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Tuesday, 21 July 2020

To: The Members of the **Licensing Committee**
(Councillors: Rodney Bates (Chairman), Vivienne Chapman (Vice Chairman),
Dan Adams, Peter Barnett, Richard Brooks, Paul Deach, Ben Leach, David Lewis,
David Mansfield, John Skipper, Pat Tedder, Helen Whitcroft and Valerie White)

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 29 July 2020 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded and live streamed on
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Tim Pashen

(Acting) Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes of the previous meeting	3 - 6
To confirm and sign the minutes of the meeting held on 11 March 2020.	
3 Declarations of Interest	
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.	
4 Food Safety Service Plan 2020-21	7 - 26
5 Health and Safety Service Plan 2020- 2021	27 - 38

6	Hackney Carriages and Private Vehicle - Age of Vehicles Guidance	39 - 44
7	Business and Planning Act 2019-2021: Licensing Implications	
	Verbal update or report to follow	
8	Reporting of Urgent Action	45 - 50
9	Licensing Sub Committee Minutes	51 - 54
	To receive and sign the minutes of the Licensing Sub Committee meetings which have taken place since the last meeting of the Committee:	
	Nepalese Cuisine, 449 London Road, Camberley, GU15 3JA – 31 March 2020	
10	Licensing Act 2003 - Summary of Decisions	55 - 58

**Minutes of a Meeting of the Licensing
Committee held at Council Chamber,
Surrey Heath House on 11 March 2020**

- | | |
|-------------------------|------------------------|
| + Cllr Dan Adams | + Cllr David Lewis |
| + Cllr Peter Barnett | + Cllr David Mansfield |
| Cllr Rodney Bates | + Cllr John Skipper |
| + Cllr Richard Brooks | + Cllr Pat Tedder |
| + Cllr Vivienne Chapman | + Cllr Helen Whitcroft |
| + Cllr Paul Deach | + Cllr Valerie White |
| Cllr Ben Leach | |

+ Present

- Apologies for absence presented

Members in Attendance: Cllr Tim FitzGerald

Officers Present: Paula Barnshaw, Licensing Administrator
Rebecca Batten, Principal Lawyer

12/L Election of Chairman

RESOLVED that Councillor Vivienne Chapman be elected Chairman of the Licensing Committee.

COUNCILLOR CHAPMAN IN THE CHAIR

13/L Appointment of Vice-Chairman

RESOLVED that Councillor Helen Whitcroft be appointed Vice-Chairman of the Licensing Committee.

14/L Minutes of Previous Meeting

RESOLVED that the minutes of the meeting of the Licensing Committee held on 2nd October 2019 be approved as a correct record and signed by the Chairman.

15/L Declarations of Interest

There were no declarations of interest.

16/L National Register of Taxi and Private Hire Licence Revocations and Refusals

The Committee considered a report setting out a proposal that the Council adopt the National Register of Taxi and Private Hire licence revocations and refusals.

Licensing authorities are required to satisfy themselves that those holding hackney carriage and private hire vehicle licences are 'fit and proper' persons. Where evidence is obtained that a licensed driver is not a fit and proper person then the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

Currently, if applicants choose not to disclose information about a previous revocation or refusal of a licence, then the Licensing Authority has no way of obtaining this information. This loophole means that it is possible for an individual who has been refused a licence or had a licence revoked in one area to be able to obtain a licence by applying to a different licensing authority. A situation which could place passengers at risk.

In response to this identified issue, the Local Government Association set up the national Anti-Fraud Network and the National Register of Refusals and Revocations (NR3). The register provided a central database which local authorities could use to record any instances where a hackney carriage or private hire driver had been refused a licence or had their licence revoked so that the information could be shared with other members of the register.

RESOLVED that the Council adopt the use of the National Register of Taxi and Private Hire Licence Revocations and Refusals.

17/L Disclosure Barring Service Update

The Committee considered a report seeking approval to introduce a mandatory requirement for all licensed drivers to subscribe to the Disclosure and Barring Service (DBS) Update Service.

The Committee was informed that currently all licensed drivers have to undergo a DBS check upon receipt of their initial licence application and then every three years thereafter and the Council was reliant on drivers keeping them informed of any changes to their situation that might impact on their ability to work between DBS checks taking place. A situation which meant there could be periods when a driver could be convicted of an offence which could result in the revocation of his licence but still work as a licensed driver.

Subscription to the DBS Update Service would require licensed drivers to pay an annual fee, currently £13, which would provide the driver with a personal code that the Licensing Authority would then use to view the driver's criminal record in real-time via an online system. Access to the online system would continue for as long as the annual subscription fee was paid.

RESOLVED that it be made a mandatory requirement for licensed drivers to join the Disclosure Barring Service Update Service.

18/L Surrey Joint Warranting

The Committee considered a report seeking approval of a proposal to join a joint warranting scheme for Licensing Officers across all Surrey local authorities.

The introduction of a joint warranting scheme would empower authorised officers in Surrey Heath to inspect vehicles and take enforcement action against licensed drivers and their vehicles if they were operating in Surrey Heath regardless of which Surrey Licensing Authority had issued the licence. Any enforcement action would then be reported to the authority who had issued the licence so that further action could be taken as necessary. Similarly, authorised officers from other Surrey authorities would be able to take action against drivers licenced by Surrey Heath if they were found to be driving a defective vehicle or breaking the terms of their licences.

The Committee was informed that, following legal advice, the decision to join a joint warranting scheme was one that was delegated to the Licensing Committee and the approval of Full Council was not required. It was agreed that the recommendations would be amended to reflect this.

The Committee commended the proposed approach and requested that officers were proactive in exploring the possibility of extending the scheme to include neighbouring local authorities who were not in Surrey.

RESOLVED that:

- i. Surrey Heath Borough Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Annex 1 of the report to the Surrey local licensing authorities, in addition to retaining those functions within the Borough;
- ii. Surrey Heath Borough Council receive the delegated Taxi and Private Hire enforcement functions, as set out in Annex 1 of the report, of those Surrey authorities listed in the annex; and
- iii. Officers will actively engage with licensing officers in neighbouring authorities to progress the introduction of the scheme beyond Surrey's borders.

19/L Licensing Sub Committee Minutes

The Committee received the minutes of Licensing Sub Committee meetings held since the Licensing Committee's last meeting.

20/L Licensing Act 2003 - Summary of Decisions

The Committee noted a report summarising 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.

21/L Date of Next Meeting

It was noted that the next scheduled meeting of the Licensing Committee would take place on Wednesday 24th June 2020 at 7pm.

Chairman

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Food Safety Service Plan 2020/21

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 2020/21 and highlights the impact of the COVID-19 pandemic on the work of the food safety service.

Recommendation

The Licensing Committee is advised to resolve that the Food Safety Service Plan 2020/21 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 624 food businesses.

2. Key Issues

- 2.1 The Food Standards Agency (FSA) 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 20/21 is attached at Annex A.
- 2.3 The headlines are as follows:
 - a. The number of food businesses in the Borough which receive a rating of 3, 4 or 5 (Satisfactory/Good/Very Good) in the national Food Hygiene Rating Scheme and are therefore broadly compliant with food hygiene law remains high at 96.4% The small percentage of business that are rated 0,1 and 2 (Urgent Improvement/Major Improvement/Some Improvement Necessary) are subject to written warnings, hygiene improvement notices or voluntary / emergency closure/prosecution depending on the severity of non-compliance.

- b. Officers carried out 274 food safety inspections/audits with 97% completed within the due date. It was not possible to complete 100% due to the COVID-19 pandemic.
 - c. The service continues to support the Council's six Primary Authority Partnerships (PAPs) with local businesses. 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. The Council is able to recharge the businesses for the officer time spent on the partnership.
 - d. In 2019/20 72 food and environmental samples were taken from 20 food premises; 92 complaints about food or food premises and 126 food borne infectious disease cases were investigated.
 - e. All food safety interventions completed were of the correct standard and quality and regulation by officers was consistent and in accordance with the service's Enforcement Policy.
- 2.4 The impact of the COVID-19 pandemic on the food safety work programme is highlighted and the revised work priorities for the food safety service until 30 September 2020/21 are set out in accordance with the latest advice to LAs from the FSA. It is acknowledged that this Service Plan will need to be kept under review.

3. Options

- 3.1 The options are to approve or to amend the attached Food Safety Service Plan for 2020/21.

4. Proposals

- 4.1 The proposal is for the Licensing Committee to approve the attached Food Safety Service Plan for 2020/21.

5. Corporate Objectives and Key Priorities

- 5.1 The Food Safety Service Plan sets out how the Council will deliver the service in accordance with the national priorities and standards required by the FSA and the food safety service contributes to the corporate priorities set out in the Council's Annual Plan 2020/21. The Service Plan provides information about the food safety service, the means by which is provided and the means for monitoring and reviewing the service against the following Corporate Success Measures:
 - The percentage of food premises achieving a Food Hygiene Rating 3 or above (i.e. Satisfactory, Good or Very Good)

- The percentage of food premises that are inspected within 28 days of being due and number of inspections completed.

6. Legal Issues

- 6.1 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.
- 6.2 The Central Competent Authority for the arrangement of food official controls is the FSA. 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 FSA 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.
- 6.3 The FSA's power to monitor and audit LAs is contained in the Food Standards Act 1999. The FSA follow-up action to their 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 FSA will, in some circumstances, include re-visits to LAs. Where these arrangements identify a LA failing to implement all or part of their action plan, subsequent FSA action will be considered on a case by case basis.

7. Risk Management

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

Annexes	Annex A – Food Safety Service Plan 2020/21
Background Papers	None
Author/Contact Details	Frances Soper - Environmental Health and Licensing Manager Frances.soper@surreyheath.gov.uk
Head of Service	Tim Pashen, Executive Head of Community

Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	✓
Capital		

Resources	Required	Consulted
Human Resources		
Asset Management		
IT		
Other Issues	Required	Consulted
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 2020-21
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 aim of the food safety service is to 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 will be met through the following objectives: 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.

2.0 Links to Corporate objectives and plans

2.1 The Food Safety Service Plan sets out how the Council will deliver the service in accordance with the national priorities and standards required by the Food Standards Agency (FSA) and how the food safety service contributes to the Corporate priorities set out in the Council's Annual Plan 2020/21. The plan provides information about the service, the means by which is provided and the means for monitoring and reviewing the service against set standards.

2.2 The Council has 2 Corporate Success Measures relevant to food safety:

- The percentage of food premises achieving a Food Hygiene Rating 3 or above (i.e. Satisfactory, Good or Very Good)
- The percentage of food premises that are inspected within 28 days of being due and number of inspections completed

3.0 Licensing Committee

3.1 The Environmental Health and Licensing 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.

4.0 Annual Appraisals and Monthly one-to-one meetings

4.1 Targets from the Annual Plan are included as objectives in individual officer annual appraisals and monitored throughout the year in one-to-one meetings.

5.0 Equality Scheme

5.1 The Council's Equality Strategy 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. The Strategy has been taken into account in the drafting of this plan.

Section 2 – Background

6.0 Profile of the Borough

6.1 Surrey Heath covers 36.5 square miles in North West Surrey and has a population of 86,144 (Census 2011). Approximately 9.8% of the Borough's residents are from a range of ethnic minorities.

7.0 Organisational Structure

7.1 The food safety service is delivered by the Food and Safety Team within Environmental Health which is part of Community Services. The team is led by the Senior Environmental Health Officer (Food and Safety) who holds the required specialist responsibility for food safety. The Team leader reports to the Environmental Health and Licensing Manager. Specialist services for food examination are provided by Public Health England (PHE) and Hampshire Scientific Services.

8.0 Scope of Food Service

8.1 To fulfil statutory obligations on the Council in relation to food safety through:

- The inspection of food premises.
- The operation of the national Food Hygiene Rating Scheme
- The investigation of complaints relating to food items, premises or food related illness, and food alerts.
- The sampling of foodstuffs and application of imported food controls.
- Enforcement of food safety legislation.
- The promotion of high standards of food safety through advisory activities
- The gathering and processing of information including the completion of official returns.

8.2 The Surrey and Buckinghamshire Trading Standard Service is responsible for Food Standards enforcement and Food Hygiene for primary production e.g. farms. They also lead in enforcing the Food Information Regulations 2014 in relation to allergens, although the Council has an advisory role. Formal liaison takes place at the quarterly meetings of the Surrey Food Liaison Group, or on an ad hoc basis as required.

9.0 Demands on the Food service

9.1 The food safety service is part of Environmental Health and Licensing which also deliver health and safety, pollution and a range of licensing activities. The food safety team are located at Surrey Heath House,

Knoll Road, Camberley, GU15 3HD and can be accessed via the Council's Contact Centre during normal office hours and individual officers can be contacted by direct dial or email. The public can also e-mail general food related service enquiries to environmental.health@surreyheath.gov.uk and aspects of the service can be accessed via the Council's website.

9.2 Most food safety activities are conducted during office hours however officers regularly carry out routine inspections and sampling in the evening. The service can be accessed in an emergency out of hours via the Council's out of hours service e.g. in case of a food poisoning outbreak.

9.3 In Surrey Heath, as of the 1st April 2020, there were 624 food businesses subject to inspection. The food hygiene activity profile of food premises in the Borough is shown in Table 1 below:

Table 1 - Primary Food Hygiene Activity of Food Premises in the Borough

Primary Food Hygiene Activity	Total
Primary producer	1
Distributors/Wholesalers	14
Importers/Exporters	1
Manufacturers/Packers	12
Restaurants and other caterers	477
Retailers	99
Mobile Food Unit	20
Total	624

9.4 There are specific hygiene rules and prior approval requirements for businesses that conduct certain processes involving foods of animal origin. There are currently no such premises operating in the Borough.

9.5 The service responds to requests for advice and guidance from persons who are interested in starting new food businesses, including new food business operators taking over existing food businesses.

10.0 Enforcement Policy

10.1 All formal and informal enforcement actions taken against food businesses are in accordance with the Environmental Health Enforcement Policy.

Section 3 – Service Delivery

This section provides details of how the service is delivered.

11.0 Food Premises Interventions

11.1 Food premises are inspected in accordance with the Food Law Code of Practice (FLCOP) as published by the Food Standards Agency. The food premises inspection programme is based on the priority risk rating and inspection frequencies set out in the FLCOP ensuring highest risk premises are inspected more frequently than the lower risk premises. The inspection frequency profile of Surrey Heath food businesses as at 1st April 2020 is at Table 2 below:

Table 2 – Risk Profile of Food Businesses as at 1st April 2020

Risk Category	Frequency of Inspection	Total
A	Every 6 months	0
B	Once a year	12
C	Every 18 months	103
D	Every 2 years	266
E	Alternative enforcement every 3 years – visit or self-assessment questionnaire	230

11.2 Most E rated businesses for example newsagents, chemists, childminders, home bakers are sent a self-assessment questionnaire when they are due for an intervention. The returned questionnaires are reviewed, then risk assessed by officers and followed up by an intervention if necessary.

11.3 The food inspections due in 2020/21 are listed in Table 3 below.

Table 3- Food Inspections Due in 2020 / 2021

Risk Category	Number of Inspections due
A	0
B	11
C	64
D	138
E	83
Total	296

11.4 Revisits are also conducted to non-compliant premises and new businesses that register during the year will require inspection. The Council will aim to carry out 100% of all inspections due within 28 days of the due date and to inspect all newly registered food businesses within 28 days of registering.

11.5 Food Hygiene Ratings are issued to those within the scope of the national Food Hygiene Rating scheme in accordance with the Food Standards Agency 'Brand Standard' for the scheme. Re-rating inspections are carried out where businesses with a 0-4 rating apply for

a re-inspection having carried out the required improvements. There is a £150.00 cost recovery charge to the business for a re-rating application. Whilst it is currently still not mandatory for businesses to display their rating window stickers, the service will follow up any reports of inaccurate ratings being displayed or advertised and where necessary refer the case to Trading Standards colleagues for enforcement action.

- 11.6** In 2019/20 the team completed 391 food safety interventions in total which included 274 food hygiene inspections/audits, the remainder being made up of food hygiene revisits, sampling and advisory visits. 81 new businesses were inspected. 289 warning notices and letters were issued to businesses and 13 Hygiene Improvement Notices were served on 6 premises. 8 applications for a food hygiene re-rating re-inspection were received from businesses and in each case the business achieved an improved food hygiene rating.

12.0 Food Complaints

- 12.1** The service will investigate all complaints about food or a food premises.
- 12.2** In 2019/20, 92 complaints were received from the public. Of these 56 related to food and 36 related to hygiene in premises.

13.0 Primary Authority Partnership Scheme

- 13.1** The Council participate in the national Primary Authority Partnership Scheme (PAPS). PAPS entitles businesses or organisations which operate across local authority boundaries to ask for a Partnership with a Local Authority (LA). The businesses will work closely with their partner LA to ensure they are complying with food safety legislation and the LA can charge the business for their time on a cost recovery basis. The aim of PAPS is to lead to greater compliance by the business and also greater consistency and co-ordination of regulatory enforcement by LAs.
- 13.2** All officers have access to the Primary Authority Register and check the database for PAPS and any Inspection Plans that must be followed prior to carrying out an inspection or investigation.
- 13.3** The Council is Primary Authority for food hygiene matters for Krispy Kreme, Exclusive Hotels (who own Pennyhill Park Hotel), Manning Impex (a food importer), Kerry Foods, (a large multi-national food manufacturer), Huel (nutritional shakes manufacturer) and the Health Food Manufacturers Association (HFMA). Activity includes meetings with representatives and providing advice and assistance to other LAs

who have queries following inspections and when investigating food complaints.

13.4 Approximately 15 days per year is currently spent on this activity and it is anticipated that there will be similar demand in 2020/21.

14.0 Advice to Business

14.1 The service provides free advice to potential and existing food business operators via advisory visits or information on the website and telephone/email advice. In 2019/20 the service responded to 48 food enquiries and carried out 5 advisory visits

14.2 Advice is also given to businesses via Collectively Camberley, the Council's communications team and the service has links to the licensed trade via the Council's Licensing officers and local Pub Watch schemes.

14.3 During 2019/20 officers carried out food hygiene advisory visits and compliance checks for all traders at Camberley's Food & Drink Festival.

15.0 Food Inspection and Sampling

15.1 The service takes part in routine food sampling and environmental 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. Samples for examination are submitted to the Public Health England (PHE) laboratory in Porton Down which holds the necessary UKAS accreditation for microbiological examination of food samples.

15.2 During 2019/20, a total of 72 samples were collected from 20 retail and restaurant/takeaway food businesses for microbiological examination. The results showed that 37.5% of the samples were classified as unacceptable or unsatisfactory (see Tables 4 and 5 in Appendix 1). All unsatisfactory results are followed up with advice by letter or a visit to the relevant business and follow up sampling if required. An estimated 20 days are allocated to this activity.

15.3 It is planned that the service will participate in sampling and environmental swabbing programmes in 2020/21 in accordance with national priorities as consulted on and agreed by the Surrey Food Study Liaison Group. PHE has provided the Council with a sampling credit allocation of £3,386 for 2020/21 and a courier service for delivering samples to the laboratory is included.

15.4 Public Analyst food examination services are provided by Hampshire Scientific Services located at Portsmouth. A courier service will continue to be employed to take these samples to the laboratory as and when required.

16.0 Control and Investigation of Outbreaks and Food Related Infectious Diseases

- 16.1** The service works in partnership with PHE to investigate cases of food poisoning and related illnesses. Our aim is to try to locate the source and ensure infection is contained.
- 16.2** 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 pre-school children or food handlers. Relevant statutory powers are used, where necessary, to exclude those infected from attending pre-school settings or work, to prevent the spread of the disease within the community. In 2019/20 the Council was notified of 126 cases of food related infectious disease.
- 16.3** Officers attend the Surrey Health Protection Group which meets three times a year and includes representatives from the other Surrey LAs, PHE and water utilities, to share best practice and discuss cases of interest and regional investigations

17.0 Food Safety Incidents

- 17.1** The service has a Food Safety Incident procedure in respect of the appropriate response to product recall/withdrawal notices and food alerts from the Food Standards Agency (FSA).
- 17.2** The FSA regularly issue electronic Food Alerts to LAs specifying required actions regarding food safety concerns regarding a particular food product. Actions required range from circulating to officers for information to visiting premises and removing products from sale.
- 17.3** In 2019/20 there were 190 reported incidents by the FSA.

18.0 Liaison with Other Organisations

- 18.1** The service has various liaison arrangements in place to help ensure consistency of enforcement to share best practice and coordinate activity Surrey including representation on the following groups: The Surrey Food Liaison Group (SFLG), the Surrey Environmental Health Managers Group (SEHMG) and the Surrey Health Protection Group
- 18.2** The SFLG meets quarterly and in addition to representation from the 11 Surrey LAs there is representation from Trading Standards, the PHE sampling laboratory, the FSA and SEHMG.

Other liaison arrangements include:

- Liaison with other Council Services including Licensing, Private Sector Housing (regarding housing above food premises), Planning and Building Control
- Contact with the Consultant in Communicable Disease Control
- Liaison and joint visits with the Fire Safety Officer from Surrey Fire and Rescue
- Liaison as necessary with the Approvals team at FSA, Egg Marketing Inspectorate and Plant Health and Seeds Inspectorate (PHSI)
- Liaison and referrals from the UK Border Agency on immigration
- Access to national online reference and professional networking resources e.g. Knowledge Hub, EHCNet
- Notification from water utility companies when a commercial water supply is to be disconnected at a business within the Borough.

19.0 Food Safety Promotion

- 19.1** Non-statutory food safety promotion is limited, but food safety advice for the public and businesses is available on the website together with relevant information on the Food Standards Agency national food safety campaigns.
- 19.2** Food businesses with a 5 rating are given the opportunity to publicise their rating via the Council's social media channels.

Section 4 – Resources

20.0 Financial Allocation 2020/21

- 20.1** The total budget for the food safety and health and safety services, including salaries, support services, equipment, etc. is £346,797.

21.0 Staffing Allocation

- 21.1** Currently there are 4 officers authorised and competent in food safety. The time allocated to food safety equates to a total of 2.20 FTE officer time and there is an additional 0.2 FTE administrative support. The Council's Contact Centre receives initial telephone calls, emails and other correspondence for the service.
- 21.2** All officers are authorised to undertake all aspects of the food safety service.
- 21.3** The Environmental Health & Licensing Manager in conjunction with the Senior EHO is responsible for assessing competency and recommending levels of authorisation to the Executive Head of Community in line with the Authorisation Policy.

22.0 Staff Development Plan

- 22.1** The Council's staff appraisal scheme highlights the specific development and training needs of each officer. The Environmental Health & Licensing Manager monitors to ensure that these needs are identified and met by the scheme.
- 22.2** The training and development of staff is achieved through attending courses, on-line training, information updates in team meetings and staff mentoring. The Senior EHO maintains a training log for all officers and ensures that they achieve the 10 hours a year continuing Professional Development (CPD) in food safety required by the Food Standards Agency to maintain food officer competency.
- 23.4** EHOs are encouraged to be Members of the Chartered Institute of Environmental Health (CIEH), in order to further demonstrate competence and professional accreditation. It is a membership requirement that officers achieve a total of 20 hours Environmental Health related CPD (30 hours for Chartered Members) and where possible development opportunities will be provided to facilitate this.
- 23.5** Corporate training is also provided for general subjects such as IT, Safeguarding, health and safety, and customer service skills.
- 23.6** The Council subscribes to the Regulatory Information and Management System (RIAMS) which provides online access to relevant reference material which is automatically updated and version controlled so that officers have access to the most up to date information and legal references.

Section 5 – Quality Assessment

24.0 Quality Assessment

- 24.1** The Food Safety Quality Monitoring Policy details the following mechanisms which are in place to ensure that a quality service is delivered in accordance with Food Standards Agency (FSA) and Council requirements:
- Adherence to Authorisation Policy
 - Regular one to one and team discussion on performance against the inspection programme and current case load.
 - Appraisal system to discuss competency and performance
 - Accompanied monitoring inspections with each food officer by SEHO
 - Statistical performance monitoring e.g. inspection programme; complaint numbers
 - Quarterly reporting on Corporate Success Measures
 - Completion of annual FSA Statutory Local Authority Enforcement Monitoring System (LAEMS)
 - Peer review benchmarking activities and sharing good practice via the Surrey Food Liaison Group and Surrey EH Manager's Group
 - Participation in FSA national consistency exercises

- Internal and external audits (e.g. Internal Audit and FSA)
- Customer Complaints Procedure
- Customer satisfaction surveys

24.2 The outcome of monitoring activities is fed back to staff to ensure that any identified development needs are addressed.

Section 6 – Review

25.0 Review of Performance

25.1 In addition to ongoing performance monitoring of the service, performance is reviewed on an annual basis by the Executive Head of Community and the Licensing Committee.

26.0 Identification of any Variation from the Service Plan in 2019/20

26.1 As at 31st March 2020 96.4% of food businesses received a food hygiene rating of 3 (Satisfactory), 4 (Good) or 5 (Very Good) against a target of achieving 95% of business with a rating of 3 or better.

26.2 It was not possible to meet the food hygiene inspection targets as in light of the emerging COVID-19 pandemic in March 2020, local authorities were advised by the Food Standards Agency (FSA) to defer all planned food hygiene interventions. This was to reduce regulatory footfall in business establishments and to enable local authorities to divert resources to urgent reactive work and other wider public health actions required locally during the pandemic. Officers were redeployed to work on the Council's COVID-19 welfare response and enforcement of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020. However, 97% (274) of the food hygiene inspections due in 2019/20 were carried out and within 28 days of the due date.

Section 7 - Service Priorities 2020/21

27.1 Impact of COVID-19 Pandemic

27.2 In April 2020 the Food Standards Agency (FSA) obtained approval from the Government for permitted deviations from the Food Law Code of Practice and this has had the effect of deferring planned food safety interventions. LAs have been advised that this deferral will continue until 30 September 2020 when the situation will again be reviewed. To reflect the impact of COVID-19 on the food business landscape and LA resources, the FSA have set out the priorities that the food safety service must follow in 2020/21 as the hospitality sector reopens, focusing interventions on those premises and incidents that present the greatest food safety risk. (see Appendix 2 Priority Food Safety Work).

The food service intervention work programme for 2020/21 will now be aligned to the revised FSA priorities. Remote interventions (i.e. telephone contact, electronic review of documentation/video/photographs) will take place prior to physical onsite inspections to enable them to be targeted and reduced in length.

- 27.3** Whilst acknowledging the competing demands on Environmental Health staff e.g. their role in Local Outbreak Control Plans, the FSA have advised that they expect LAs to risk assess their approach to redeploying resources to COVID-19 activities in order to ensure that the priority food work as prescribed is resourced to support and guide food businesses to operate safely. In the event of local lockdown LAs are expected to exercise professional judgment and take account of any direction or expectations set in relation to COVID-19 control measures required by their own LA and Public Health England (PHE).
- 27.4** The Council has updated the food safety advice available to businesses to provide information about changes to the food safety service and guidance has been made available on safely reopening food businesses after lockdown with regard to food safety issues such as effective cleaning, personal hygiene, water supply safety and pest control, in addition to COVID-19 controls.
- 27.5** The food sampling programme will be kept under review in light of the need for work prioritisation, access to food businesses and capacity at the PHE laboratory.
- 27.6** A recovery plan to address the backlog of outstanding interventions that will be due when restrictions are lifted will be drafted and the FSA have advised that further guidance on this will be forthcoming and it is therefore recognised that the Service Plan will need to be kept under review and amended as necessary. The FSA have acknowledged the difficulties this presents in service planning and have said that additional advice will be provided.

28.0 Review of Service Delivery Methods

- 28.1** In response to the changes in the food premises intervention programme and the Government's work from home where you can guidance, the team has adapted to find new ways of delivering the food safety service. In line with corporate policy greater use has been made of telephone and email contact with electronic review of submitted documentation and photographs from businesses playing an increased role in assessing standards and communicating with businesses and the public on food safety matters. This will be kept under review to ensure that the advantages of new ways of working are retained, whilst maintaining a high standard of service delivery.

29.0 Computer System

29.1 The replacement of the Acolaid database with the IDOX Uniform system has been very resource intensive during 2019/20 with regard to extensive mapping and configuration work prior to data transfer. Significant work will be ongoing in 2020/21 to achieve the required level of functionality from the system, particularly with regard to performance monitoring reporting. Processes and procedures also need to be developed further to ensure officer consistency in the use of the system and additional officer training will also be required.

30.0 Brexit

30.1 The implications of Brexit will need to be kept under review as UK food legislation and food import/export provisions will be affected by leaving the EU, which may increase the demands on the service in the short term.

31.0 Corporate Objectives 2020/21

31.1 Whilst the service will continue to strive to meet the corporate success measure standards relating to food premises inspections it is recognised that these measures may need to be kept under review in light of further instruction from the FSA.

31.2 Temporary staffing will be considered to achieve the service priorities and objective if resourcing becomes an issue due to competing demands on the service and staff vacancies.

Appendix 1

Table 4 – Food Sampling Activity and Results 2019/20

Sample Type	Number of Samples	Number of Unsatisfactory Samples
Dairy	2	0
Eggs	1	0
Fish	4	0
Fruits & Veg	1	0
Herb	2	0
Meat	3	0
Nut	1	0
Prepared Dishes	11	3
Environmental swab	39	25
Others	8	0
Total	72	28

Table 5 – Type of Environmental Swab Sample and Reason for Unsatisfactory Sample Results 2019/20

Sample	Number with Unsatisfactory results	Reason
Chopping board	8	Aerobic Colony Count (ACC)*
Food containers	7	Enterobacter**
Fridge door handle	6	Enterobacter
Vacuum packer machine	1	Enterobacter
Cash register	2	Enterobacter
WHB tap	1	Enterobacter
Prepared dishes	3	1 ACC & Enterobacter and 2 Enterobacter

*Aerobic colony count is a measure of the total number of bacteria on a sample and is used as a measure of general hygiene

** Enterobacteriaceae is group of gut bacteria and indicates poor personal hygiene

Note: Samples were taken from the following premises types:

Butcher = 4

Food Retailers = 4

Restaurant = 5

Take Away = 6

Appendix 2

Local Authority Priority Food Safety Work (for period to 30th September 2020) – Food Standards Agency

1. Local authorities should give high priority to ongoing proactive surveillance to obtain an accurate picture of the local business landscape. This will help inform which businesses to prioritise for onsite visits.

2. Onsite visits should be undertaken for the following:

High priority

- establishments where the local authority has identified potential public health/consumer protection concerns through proactive surveillance including, for example, new businesses setting up, businesses that have reopened after prolonged closure or businesses changing what they do, such as pubs providing takeaway food
- establishments subject to ongoing formal enforcement action
- establishments overdue/due an enforcement revisit - unless the local authority is content from prior remote interaction with the business that that non-compliances have been rectified

Medium priority

- all category A, all category B and non-broadly compliant category C establishments for food hygiene that are overdue/due an intervention
- all category A/high risk establishments for food standards that are overdue/due an intervention
- establishments that are awaiting a requested re-inspection under FHRS
- establishments where applying COVID-19 requirements - e.g. social distancing - might impact on food safety or the ability of the local authority to conduct a physical inspection Remote assessment, where appropriate, should be used to facilitate the targeting of what to focus attention on at the subsequent onsite visit. For food hygiene, FHRS ratings should be given or updated as appropriate, following the onsite visit to reflect the findings.

Urgent Reactive Work:

- following up on food incidents
- investigating foodborne disease outbreaks
- following up on complaints
- proactively checking food businesses with Food Hygiene Ratings of 0, 1 or 2 (less than broadly compliant) to verify if they are continuing to trade and to establish if they have started to operate delivery services or have introduced new processes that enable them to diversify their menu (such as introducing ready to eat meals/food, or supplying vulnerable groups).

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Health and Safety Service Plan 2020/21

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 2020/21 and highlights the impact of the COVID-19 pandemic on the work of the health and safety service.

Wards Affected: All

Recommendation

The Licensing Committee is advised to resolve that the Health and Safety Service Plan 2020/21 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 2020/21 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 duty holders 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 412 health and safety interventions during 2019/20. Interventions include inspections, investigations, revisits, telephone calls and advice. All interventions completed were of the correct standard and quality.
 - c. During 2019/20 officers carried out 28 reactive interventions as a result of complaints made, and 43 accident investigations.
 - d. We continue to support two 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 2020/21 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.
- 2.6 The impact of the COVID-19 pandemic on the health and safety work programme is highlighted and it is acknowledged that this Service Plan will need to be kept under review

3. Options

- 3.1 The options are to approve or to amend the attached Health and Safety Service Plan for 2020/21.

4. Proposals

- 4.1 The proposal is for the Licensing Committee to approve the attached Health and Safety Service Plan for 2020/21.

5. Corporate Objectives And Key Priorities

- 5.1 The Health and Safety Service Plan sets out how the Council will deliver the service in accordance with the national priorities and required standards and Corporate priorities set out in the Council's Annual Plan 2020/21.

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 duty holders. 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.

Annexes	Annex A – Health and Safety Service Plan 2020/21
Background Papers	None
Author/Contact Details	Frances Soper - Environmental Health and Licensing Manager Frances.soper@surreyheath.gov.uk
Head of Service	Tim Pashen, Executive Head of Community

Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	✓
Capital		
Human Resources		
Asset Management		
IT		

Other Issues	Required	Consulted
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 2020-21

**ENVIRONMENTAL HEALTH
COMMUNITY SERVICES
SURREY HEATH BOROUGH COUNCIL**

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**SURREY HEATH BOROUGH COUNCIL
HEALTH AND SAFETY SERVICE PLAN 2020/21**

1. Service Aims and Objectives

1.1. Aims and Objectives

1.1.1. 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 are linked to the overall aims and objectives of the Council.

1.2.2. This plan provides information about how the health and safety service provided and the means for monitoring and reviewing service performance against set standards.

1.3 Licensing Committee

1.3.1 The EH & Licensing Manager reports annually to the Licensing Committee on the health and safety activities that have taken place over the last year and on the plans for the forthcoming year.

1.4 Equality Scheme

1.4.1 The Council's Equality Strategy 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. The Strategy has been taken into account in the drafting of this plan.

2. Background

2.1. Profile of the Borough of Surrey Heath

Surrey Heath covers 36.5 square miles in North West Surrey and 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 Food and Safety Team within Environmental Health which is part of Community Services. The team is led by the Senior Environmental Health Officer

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(Food and Safety) and reports to the Environmental Health and Licensing Manager.

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, caterers, leisure and consumer services and a wide range of other commercial activities. The Council is 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 The database of business details and risk rating scores for some businesses has been transferred from the Acolaid system to the Council's new IDOX Uniform computer software. The software enables the service 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. Officers also update the database by obtaining information from routine inspections,

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investigations, new business notifications, particular trade sectors, business rates and the Health and safety Executive (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.
- 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 priorities identified in 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 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 LAs have a range of interventions available to them to ensure a business is managing its risks effectively and guidance is provided by the HSE in LAC 67/2 (revision 9) Setting Local Authority Priorities and Targeting Interventions. It is important that LA's are able to justify any inspection they undertake and the National Code requires national and local intelligence is used to inform priorities. LAs 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 The service will liaise with the other Surrey LAs through the Health and Safety Study Group and gather local intelligence to identify areas of high risk activities in Surrey and participate in group project work where possible.
- 3.1.4 In 2019/20, a total of 412 health and safety interventions were carried out. (Interventions are contacts with businesses and include inspections as well as revisits, telephone calls and advice.) In addition

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27 skin piercing inspections for premises and persons were carried out.

- 3.1.5 In 2019/20, 21 warning notices & letters were issued to businesses. One Prohibition Notice was served prohibiting the use of an unsafe liquefied petroleum gas system at a retail premises which presented a risk of serious personal injury. Letters were also sent to 180 businesses that could possibly hire out inflatables giving information on how to hire and operate safely after recent serious accidents in this sector.

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 2019/20, 28 visits were made as a result of a complaint relating to health and safety.

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 2019/20, 43 accident notifications were investigated.

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 businesses are charged for the officer time spent on partnership work.
- 3.4.2 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.

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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.
- 3.6.3 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

- 4.1.1 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 £346,797.

4.2 Staffing Allocations

- 4.2.1 Currently there are 4 officers authorised and competent in health and safety. The time allocated to health and safety equates to a total of 1.0 FTE officer time and there is an additional 0.1 FTE administrative support. The Council's Contact Centre receives initial telephone calls, emails and other correspondence for the service.
- 4.2.2 The Environmental Health & Licensing Manager in conjunction with the Senior EHO is responsible for assessing competency and recommending levels of authorisation to the Executive Head of Community in line with the Authorisation Policy.
- 4.2.3 The Surrey LA's have a flexible warranting arrangement where officers are able to assist and support each other when necessary, e.g., where

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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, e.g., workplace related death investigation and where competent and authorised officers are absent e.g., 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.

4.3 Staff Development Plan

- 4.3.1 The Council's staff appraisal scheme highlights the specific development and training needs of each officer. The Environmental Health & Licensing Manager monitors to ensure that these needs are identified and met by the scheme.
- 4.3.2 The training and development of staff is achieved through attending courses, on-line training, information updates in team meetings and staff mentoring. The Senior EHO maintains a training log for all officers.
- 4.3.3 EHOs are encouraged to be Members of the Chartered Institute of Environmental Health (CIEH), in order to further demonstrate competence and professional accreditation. It is a membership requirement that officers achieve a total of 20 hours Environmental Health related CPD (30 hours for Chartered Members) and where possible development opportunities will be provided to facilitate this.
- 4.3.4 Corporate training is also provided for general subjects such as IT, Safeguarding, health and safety, and customer service skills.
- 4.3.5 The Council subscribes to the Regulatory Information and Management System (RIAMS) which provides online access to relevant reference material which is automatically updated and version controlled so that officers have access to the most up to date information and legal references. The service also has online access to the HSE and LA enforcement information resource HELAExtranet.

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 throughout the year and a full review will take place annually when the next year's plan is being drafted. Where

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variance from the plan is identified, the reasons for this will be investigated and corrective action taken as required.

- 5.1.2. The COVID-19 pandemic and associated lock down had the effect of suspending health and safety site visits. Officers were redeployed to work on the Council's COVID-19 welfare response and enforcement of the new business restriction regulations.

5.2. Forward Planning

- 5.2.1. The health and safety work programme for 2020/21 will be prioritised in line with the National Code and LAC 67/2 (rev9).
- 5.2.2. The current priority for health and safety is ensuring that workplaces are COVID-19 safe for employees and for members of the public visiting work places. As lock down has relaxed the work load in relation to service requests from businesses and complaints from employees and public regarding COVID-19 controls.
- 5.2.3. The impact of possible competing demands on Environmental Health staff in delivering COVID-19 Local Outbreak Control Plans will need to be kept under review and alternative resourcing options considered where necessary. The Council has updated the health and safety advice available to businesses to provide information about changes to the service and guidance has been made available on safely reopening businesses after lockdown with regard to legionella control /water supply safety and pest control, in addition to COVID-19 controls.

5.3 Review of Service Delivery Methods

- 5.3.1 In response to the changes in the food premises intervention programme and the Government's work from home where you can guidance, the team has adapted to find new ways of delivering the food safety service. In line with corporate policy greater use has been made of telephone and email contact with electronic review of submitted documentation and photographs from businesses playing an increased role in assessing standards and communicating with businesses and the public on food safety matters. This will be kept under review to ensure that the advantages of new ways of working are retained, whilst maintaining a high standard of service delivery.

5.4 Computer System

- 5.4.1 The replacement of the Acolaid database with the IDOX Uniform system has been very resource intensive during 2019/20 with regard to extensive mapping and configuration work prior to data transfer. Significant work will be ongoing in 2020/21 to achieve the required level of functionality from the system, particularly with regard to performance monitoring reporting. Processes and procedures also need to be developed further to ensure officer consistency in the use of the system and additional officer training will also be required.

**HACKNEY CARRIAGES AND PRIVATE HIRE
VEHICLE LICENSING**

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

Purpose

To consider the relaxation of the current guidelines relating to the age limits on vehicles submitted for licensing as Hackney Carriages and Private Hire Vehicles.

1. Background

- 1.1 Under current guidelines the following applies to the licensing of vehicles as Hackney Carriages and Private Hire Vehicles.
- 1.2 No vehicle shall be licensed which:
 - At the time of being first presented for licensing was first registered with the Driver and Vehicle Licensing Agency (DVLA) more than three years previously or in the case of a car first registered overseas is more than three years old or
 - Is presented for relicensing after the six year anniversary of the vehicle first being registered with the DVLA or from the date of manufacture in the case of cars first registered overseas.
- 1.3 These guidelines have been in place for some years and the Committee is asked to consider whether they are still fit for purpose or whether other considerations, such as vehicle emissions, in addition to or as an alternative to the age of the vehicle should act as criteria.
- 1.4 This item was requested for consideration by the Licensing Committee by Councillor John Skipper.

2. Current Position

- 2.1 Council guidelines set out the considerations that apply when licensing vehicles as Hackney Carriages and Private Hire Vehicles. A copy of the current guidelines is attached as Annex A.
- 2.2 Since these guidelines were introduced there have been a number of improvements in vehicles which may be relevant considerations when licensing vehicles.

2.3 Current guidelines means that the Council is unable to license vehicles which are over 6 years old which may still be suitable for use and are safe to carry paying passengers.

2.4 In addition it appears that the Council maybe out of line with the guidelines/ policies adopted by neighbouring local authorities in relation to the age of vehicles. It is important to note that in this respect although the Council may be out of line in its approach, the Committee must consider the overall picture including the conditions attached to Licences that apply within Surrey Heath and other comparative authorities.

3. Options

3.1 The Licensing Committee has the option to:

- i. Take no immediate action in respect of the vehicle age limit rule. Instead the Licensing Committee receives a detailed report in order to conduct a full review of the current guidelines/ policies relating to Taxi Licensing within the next 12 months.
- ii. Undertake a consultation with licence holders on the age limit rule and the Licensing Committee receives the results of the consultation at its meeting on 21st October.
- iii. Change the current guidelines to allow vehicles up to 7 years old to be licensed subject to a number of conditions. (This could include a requirement for the vehicle owner to submit the vehicle for mechanical inspection from for example the AA or RAC at their own expense. In addition they would be required to comply with the normal requirements for granting a licence.) This could be applied immediately or at a date to be agreed.
- iv. Apply a temporary exemption to the current 6 year rule to reflect the impact that Covid-19 has had on the taxi trade. The exemption would be for one year or a period to be set by the Committee to allow for the economy to recover.
- v. The committee may wish to consider other relevant exemptions that could be applied on a temporary basis whilst the Council carries out a full review of this area of work. It is suggested that these exemptions are considered in exceptional circumstances and on a case by case basis in consultation with the Chairman and Vice Chairman of the Licensing Committee.
- vi. Take no further action.

4. Recommendation

- 4.1 The Committee is advised to resolve that
- i. A temporary one year exemption to the current 6 year vehicle age limit rule be applied;
 - ii. And the Licensing Committee receives a detailed report in order to conduct a full review of the current guidelines/ policies relating to Taxi Licensing within the next 12 months.

Background Papers: Annexes	None Annex A – Council Guidelines with regard to the age limit on vehicles submitted for licensing as Hackney Carriages and Private Hire Vehicles
Report Author:	Paula Barnshaw, Licensing Administration Officer 01276 707625 paula.barnshaw@surreyheath.gov.uk
Head of Service:	Tim Pashen – Executive Head of Community

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Council Guidelines with Regard to Age Limits on Vehicles Submitted for Licensing as Hackney Carriages and Private Hire Vehicles

1. Age Limits

The Council, in considering the suitability of vehicles for licensing as Hackney Carriage and Private Hire Vehicles has decided that no vehicle shall be licensed which: -

- (a) at the time of being first presented for licensing was first registered with the Driver and Vehicle Licensing Agency more than three years previously or in the case of a car first registered overseas is more than three years old or
- (b) is presented for re-licensing after the six year anniversary of the vehicle first being registered with the Driver and Vehicle Licensing Agency or from the date of manufacture in the case of cars first registered overseas.

to allow for vehicles to be licensed for a maximum of six years from their first registration with the DVLA.

(Exceptions to (a) and (b) can be made for certain vehicles on written application to the Council).

2. Application for Exemption

Applications for exemption must be made in writing and give reasons why the policy guidelines adopted by the Council should not be applied. The condition of the vehicle, although relevant, and in exceptional circumstances may be the sole reason for granting exemption, the guidelines will normally be applied unless the vehicle is of type which merits dispensation from the guidelines or is needed to provide a specialist service.

Such dispensation may, for instance, be granted in respect of a purpose built hackney carriage that is capable of carrying a wheelchair. Complete with occupant or a vintage limousine which is to be used on specialist private hire world. Exemptions will not normally be granted in respect of standard saloon type vehicles unless there are exceptional circumstances these include vehicles specifically designed to give lower than average emissions of harmful gases or greenhouse gases or diesel exhaust particulates.

3. Procedure for Dealing with Application for Exemption

An application form together with the log book for the vehicle must be submitted together with written representations as to why exemption is claimed, the service records for the vehicle, dated photographs showing; interior and exterior views of the vehicle from four angles) both sides front and rear) and the engine compartment. An appointment will then be made for the Licensing Officer to inspect the vehicle. The purpose of this inspection is not to ascertain the mechanical condition of the vehicle but is intended to verify any claims made by the applicant with regard to the type and appearance of the vehicle. This may include condition of the upholstery, bodywork, cleanliness and general impression created by the appearance of the vehicle.

The Licensing Officer will then submit a written report to the Licensing Manager for a decision on the principle of granting the licence. This decision may be exercised in accordance with powers delegated to by the Council. A decision may be taken to refuse the licence in which case the applicant will be informed accordingly. If however the grant of the licence is approved in principle, the applicant will be required to submit the vehicle for mechanical inspection (this will probably involved the applicant obtaining, at their own expense, a report form the AA or RAC) and to comply with the normal requirements for granting a licence (i.e. submission of MoT certificate, insurance cover note and licence fee). The licence may still be refused if the mechanical condition of the vehicle is unsatisfactory or any legal formalities have not been satisfied.

Any licence granted by the Council may be subject to special conditions to take account of the age of the vehicle.

4. Appeal Procedure

Any person aggrieved by a refusal of the Council to grant a vehicle licence, or by any condition specified in such licence, may appeal to a magistrate's court. Applicants are notified of the time limit for submitting an appeal when an application is refused or when special conditions are attached to the licence. Appeals should be addressed to,

The Clerk to the Justices,
The Justices' Clerk's Office,
The Court House,
Station Approach,
Woking,
Surrey,
GU22 7YL

Urgent Action

SUMMARY

To advise the Licensing Committee of urgent action taken by officers pursuant to the Scheme of Delegation of Functions to Officers.

Wards Affected

Not applicable

RECOMMENDATION

The Licensing Committee is advised to NOTE the urgent action taken under the Scheme of Delegation of Functions to Officers.

1. Resource Implications

1.1 The resource implications are as set out at Annex A.

2. Key Issues

2.1 In accordance with the Scheme of Delegation of Functions to Officers, urgent action has been authorised, as set out at Annex A.

3. Options

3.1 There are no options for the Executive to consider as the action has been taken.

4. Supporting Information

4.1 The Scheme of Delegation of Functions to Officers, provides for the Chief Executive, Executive Heads of Service and Heads of Services to determine, after appropriate consultation, matters of an urgent nature which are not in contravention of established policies of the Council, budgets set, or are key decisions, which will not admit of delay until the next ordinary meeting of the Council, Executive or Committee concerned. All such decisions which are executive matters have to be reported to the next meeting of the Executive.

Annexes	Annex A - Urgent Action Decision Form relating to the decision to issue renewal driver licenses without a medical report.
Background papers	None
Author and contact details	Eddie Scott – Senior Democratic Services Officer eddie.scott@surreyheath.gov.uk

Head of service	Richard Payne – Executive Head of Corporate
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Surrey Heath Borough Council Scheme of Delegation of Functions to Officers

Urgent Action Form – Regulatory Function

Consultation by Chief Executive or Executive Head of Service or Head of Service involved with relevant Chairman (or Vice Chairman) of the relevant Committee

To Councillor	Vivienne Chapman
Chairman of	Licensing
Proposal	To issue renewal driver licences without a medical report
Background	Licensed drivers with appointments for a taxi driver medical's have informed Licensing that appointments are cancelled due to the strain on NHS services by COVID-19.
Options	Request drivers to sign the declaration attached, issue driver's licence and badge for a period of 6 months.
Risk of delaying the decision	<p>Driver's that require a medical to renew will be unable to work and the licence will lapse, they will be unable to drive the licensed vehicle.</p> <p>The policy is to treat lapsed drivers as new applicants with the requirement to provide certificates and documents including DBS, DVSA test, medical etc., costly to the driver.</p> <p>The majority of driver's who require a medical to renew will be aged 65 and over, they may have been "grandfathered" in, in which case they have not previously sat a knowledge test or completed a taxi driver practical test.</p>
Legal advice	
Resource implications	Drivers who lapse and then reapply as new applicants is time consuming and officer resource dependant, licensed drivers are unable to work for an extended period.
Contact Officer for further information	Paula Barnshaw 01276 707625-

Decision Making Officer – Chief Executive/ Relevant Executive Head	
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Signed  Deputy Chief Executive Dated 18/3/2020

I agree with the above action proposed

Signed *V. E. Chapman* Dated
Chairman of *Licensing Committee* 18/3/2020

Application to issue PHD/HCD Badge before all enquiries are complete

Name	
Address	
Email	
Badge Number	

Please state reason in box below why you are unable to provide a medical at this time.

--

Declaration

I confirm that any changes in my medical condition or medication since the issue of my PH/HC driver licence are listed in the box below: (If there are no changes please write "None"). Please provide copies of any supporting documents you may have.

I understand that if I make a false declaration my licence will be suspended or revoked.

By signing and returning this form, I consent to a review of my PHD/HCD licence by a Licensing Officer to see if my Driver Badge can be issued whilst waiting for the medical to be completed.

Signature		Date	
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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, one Licensing Sub-Committee has been held:

Nepalese Cuisine, 449 London Road, Camberley, GU15 3JA
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 31 March 2020.

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
31 March 2020**

+ Cllr Rodney Bates
+ Cllr David Lewis

+ Cllr John Skipper

+ Present
- Apologies for absence presented

Substitutes: Cllr Helen Whitcroft

In Attendance: Paula Barnshaw, Licensing Officer
Rebecca Batten, Principal Solicitor

1/LS Appointment of Chairman

RESOLVED that Councillor Bates be appointed Chairman of the Licensing Sub Committee.

COUNCILLOR BATES IN THE CHAIR

2/LS Declarations of Interest

There were no declarations of interest.

3/LS Licensing Sub Committee Procedure

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

4/LS Application for a Premises Licence - Nepalese Cuisine, 449 London Road, Camberley, GU15 3JA

The Sub Committee was informed that the hearing had been convened to decide an application for a Premises Licence at Nepalese Cuisine, 449 London Road, Camberley GU15 3JA.

It was noted that the application covered the sale of alcohol for consumption on site at the restaurant. 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 noted the supplementary information provided by the applicant and a request from Surrey Police for additional conditions to be placed

on the licence in addition to the standard licencing conditions if the Premise licence was to be granted. The Sub Committee carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant
- Interested Parties (2)

The Sub Committee noted that two representations had been received from members of the public which made reference to noise nuisance caused by building work and music on the premises and cigarette smoke drifting into the residence above the premises.

It was noted that a licence was not required for the playing of either amplified or unamplified live music between the hours of 08:00 and 23:00 provided that the audience did not exceed 500 people nor was a licence required if recorded music was to be played as long as the music was only played between the hours of 08:00 and 23:00 and the audience did not exceed 500 people.

In reaching their decision, the Sub Committee took into consideration the representations made in relation to the prevention of public nuisance. However, it was considered that the concerns did not meet the threshold that would undermine the relevant licensing objectives. Notwithstanding this the Sub Committee requested that the residents living in the property above the premises be provided with the appropriate contact details for the Council's Environmental Health Team so that they would be able to raise any concerns that might arise when the premises was operational directly with the appropriate authority.

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. On balance, the Sub Committee decided that granting the licence, 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.

RESOLVED that the application for a premises licence at Nepalese Cuisine, 449 London Road, Camberley GU15 3JA be granted subject to the imposition of the additional conditions requested by Surrey Police in addition to the standard licensing conditions.

Chairman

LICENSING ACT 2003: SUMMARY OF DECISIONS

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

Purpose

To report decisions that have been taken in respect of licence applications that have been dealt with under powers delegated to the Executive Head – Community and to the Licensing Administration Officer

1. Background

1.1 Details of decisions taken under delegated powers in relation to applications, representation etc., have to be reported to the Licensing Committee in accordance with the provisions of the Licensing Act 2003.

2. Current Position

- 2.1 In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the Licensing Administration Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.
- 2.2 If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements. No representations have been rejected on these grounds since the last report in these matters to the committee.
- 2.3 When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.
- 2.4 A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

3. Recommendation

3.1 The committee is advised to note this report.

Background Papers: None

Report Author: Paula Barnshaw,
Licensing Administration Officer
01276 707625
paula.barnshaw@surreyheath.gov.uk

Head of Service: Tim Pashen

Licensing Act 2003

Summary of Decisions Made Under Delegated Authority

(01/03/2020-30/06/2020)

(01/06/2019-29/02/20- figures in brackets)

New Personal Licences	8 (33)
Variation to Personal Licences	6(20)
Temporary Event Notices	11(164)
New Premises Licences	4(5)
Variation to a Premises Licence	10(35)
Transfer of Premises Licence	3(N/A)
New Club Premises Certificate	0 (0)
Variation to Club Premises Certificate	0 (0)

Contact: licensing@surreyheath.gov.uk

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