authorisation Policy and Monitoring of Interventions Policy which ensures that officers are only authorised for tasks that they have the necessary qualifications and experience to perform.
- 25.9** Staff performance is monitored in monthly one-to-one meetings when current work load is discussed and case management. Also, monitoring inspections are carried out by the Lead Food Officer quarterly, while food complaint and infectious disease investigations are monitored every 6 months.
- 25.10** Satisfaction of businesses with local authority regulatory services is monitored on a quarterly basis. The results are monitored by the Environmental Health Manager and any negative feedback is investigated.

## **Section 6 – Review of 2018 / 2019**

### **26.0 Review of Performance**

- 26.1** Performance for 201/19 has been monitored by the Executive Head of Community, the Community Portfolio Holder and the Licensing Committee. In 2018/19 the team completed 401 interventions which included 276 food hygiene inspections/audits and the remainder were food hygiene revisits, sampling and advisory visits. 291 Warning notices and letters were issued to businesses and 14 Hygiene Improvement Notices were served. There were 2 voluntary closures of food businesses. In total there were 80 complaints during the year; 31 complaints were regarding hygiene in premises and 49 were concerning a specific food product.



## **ANNEX A**

- 26.2** The proportion of food businesses broadly compliant with food hygiene laws as at 31<sup>st</sup> March 2019 was 95.4%.

There has been a steady increase (9% in total) in the proportion of broadly compliant businesses from 2010 when there were 87% broadly compliant food businesses in the Borough. Broadly compliant businesses are those which receive a rating of 3, 4 or 5 in the national food hygiene rating scheme. The small percentage of 0, 1 and 2 rated businesses are subject to written warnings, hygiene improvement notices or voluntary / emergency closure depending on the severity of non-compliance. In 2018/19 7 applications for re-inspection were received from businesses requesting a further inspection following an inspection rating of 0 – 4. In each case the business achieved an improved food hygiene rating. The number of broadly compliant businesses can vary each year depending on the inspection cycle as some premises require inspection only once every 18 months and are therefore not inspected every inspection year. Also businesses open and close, so the business profile and inspection programme varies from year to year.

- 26.3** All food businesses should be inspected no later than 28 days after the due date. During 2018/19 there was a 100% compliance with this target.

### **27.0 Identification of any Variation from the Service Plan**

- 27.1** The number of interventions due and completed is 100%, which is the position the Local Authority aspires to be.

- 27.2** Procedures are provided by RIAMS which we have subscribed to for the next 3 years. RIAMS provide a wealth of policy and procedures, as well as guidance notes and technical information which can be adapted to reflect the policy and procedures at Surrey Heath. Documentation is automatically updated and version controlled so that officers always have access to the most up to date information and legal references.

### **28.0 Areas of Improvement**

- 28.1** We will continue to focus on conducting the first inspection at premises within 28 days of registering and conducting programmed interventions within 14 days before or after the due date target. Agency staff will be appointed to complete the outstanding inspections, where necessary.
- 28.2** We will continue to maintain and if possible increase the number of broadly compliant premises from 95.4%

## **ANNEX A**

### **Section 7 - Plan for 2019/20**

#### **29.0 Interventions**

**29.1** All inspections will be carried out within 28 days after the due date as stipulated in the Food Law Code of Practice. Priority will be given to High Risk A and B category food businesses.

**29.2** Agency staff will be appointed to aid us if targets are likely to be missed.

#### **30.0 Non- Broadly Compliant**

**30.1** The aim will be to maintain and if possible increase the proportion of broadly compliant food businesses at 95.4% which is well above the national average.

**30.2** The Food Hygiene Rating Scheme is a motivation for some businesses to maintain or improve food hygiene standards however more intervention is required in other businesses. During 2018/19 Environmental Health focused on improving the standards in non-broadly compliant premises in an attempt to move them into the broadly compliant category. Increased interventions and the use of informal and formal methods will continue to be used in 2019/20.

#### **31.0 Review of Procedures and Implement**

**31.1** The food service procedures are now provided via RIAMS and as such are automatically updated in line with any legislation or guidance changes. Staff training is provided in accordance with CPD requirements to help ensure that they are fully implemented.

#### **32.0 Eat Out Eat Well**

**32.1** Surrey Trading Standards is the lead agency of the Eat Out Eat Well scheme and Borough Councils are a partner agency. Officers promote broadly compliant businesses to apply for the award where possible and applicable.

#### **33.0 Sampling and swabbing**

**33.1** The sampling and environmental swabbing programme will continue in 2018/19 and will include foods of animal origin or non-animal origin and hand / food contact surfaces within food businesses. It is intended that we take part in the national sampling protocol as consulted on and agreed by the Surrey Food Study Group.

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### **34.0 Officer Competency and Consistency Training**

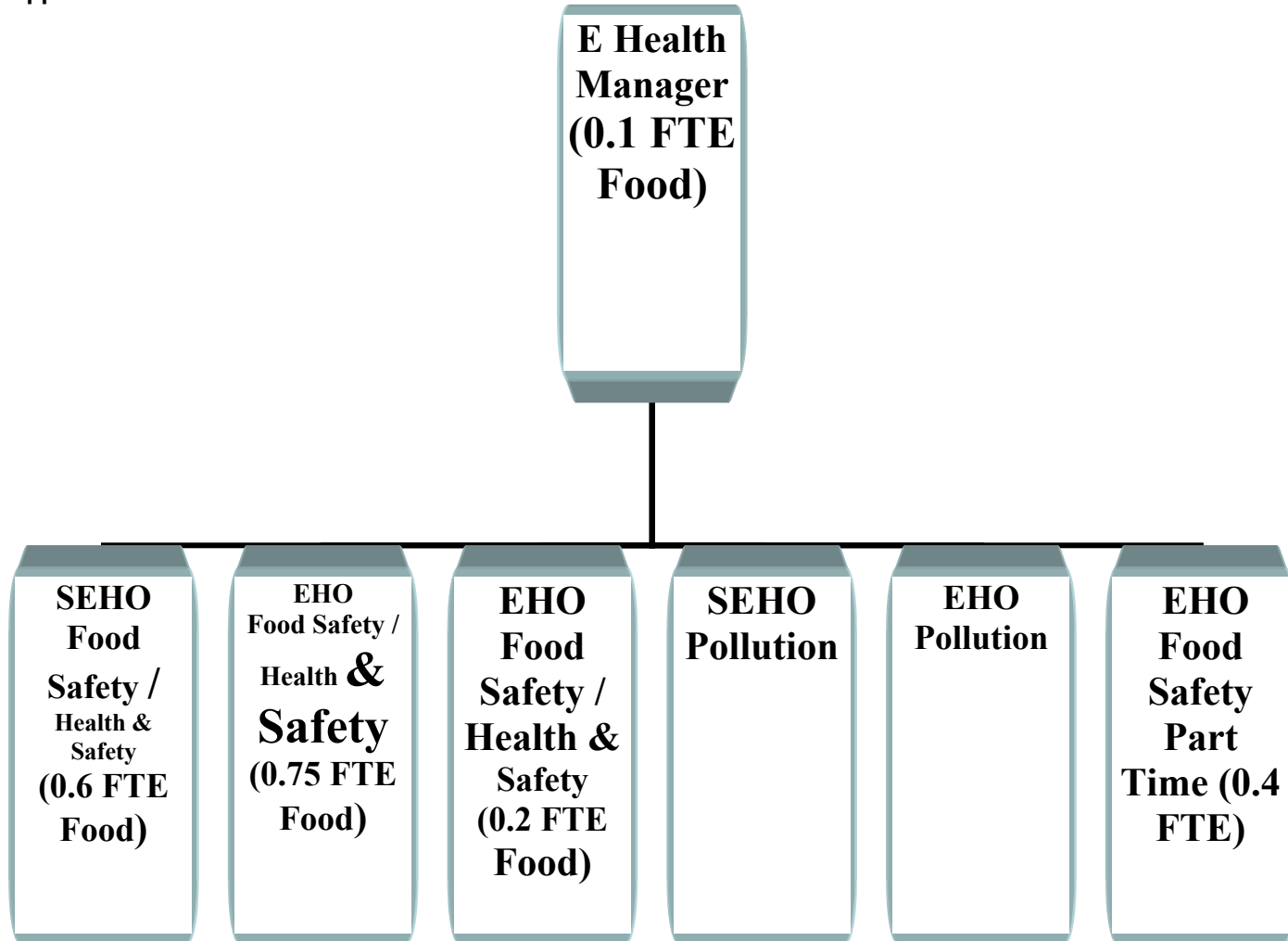
**34.1** All food officers must receive 20 hours of CPD over the year, 10 of which must be on relevant core food matters, to retain their competency. The EH Manager will ensure that all staff complete the required CPD in 2019/2020.

### **35.0 Food Premises Register / Database**

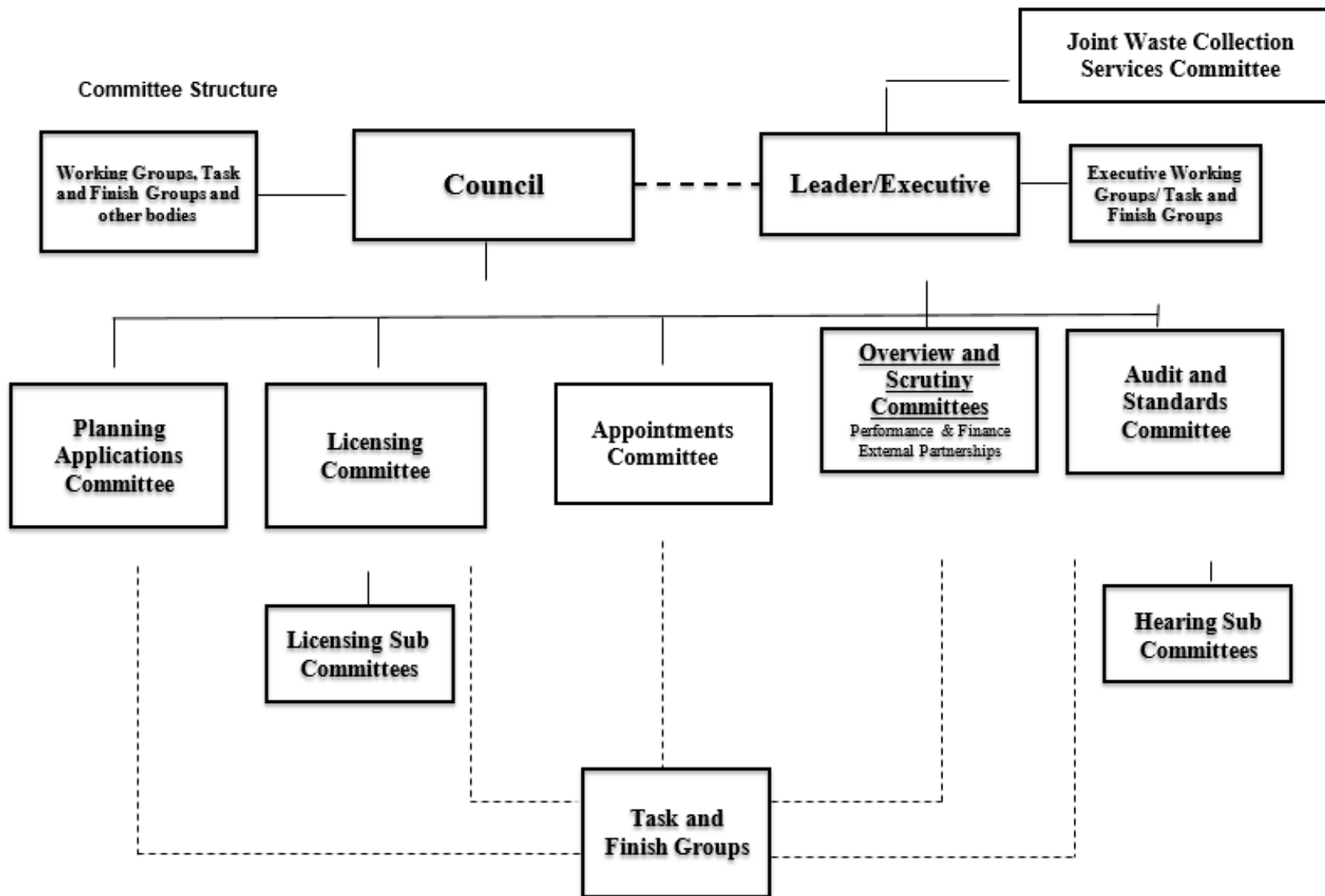
**35.1** The existing Acolaid database is to be replaced by IDOX Uniform. Resources have already been utilised in extensive mapping and configuration activities with a view to transferring all data to this new system during 2019/20. Once live officers will need to familiarise themselves with the new system and develop processes and procedures for consistency and its use.

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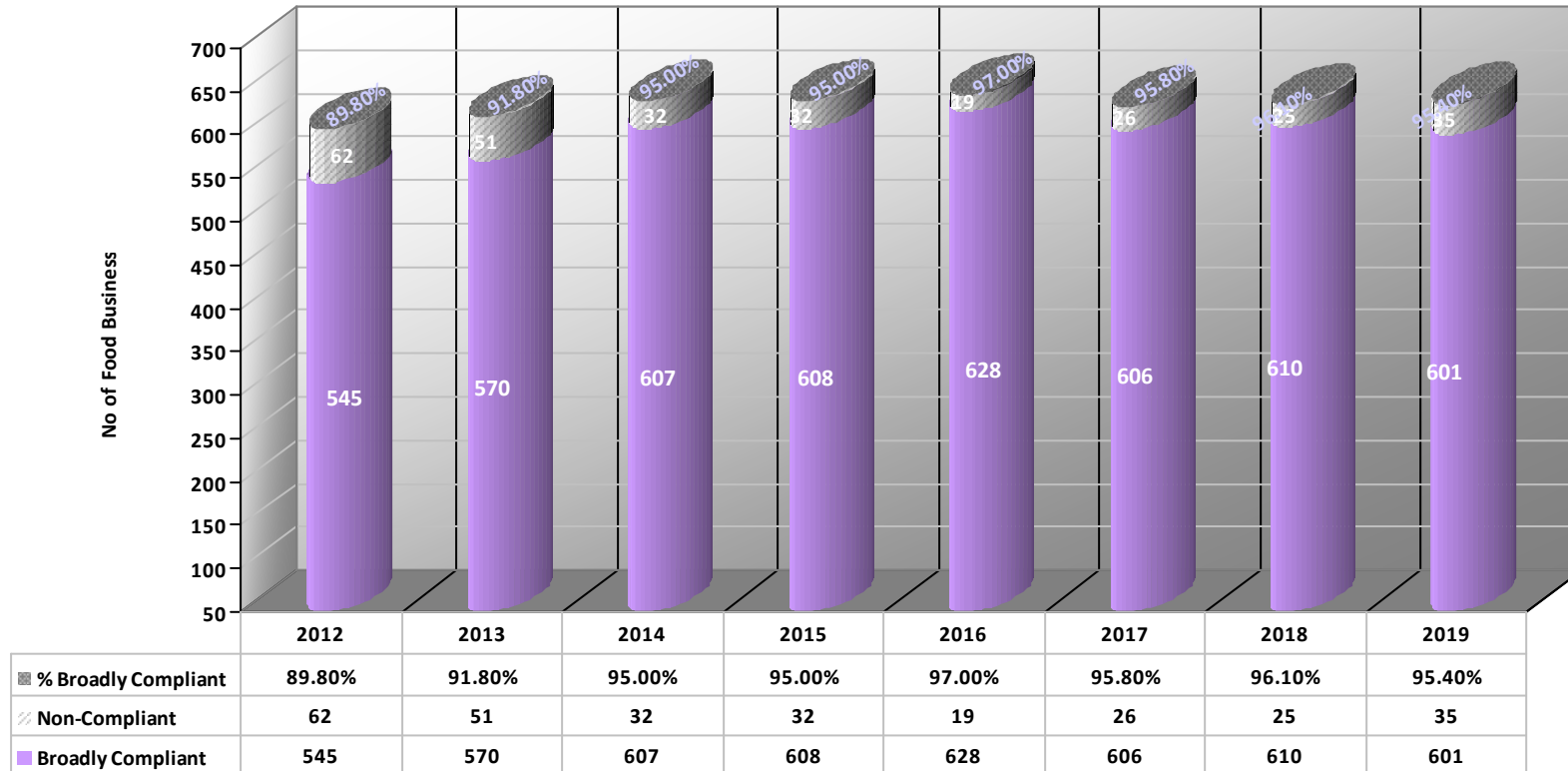
**Appendix 1**



Appendix 2 –Committee Structure



### Business Compliance



## **ANNEX A**

### **Appendix 4**

#### **Glossary**

CIEH Chartered Institute of Environmental Health  
COP Food Law Code of Practice  
CPD Continuing Professional Development  
DEFRA Department of Environment, Food and Rural Affairs  
EC European Communities  
EHMS Environmental Health Management Service  
EHO Environmental Health Officer  
FSA Food Standards Agency  
FTE Full-time equivalent  
LA Local authority  
LAEMS Local authority enforcement monitoring system  
LBRO Local Better Regulation Office  
LGR Local Government Regulation  
PHE Public Health England  
RIAMS Regulatory Information and Management Systems  
SCCTS Surrey County Council Trading Standards  
UKAS United Kingdom Accreditation Service

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## Health and Safety Service Plan 2019/20

### Summary

All Local Authorities are required to 'make arrangements for enforcement' under section 18 of the Health and Safety At Work Etc Act 1974. The National Local Authority Enforcement Code (National Code) sets out the adequate arrangements for enforcement and this Health and Safety Service Plan describes how Surrey Heath Borough Council ensures that national priorities and standards are addressed and delivered locally. It is felt appropriate that this plan is submitted to the relevant member forum for approval to ensure local transparency and accountability. This report presents the Health and Safety Service Plan for 2019/20.

### Wards Affected: All

### Recommendation

The Licensing Committee is advised to resolve that the Health and Safety Service Plan 2019/20 attached at Annex A to this report be approved.

#### 1. Resource Implications

- 1.1 There are no additional resource implications arising from this report.
- 1.2 The Council employs 1.3 FTE officers to enforce health and safety in approximately 1500 local businesses.

#### 2. Key Issues

- 2.1 The Health and Safety At Work Etc Act 1974 requires all local authorities to have adequate arrangements in place for the enforcement of health and safety. The National Code is mandatory and requires local authorities to focus on delivering proportionate and targeted enforcement using a full range of regulatory interventions.
- 2.2 The draft Health and Safety Service Plan 2019/20 is attached at Annex A.
- 2.3 The headlines are as follows:
  - a. Resources are targeted on those businesses carrying out activities which give rise to the most serious risk and are known to be least well controlled. Enforcement is concentrated on businesses most likely to cause working days lost and public injury, ill health or sickness absence and / or where dutyholders seek economic gain or advantage from non-compliance. Limited resources are therefore targeted to maximise the greatest impact in improving health and safety within the Borough.

- b. Officers carried out a total of 320 health and safety interventions during 2018/19. Interventions include inspections, investigations, revisits, telephone calls and advice. All interventions completed were of the correct standard and quality.
- c. During 2018/19 officers carried out 21 reactive interventions as a result of complaints made, and 38 accident investigations.
- d. We continue to support two of our six Primary Authority Partnerships (PAPs) with health and safety advice and support; Exclusive Hotels, the owners of Pennyhill Hotel & Spa; and Manning Impex Ltd which is a food importer. The PAP scheme entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a Local Authority (LA). Those businesses are expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs.

2.4 In 2019/20 the Council intends to continue to provide an excellent health and safety service to ensure that businesses are safe and healthy for their employees and residents, or visitors, to the Borough who are their customers. This will include advising new and existing businesses on compliance, investigating complaints and accidents, taking enforcement action where necessary and participating in proactive health and safety campaigns where local concerns arise or as part of a project undertaken by the Surrey Health and Safety Study Group.

2.5 Officers continue to regulate health and safety standards consistently and in accordance with the Council's Enforcement Policy.

### **3. Options**

3.1 The options are to approve or to amend the attached Health and Safety Service Plan for 2019/20.

### **4. Proposals**

4.1 The proposal is for the Licensing Committee to approve the attached Health and Safety Service Plan for 2019/20.

### **5. Corporate Objectives And Key Priorities**

5.1 The health and safety service helps meet the following Corporate Objectives in the Council's Five Year Strategy:

**Place** – continued focus on our vision to make Surrey Heath an even better place to live. Clean, green and safe. Where people enjoy and contribute to a high quality of life and a sustainable future.

**Prosperity** – to sustain and promote our local economy so people can work and do business across Surrey Heath, promoting an open for business approach that attracts investment and complements our place.

**People** – to build and encourage communities where people can live happily and healthily in an environment that the Community is proud to be part of.

**Performance** – to deliver effective and efficient services better and faster.

## **6. Legal Issues**

- 6.1 In the United Kingdom Health and Safety Law is enforced by officers employed by local authorities and the Health and Safety Executive (HSE). The Health and Safety (Enforcing Authority) Regulations 1998 sets out which business activities are enforced by the HSE (for example, factories, hospitals and schools etc) and which are enforced by local authorities (for example, shops, offices and leisure/service sector etc). The Health and Safety At Work Etc Act 1974 specifies authorisation requirements for officers and general requirements for dutyholders. This Act is an umbrella for a variety of specific Regulations and Mandatory Guidance.
- 6.2 The HSE's Local Authority Unit (LAU) requires all Local Authorities to complete an annual return providing data on all the enforcement activity carried out (the LAE1 Return) and a separate return on all prosecution activity. The LAU monitor returns data to ensure that all local authorities have adequate arrangements in place in accordance with s18 of the Health and Safety At Work Etc Act 1974, and are carrying out their enforcement duties in relation to health and safety at work.

## **7. Risk Management**

- 7.1 Whilst there is no specific legal requirement to obtain approval of the Health and Safety Service Plan, it does allow us to evidence compliance with s18 of the Health and Safety At Work Etc Act 1974 and ensures local transparency and accountability. Failure of the Authority to have an approved Health and Safety Service Plan could result in criticism and could have a detrimental effect on the reputation of the Council.

<b>Annexes</b>	Annex A – Health and Safety Service Plan 2019/20
<b>Background Papers</b>	None
<b>Author/Contact Details</b>	Emma Bourne - Environmental Health Manager emma.bourne@surreyheath.gov.uk
<b>Head of Service</b>	Tim Pashen, Executive Head of Community

### Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	✓
Capital		
Human Resources		
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	✓
Policy Framework		
Legal	✓	✓
Governance		
Sustainability		
Risk Management	✓	✓
Equalities Impact Assessment	✓	✓
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

Annex A

# HEALTH AND SAFETY SERVICE PLAN 2019-20

ENVIRONMENTAL HEALTH  
COMMUNITY SERVICES  
SURREY HEATH BOROUGH COUNCIL

## Contents

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**SURREY HEATH BOROUGH COUNCIL  
HEALTH AND SAFETY SERVICE PLAN 2019/2020**

**1. Service Aims and Objectives**

**1.1. Aims and Objectives**

1.1.1. The purpose of Community Services is to build and encourage communities where people can live happily and healthily in Surrey Heath. The objectives of the health and safety service are:

- to meet the Council's statutory responsibilities to ensure that working environments are safe and without risks to health or welfare, and that work activities do not have an adverse effect on the public.
- to investigate all complaints about health and safety standards and notifications of accidents, occupational ill-health and dangerous occurrences, in premises for which the Council is the enforcing authority i.e. retail, leisure, service sector.

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

1.2.1. The aims of the Health & Safety Plan can be clearly linked to the overall aims and objectives of the Council.

1.2.2. Annual Plan 2019/20 – The Annual Plan sets out how the Council will deliver its objectives for 2019/20 as defined in its Five Year Strategy. Each objective breaks down into key priorities; key management projects and service specific milestones. The Council's Objectives and key priorities for 2019/20 are:

Place – continued focus on our vision to make Surrey Heath an even better place to live. Clean, green and safe. Where people enjoy and contribute to a high quality of life and a sustainable future.

Prosperity – to sustain and promote our local economy so people can work and do business across Surrey Heath, promoting an open business approach that attracts investment and complements our place.

People – to build and encourage communities where people can live happily and healthily in an environment that the community is proud to be part of.

Performance – to deliver effective and efficient services better and faster.

1.2.3. This plan provides information about the health and safety service provided, the means by which they are provided and the means for monitoring and reviewing service performance against set standards.

## **Annex A**

### **2. Background**

#### **2.1. Profile of the Borough of Surrey Heath**

2.1.1. Surrey Heath covers 36.5 square miles in North West Surrey. It is an attractive mix of urban and rural environments and is one of the safest districts in England. Surrey Heath shares boundaries with other Surrey authorities as well as those in Hampshire and Berkshire.

2.1.2. The Borough has a population of 86,144 (Census 2011). Approximately 9.8% of the Borough's residents are from a range of ethnic minorities. Camberley is a substantial and developing shopping, commercial and entertainment centre with outlying villages surrounding the town centre, providing a variety of workplaces for which the Council is the enforcing authority.

#### **2.2. Organisational Structure**

2.2.1. The health and safety service is delivered by the Environmental Health Service which is part of Community Services. Appendix 1 shows the organisational structure of the Environmental Health Team and Appendix 2 shows the Committee structure.

#### **2.3. Scope of the Health and Safety Service**

2.3.1. The health and safety service provides the following:

- inspections of businesses for which the Council is the enforcing authority
- investigation of complaints regarding health, safety and welfare in workplaces
- investigation of notifications of accidents, dangerous occurrences and occupational ill health arising from work activities affecting employees or others
- promotion of high health and safety standards through advice, education and training to businesses and the public
- registration of premises and operators carrying out skin piercing activities
- registration of premises with cooling towers
- enforcement action under the Health and Safety at Work (Etc) Act 1974 (HSWA) and associated legislation

#### **2.4. Demands on the Health and Safety Service**

2.4.1. We have a duty to 'make adequate arrangements for enforcement' under section 18 of HSWA. The National Local Authority Enforcement Code (National Code) sets out the adequate arrangements for enforcement. Compliance with the National Code is mandatory and focuses on delivering proportionate and targeted enforcement using a full range of regulatory interventions.

2.4.2. There are an estimated 1500 businesses in the Borough, for which the Council is the enforcing authority. These consist of shops, offices,

## **Annex A**

caterers, leisure and consumer services and a wide range of other commercial activities. We are required to establish and maintain an accurate and comprehensive database of businesses subject to enforcement. It is recognised that the database of health and safety premises is constantly changing as existing businesses close and new businesses start up within the Borough.

2.4.3. Whilst Acolaid currently holds the database which contains business details and risk rating scores for some businesses, this is in the process of being transferred to IDOX Uniform computer software. This enables us to determine which businesses are 'high risk' in terms of health and safety so that we can effectively target interventions on those premises that need it most.

2.4.4. It is difficult to maintain an accurate health and safety premises database as there is no requirement for most businesses to register with us. Ongoing work is required to obtain accurate and up to date premises information about local businesses and officers conduct adhoc surveys of the trading and industrial estates on occasion. Officers also update the database by obtaining information from routine inspections, investigations, new business notifications, particular trade sectors, business rates and the HSE.

2.4.5. The Environmental Health Service is based at Surrey Heath House, Knoll Road, Camberley, which is open to callers 9.00 to 16.45 Monday to Friday. The team are contactable in the office by telephone, mail, e-mail, via the Council's website and in person and are contactable by colleagues via mobile phone and e-mail whilst out in the field.

In an emergency a member of the team can be contacted outside of office hours by means of the Environmental Health Call-Out Service.

### **2.5. Enforcement Policy**

2.5.1. The service has a documented Environmental Health Enforcement Policy which is in line with the HSE's Enforcement Policy Statement, the Office of Product Safety and Standards and Local Government Regulation (LGR) guidance.

2.5.2. The HSE's Enforcement Management Model (EMM), is available for reference when making decisions about health and safety enforcement actions.

## **3. Service Delivery**

### **3.1. Health and Safety Inspections**

3.1.1 Enforcement in the form of planned interventions must be targeted in specific risk areas in accordance with the National Code. This will be at those premises where activities give rise to the most serious risk and are known to be least well controlled, with the aim of ensuring dutyholders effectively manage and control the risks of their work activities. We must focus resources on those premises most likely to cause working days lost and public injury, ill health or sickness absence and where dutyholders seek economic gain or advantage



## **Annex A**

from non-compliance (e.g. rogue traders). The overall aim is targeted intervention involving the right people in businesses and the activities which present the greatest risk, and therefore maximise impact in improving health and safety outcomes.

- 3.1.2 The National Code makes it clear that proactive inspections must only be used to target high risk activities which are set out in Annex 1 of the Code. LA's have a range of other interventions available to them to ensure a business is managing its risks effectively and guidance is provided in LAC 67/2 (revision 6) Targeting Local Authority Interventions. It is important that LA's are able to justify any inspection they undertake and the National Code requires that we use national and local intelligence to inform priorities. LA's must be able to deal reactively with matters of evident or potential major health and safety concern, especially when visiting premises for other reasons, e.g. food safety intervention.
- 3.1.3 We will liaise with other Surrey LAs through the Health and Safety Study Group and gather local intelligence to identify areas of high risk activities in Surrey. We have always benefited from participating in group project work where possible.
- 3.1.4 In 2018/19, a total of 320 health and safety interventions were carried out. (Interventions are contacts with businesses and include inspections as well as revisits, telephone calls and advice.)
- 3.1.5 In 2019/2020 a similar number of interventions are expected.

### **3.2. Reactive Services for Health and Safety**

- 3.2.1 All complaints about health and safety conditions within workplaces for which the Council is the enforcing authority are investigated. Reactive complaint work takes priority over programmed visits to ensure that requests for service are dealt with effectively. Requests for information about health and safety standards and legislation will also be met. In some cases, complaints will trigger a full health and safety inspection of the premises.
- 3.2.2 In 2018/19, 21 visits were made as a result of a complaint relating to health and safety and this number is expected to be similar in 2019/20.

### **3.3 Investigation of Accidents, Dangerous Occurrences and Occupational Ill Health**

- 3.3.1 Notifications of accidents at work made under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 are investigated in accordance with the HSE Accident Investigation Policy. Although the policy states that not all accident notifications will be investigated, in practice, the vast majority of those received meet the criteria for investigation. Non-reportable notifications are not usually investigated, but are acknowledged by means of a standard letter.
- 3.3.2 In 2018/19, 38 accident notifications were investigated. A similar number are expected during 2019/20.

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### **3.4 Primary Authority Partnership (PAP)**

- 3.4.1 Surrey Heath Borough Council has a PAP with Manning Impex, an imported food company and Exclusive Hotel Group, who own Pennyhill Park, which covers health and safety (and food safety). The PAP Scheme entitles any business or organisation to ask for a Partnership with a Local Authority (LA). Those businesses will be expected to work closely with the LA to ensure they comply with the Regulations that apply to them. This is expected to lead to greater compliance by the business, but also greater consistency and co-ordination of regulatory enforcement by LAs. A central register is maintained of all businesses with a PAP. We are expected to consult with other LAs before undertaking any enforcement work when a business has a PAP. This will have an impact on the service both as an enforcing authority needing to consult with other LA's before undertaking enforcement interventions in businesses within Surrey Heath, and as an authority with a PAP.
- 3.4.2 During 2014/15 we agreed a Memorandum of Understanding with Surrey County Council Trading Standards (SCCTS) which sets out how we will work together in future to offer a PAP package to businesses which would allow them to receive advice in both Environmental Health and Trading Standards. To date Manning Impex, and Exclusive Hotel Group have signed up to a PAP with SCCTS and Surrey Heath Borough Council. Businesses are charged for this service.

### **3.5 Support to Businesses**

- 3.5.1 The Council's approach to enforcement includes offering advice to businesses in the first instance to assist them in achieving a satisfactory standard of compliance with health and safety law, where this does not compromise the safety of workers or the public.
- 3.5.2 In addition to the advice that is provided during inspections, revisits and investigatory visits to premises, advice is available to businesses on request at any time. Advice to businesses is also provided by means of our webpages, direct mailings and press releases on particular health and safety issues and new legislation.

### **3.6 Liaison with other Organisations**

- 3.6.1 The Service has various liaison arrangements in place to ensure that enforcement action taken in its area is consistent with those of neighbouring LAs.
- 3.6.2 The Service has a representative on the Surrey Health and Safety Study Group, which meets 4 times a year and is attended by the 11 Surrey LAs, as well as the HSE. This group is also attended by a representative from the Surrey Environmental Health Managers Group, enabling consistency issues to be discussed by the managers of the different health and safety services in Surrey.

## **Annex A**

3.6.3 Attendance at these meetings is a worthwhile activity and where demands on the service permit, an officer will attend. Arrangements are in place for referring cases to the relevant enforcing authority e.g. another local authority or the HSE, where this is necessary.

## **4. Resources**

### **4.1 Financial Allocation**

The budget for the Health and Safety Service is jointly held with that of the food safety service. The combined budget for 2019/20 is £333,552.

### **4.2 Staffing Allocations**

4.2.1 There are currently 1.3 Full Time Equivalent (FTE) posts working on Health and Safety. The officers are appropriately qualified for the work undertaken. These posts are as follows:

- Environmental Health Manager - Competent and authorised to inspect all categories of Health and Safety premises, investigate complaints and accidents (0.15 FTE)
- Senior EHO - Competent and authorised to inspect all categories of Health and Safety premises, investigate complaints and accidents (0.10 FTE)
- EHO x 2 - Competent and authorised to inspect all categories of Health and Safety premises, investigate complaints and accidents (0.95 FTE).
- Business Support Officer - Provides administrative support to the Health and Safety service (0.1 FTE)

### **4.3 Staff Development Plan**

4.3.1 All members of staff are subject to ongoing appraisal by their line manager via the staff appraisal process, which includes a discussion on personal and professional development. This provides an opportunity to identify any training needs and arrangements can then be made to meet those needs

4.3.2 Team meetings provide an additional opportunity for staff development to be discussed and training to be delivered. There is an adequate budget for staff training and attendance on external training courses will be arranged as appropriate to maintain their competency. Training provided by Chartered Institute of Environmental Health, HSE, LA's and Study Groups are recognised as good value for money and these courses are most likely to be attended.

4.3.3 A reference library is maintained which contains the relevant legislation, Codes of Practice, guidance and other reference material. Officers also have access to online reference material including the HSE website and HELAExtranet.

## **Annex A**

### **4.4 Quality Assessment**

- 4.4.1 Monitoring activities include regular team and one to one officer meetings, ongoing staff appraisals, accompanied inspections / visits, statistical performance monitoring (LAE1 Return) and peer review exercises co-ordinated by the Surrey Health and Safety Study Group. The latter are required as part of the requirements of the National Code and are conducted annually within the Group.

## **5. Review**

### **5.1. Review Against the Service Plan**

- 5.1.1. Performance will be monitored against the objectives and standards set in the Service Plan and supporting policies and procedures at team meetings. A full review of performance against the plan will take place annually when the next year's plan is being drafted. Where variance from the plan is identified, the reasons for this will be investigated and corrective action taken as required.

### **5.2. Forward Planning**

- 5.2.1. The introduction of the National Code and LAC 67/2 (rev6) has had significant impact on the provision of the health and safety service. LA's must reduce the burden on businesses and must not visit a business unless they have good reason. This makes the service more heavily weighted on the side of reactive work rather than carrying out proactive inspections based on previous inspection risk ratings. Any planned work must be done in consideration of the National Code and visits justified. This has an impact on service planning as well as reporting of work via the LAE1. The LAE1 Return is completed and submitted annually.
- 5.2.2. As fewer proactive inspections are being carried out and therefore less risk rating assessments as a result, there is a concern that the quality of up to date premises information within our database will be reduced. This is something that we need to remain aware of and efforts made to keep records updated where workloads and intelligence gathering allows.
- 5.2.3. The Surrey LA's have a flexible warranting arrangement where officers are able to assist and support each other when necessary, eg, where a serious incident has taken place and more resources are needed to help take witness statements etc, where another LA may have specialist knowledge in an area, eg, workplace related death investigation and where competent and authorised officers are absent eg, holiday / sickness, and less experienced staff are required to take enforcement action. We have agreed to participate in this and in particular have a good working relationship with Woking Borough Council.
- 5.2.4. During 2018/19 we have spent a large proportion of time dealing with health and safety compliance at a local go kart track. This has meant a significant decrease in proactive work in relation to health and safety during this time. It is hoped that with this work coming to a conclusion, going forward more officer resource will be able to be spent on project and campaign work in accordance with high risk activities highlighted in the National Code.

## Annex A

Annex A

Appendix 1

**E Health  
Manager  
(0.1 FTE  
Food)**

**SEHO  
Food  
Safety /  
Health & Safety  
(0.6 FTE  
Food)**

**EHO  
Food Safety /  
Health &  
Safety  
(0.75 FTE  
Food)**

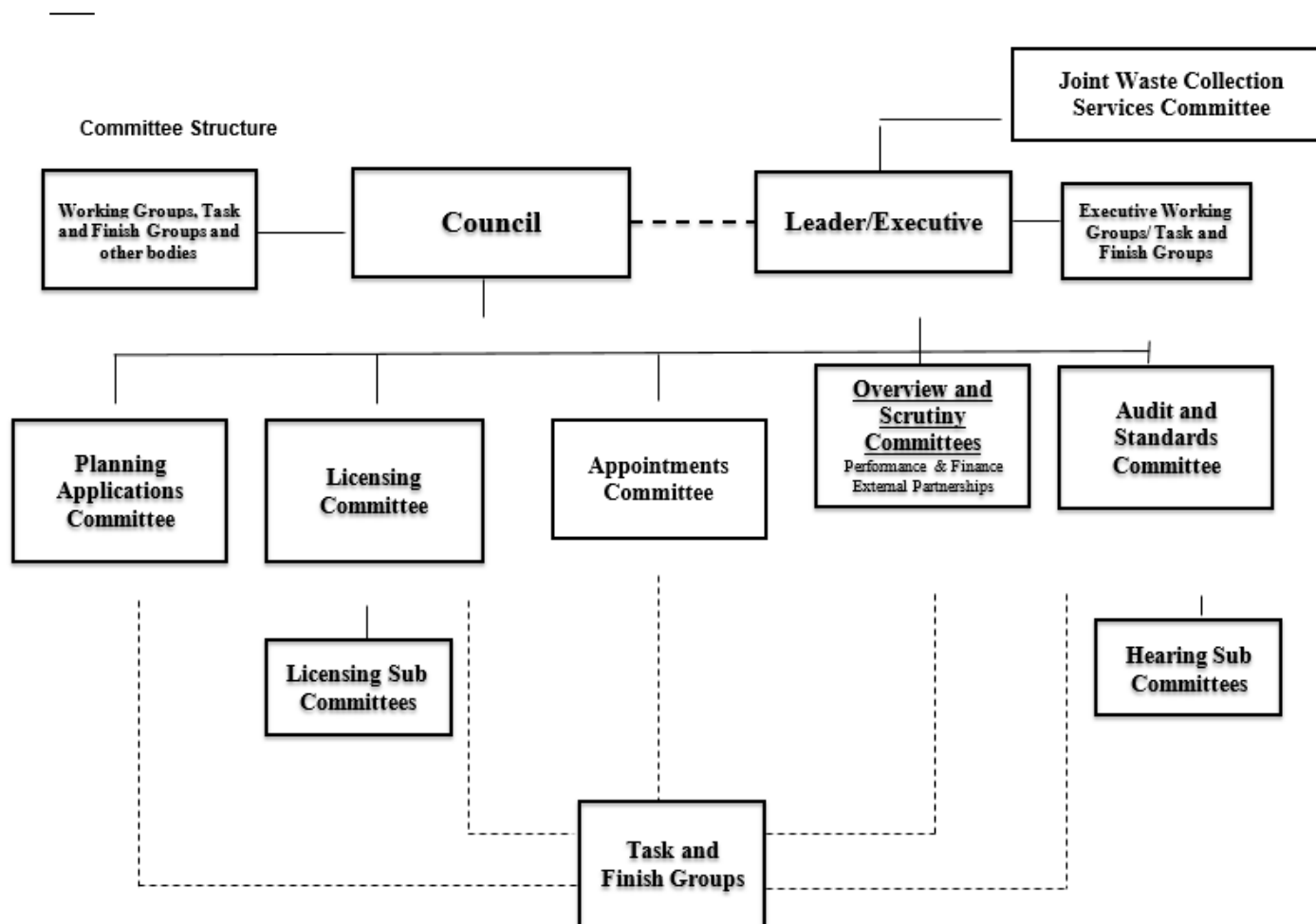
**EHO  
Food  
Safety /  
Health &  
Safety  
(0.2 FTE  
Food)**

**SEHO  
Pollution**

**EHO  
Pollution**

**EHO  
Food  
Safety  
Part Time  
(0.4 FTE)**

Appendix 2 –Committee Structure



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**Licensing Sub Committee Minutes**

Portfolio:	Non-executive function
Ward(s) Affected:	All

**Purpose**

**To receive and sign the minutes of any Licensing Sub-Committee hearings held since the Committee's last meeting**

Background and Current Position

1. In accordance with the provisions of the Licensing Act 2003, when representations have been received on an application powers are delegated to the Licensing Sub-Committee to determine the licence following consideration of these representations.
2. Since the Committee's last meeting, two Licensing Sub-Committees have been held:  
  
Mytchett SF Connect, 150 Mytchett Road, Camberley, GU16 6AE  
  
Bagshot SF Connect Filling Station, 40 London Road, Bagshot, GU19 5HL
3. The Licensing Committee, at its meeting on 21 September 2005, resolved that the Chairman of the Licensing Committee would be authorised to sign the approved minutes of any Licensing Sub Committee meetings. Minute 009/L refers.

Recommendation

4. The Committee is to agree that the Chairman of the Licensing Committee signs the minutes of the Licensing Sub Committee meetings on behalf of the members of these Sub Committees.

Annexes

Annex A – Minutes of the Licensing Sub Committee meeting held on 1 July 2019.

Annex B – Minutes of the Licensing Sub Committee meeting held on 2 July 2019.

Background Papers:

None

Author:

Eddie Scott – Senior Democratic Services Officer  
e-mail: eddie.scott@surreyheath.gov.uk

Head of Service:

Richard Payne – Executive Head of Corporate

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**Minutes of a Meeting of the Licensing Sub  
Committee held at Council Chamber,  
Surrey Heath House, Knoll Road,  
Camberley, GU15 3HD on 1 July 2019**

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+ Cllr Vivienne Chapman  
+ Cllr David Lewis

+ Cllr David Mansfield

+ Present  
- Apologies for absence presented

In Attendance: Amber Athill, Legal Representative, Surrey Police  
Rebecca Batten, Solicitor, Surrey Heath Borough Council  
Robert Botkai, Applicant's Legal Representative  
Rab Carnie, Licensing Officer, Surrey Police  
Mr K Clarke, Resident  
Ms J Hudson, Resident  
Derek Seekings, Senior Licensing Officer, Surrey Heath Borough Council

**1/LS Election of Chairman**

**RESOLVED** that Councillor Mansfield be elected Chairman of the Licensing Sub Committee.

**COUNCILLOR MANSFIELD IN THE CHAIR**

**2/LS Declarations of Interest**

There were no declarations of interest.

**3/LS Licensing Sub Committee Procedure**

The Sub Committee and attendees noted the procedure that would be followed during the hearing.

**4/LS Application to Vary a Premises Licence - Mytchett SF Connect, 150 Mytchett Road, Camberley, GU16 6AE**

The Sub-Committee was informed that the hearing had been convened to decide an application from BP Oil UK Ltd to vary the premises licence held by the Mytchett SF Connect filling station at 150 Mytchett Road, Camberley, GU16 6AE.

The application sought a variation that, if granted, would change the temporary licence variation granted in November 2018 that enabled the filling station to sell alcohol between the hours of 00:00 to 24:00 seven days a week to a permanent licence permitting the sale of alcohol between the hours of 00:00 and 24:00 seven days a week.

The Sub-Committee was advised that the application had been correctly completed and had been advertised, and responsible authorities notified, in line with statutory regulations.

The Sub-Committee carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;

- the Applicant
- Responsible Bodies (1)
- Other Persons (3) who submitted written representations; together with reference to the Licensing Objectives: Prevention of Crime and Disorder, public safety and the prevention of public nuisance.

The Sub-committee noted that one representation had been received from Surrey Police, in their capacity as a Responsible Body, which made reference to the number of crimes that were reported as having occurred at the premises between 1<sup>st</sup> November 2018 and 31<sup>st</sup> May 2019 including 54 occasions when drivers drove off without paying for petrol, 17 miscellaneous thefts and 4 thefts of alcohol. The Police also highlighted their view that the company needed to do further work to reduce crime levels at the site before the licence variation was granted.

The Sub-committee noted that three other representations had been received from members of the public and the ward councillor which made reference to the problems caused by noise nuisance caused by vehicles entering and leaving the site and customers using the car wash and drink driving.

The Sub-committee also noted that:

- The applicant had taken steps to reduce the likelihood of alcohol thefts from the store occurring including the relocation of alcohol away from the store's entrances, the introduction of dummy champagne bottles, which were exchanged at the till after payment, and a decision not to participate in promotional offers that included alcohol.
- The operating company operated a door closure policy at night which enabled the cashiers to control who entered the store and stipulated that if the store was ever single manned then transactions could only occur through the night payment window
- A Challenge 25 policy was used by staff and the garage had recently successfully passed a test purchase exercise conducted by the police.
- The location of a petrol station was a significant influencing factor in how likely it was to be targeted by those intent on driving off without paying for fuel.
- The operating company were willing to work with residents to try to address noise nuisance caused by early morning deliveries.
- Of the 17 thefts recorded during the period covered by the temporary licence variation granted in November 2017 only two had occurred between the hours of 23:00 and 08:00 and of the five recorded alcohol thefts reported during the same time period only one had occurred between 23:00 and 08:00.

In reaching their decision, the Sub-committee took into consideration the representations made in relation to the prevention of crime and disorder and prevention of public nuisance. However, it was considered that the concerns did not meet the threshold that would undermine the relevant licensing objectives. From the representations made, the Sub-committee had confidence that the Applicant would trade as a responsible body, with a clear plan and policies in place to tackle the issues raised.

The decision making process was a matter of judgement by the Sub-committee and having weighed all the evidence provided by the interested parties and the Applicant the evidence came down clearly in favour of granting the licence variation

On balance, the Sub-committee decided that granting the variation, would not have an adverse impact on the promotion of the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from

Harm. The Sub Committee found no evidence to justify refusing the application to permanently vary the premises' licenced hours. It was considered that that the two additional conditions placed on the temporary licence variation granted in November 2018, in addition to the standard licensing conditions, were sensible precautions that were not unduly onerous and it was agreed that the following two additional condition be carried forward onto the new licence:

- i. If there is only one member of staff on duty between 0000 and 0500, the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.
- ii. Where there is more than one member of staff on duty between the hours of 0000 and 0500, a remote door lock facility will be in use for all admissions of customers entering the premises and all customers entering the premises will be monitored.

**RESOLVED** that the application to vary the premises licence held by Mytchett SF Connect, 150 Mytchett Road, Camberley, GU16 6AE be approved subject to the two additional licencing conditions outlined above being incorporated into the new premises licence in addition to the standard licensing conditions.

**Chairman**

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**Minutes of a Meeting of the Licensing Sub Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 2 July 2019**

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- + Cllr Rodney Bates (Chairman)                      + Cllr David Mansfield  
+ Cllr Vivienne Chapman

- + Present  
- Apologies for absence presented

In Attendance: Amber Athill, Legal Representative, Surrey Police  
Rebecca Batten, Solicitor, Surrey Heath Borough Council  
Robert Botkai, Applicant's Legal Representative  
Rab Carnie, Licensing Officer, Surrey Police  
Derek Seekings, Senior Licensing Officer, Surrey Heath Borough Council

**1/LS      Declarations of Interest**

There were no declarations of interest.

**2/LS      Licensing Sub Committee Procedure**

The Sub Committee and meeting attendees noted the procedure that would be followed during the hearing.

**3/LS      Application to vary a Premises Licence - Bagshot SF Connect Filling Station, 40 London Road, Bagshot, GU19 5HL**

The Sub-Committee was informed that the hearing had been convened to decide an application from BP Oil UK Ltd to vary the premises licence held by the Bagshot SF Connect filling station at 40 London Road, Bagshot, GU19 5HL.

The application sought a variation that, if granted, would change the temporary licence variation granted in November 2018 that enabled the filling station to sell alcohol between the hours of 00:00 and 24:00 seven days a week to a permanent licence to sell alcohol between the hours of 00:00 and 24:00 seven days a week.

The Sub-Committee was advised that the application had been correctly completed and had been advertised, and responsible authorities notified, in line with statutory regulations.

The Sub-Committee carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant
- Other persons (2)

The Sub-Committee was informed that Surrey Police had submitted a representation in their capacity as a Responsible Body; however following discussions with the applicant, they would be withdrawing their representation and as such, its contents should be disregarded when considering the application.

The Sub-committee noted that two other representations had been received from members of the public which made reference to the problems caused by noise nuisance and drink driving.

In reaching their decision, the Sub-committee took into consideration the representations made in relation to the prevention of crime and disorder and prevention of public nuisance. However, it was considered that the concerns did not meet the threshold that would undermine the relevant licensing objectives. From the representations made, the Sub-committee had confidence that the Applicant would trade as a responsible body, with a clear plan and policies in place to tackle the issues raised.

The decision making process was a matter of judgement by the Sub-committee and having weighed all the evidence provided by the interested parties and the Applicant the evidence came down clearly in favour of granting the licence variation

On balance, the Sub-committee decided that granting the variation, would not have an adverse impact on the promotion of the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. The Sub Committee found no evidence to justify refusing the application to permanently vary the premises' licenced hours. It was considered that that the two additional conditions placed on the temporary licence variation granted in November 2018, in addition to the standard licensing conditions, were sensible precautions that were not unduly onerous and it was agreed that the following two additional condition should be carried forward onto the new licence:

- i. If there is only one member of staff on duty between 0000 and 0500, the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.
- ii. Where there is more than one member of staff on duty between the hours of 0000 and 0500, a remote door lock facility will be in use for all admissions of customers entering the premises and all customers entering the premises will be monitored.

**RESOLVED** that the application to vary the premises licence held by Bagshot SF Connect filling station at 40 London Road, Bagshot, GU19 5HL be approved subject to the two additional licencing conditions outlined above being incorporated into the new premises licence in addition to the standard licensing conditions.

**Chairman**



**Licensing Committee  
Work Programme 2019/20**

Portfolio:	Corporate
Ward(s) Affected:	n/a

**Purpose**

**To consider and note the Committee Work Programme for the 2019/20 municipal year.**

Background

1. The Committee Work Programme may develop through the forthcoming municipal year, to meet new demands and changing circumstances.

Work Programme 2019/20

2. The Committee is scheduled to meet on the following dates for the rest of the 2019/20 municipal year:

11 March 2020

3. The work programme for 2019/20 is set out below

**Licensing Committee  
2019/20 Work Programme**

<b>Date</b>		<b>Topic</b>	<b>Report Author</b>
<b>11 March 2020</b>	1.	<b>Hackney Carriage and Private Hire Fees and Charges</b> To consider whether there should be any alterations to Fees and Charges, prior to consultation	Stephen Moore
	2.	<b>Summary of Decisions</b> To report decisions that have been taken in respect of licence applications that have been dealt with under delegated powers	Stephen Moore

To be allocated:

Statement of Licensing Policy (due to be renewed in January 2021)

Gambling Act 2005 Statement of Policy (to be renewed in January 2022)

Proposal

4. Members are asked to note its outline work programme for 2019/20.

Resource Implications

5. Resource implications will depend on the issues brought before the Committee. The implications both in terms of prior to/during the meeting and any resultant work will have to be assessed when individual meetings are planned and the Committee decisions are known.

Recommendation

6. The Committee is asked to note its work programme for the remainder of the 2019/20 municipal year.

Background Papers: None

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Head of Service: Richard Payne – Executive Head Corporate