



Agenda

Policy, Projects and Resources Committee

Tuesday, 20 June 2017 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs Mrs McKinlay (Chair), Kerlake (Vice-Chair), Barrett, Faragher, Hossack, Keeble, Kendall, Mynott and Parker

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Head of Paid Service

Town Hall
Brentwood, Essex
12.06.2017

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

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Access

There is wheelchair access to the Town Hall from the Main Entrance. There is an induction loop in the Council Chamber.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the North Front Car Park.



Minutes

Policy, Finance and Resources Committee Tuesday, 14th March, 2017

Attendance

Cllr Mrs McKinlay (Chair)	Cllr Kendall
Cllr Kerlake (Vice-Chair)	Cllr McCheyne
Cllr Barrett	Cllr Mynott
Cllr Faragher	Cllr Parker

Apologies

Cllr Hossack

Substitute Present

Cllr Ms Sanders

Also Present

Cllr Aspinell
Cllr Hirst
Cllr Mrs Hubbard
Cllr Mrs Murphy
Cllr Mrs Pound

Officers Present

John Chance	-	Finance Director (Section 151 Officer)
Philip Drane	-	Planning Policy Team Leader
Philip Ruck	-	Chief Executive
Jean Sharp	-	Governance and Member Support Officer
Lorne Spicer	-	Business Development and PR Manager
Steve Summers	-	Group Manager In House Services

327. Apologies for Absence

Apologies were received from Cllr Hossack. Cllr Ms Sanders substituted for him.

328. Minutes of the Previous Meeting

The minutes of the Policy, Finance and Resources Committee meeting held on 15 February 2017 were approved as a true record.

Cllr Kendall advised that an update on item 282 – Revenues and Benefits Shared Service Agreement - had been requested at the 15.2.17 meeting but had not been forthcoming. The Chair asked officers to ensure an update was circulated to committee members without further delay.

329. Town Hall Remodelling - Temporary Relocation

Members were reminded that at Ordinary Council (19.10.16 Min 191) it was resolved to agree a recommendation to remodel the Town Hall building. The report on the 19 October 2016 also confirmed the need to relocate all services out of the Town Hall while the remodelling work continued. The report considered the relocation of back office services.

The report did not consider front line services including reception and any face to face interactions with customers which would be provided from 1 & 2 Seven Arches Road. Further it did not consider the location of committee meetings which would be provided from a local school.

The report requested delegated authority to enable the process to relocate to another premise on a temporary basis so the overall project was not delayed and could continue to meet the timelines necessary to secure temporary accommodation in order that the Town Hall was vacant and ready for the remodelling work to start later in the year.

The Chair advised that she had met with the opposition groups' leader and deputy leader to provide more details on the ongoing process and that a visit to the proposed temporary accommodation would be arranged for group leaders and committee chairs in due course.

A Member requested that bookable meeting space be made available in the town centre area to facilitate meetings, particularly with officers, for those Members who did not have private transport.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a debate a vote was taken by a show of hands and it was

RESOLVED UNANIMOUSLY

That delegated authority be given to the Chief Executive, S151 and Monitoring Officer in consultation with the Leader, Deputy Leader and Opposition Leaders to agree, negotiate and implement the temporary relocation of back office services out of the Town Hall building, including appropriate letting arrangements if required.

Reason for recommendation

The Town Hall project was on tight deadlines to achieve its target. If the Council was delayed agreeing temporary accommodation it would be difficult to keep the project on track in order for works to begin later in the year.

330. Brentwood Economic Strategy 2017-2020

The report presented a refreshed Brentwood Economic Strategy for 2017-2020 as requested at the 31 January 2017 Policy, Finance and Resources Committee meeting which was based on the recent findings of the Enterprising Essex: Opportunities and Challenges report undertaken by the Essex Economic Commission.

Officers advised that the document appended to the report was a draft and that Members' comments would be taken into account when the final document and the 2017/18 Economic Work Plan were produced.

Cllr Mrs McKinlay **MOVED** and Cllr Kerlake **SECONDED** the recommendation in the report and following a full discussion a vote was taken by a show of hands and it was

RESOLVED

That Members approve the Brentwood Economic Strategy 2017-2020 and agree that a 2017/18 Economic Work Plan is implemented to support the delivery of the Strategy.

Reason for recommendation

To approve the refreshed Brentwood Economic Strategy and agree that a 2017/18 Economic Work Plan was implemented to support the delivery of the Strategy.

331. Herongate Village Hall

The report requested the approval of the Committee to enable officers to explore the various options for the future of Herongate Village Hall.

This was a long standing matter involving Charity Law. The hall was in a bad state of repair and Members were advised that the Council was the Custodian Trustee and there were no other living trustees in place.

Discussions had been going on with interested parties regarding possible funding to assist with any possible future option for the hall.

Cllr Mrs McKinlay **MOVED** and Cllr Parker **SECONDED** the recommendations in the report including some additional words and following a discussion a vote was taken by a show of hands and it was

RESOLVED UNANIMOUSLY:

- 1. That the Committee approves that officers explore the various options for the future of Herongate Village Hall.**
- 2. That discussions are undertaken with the Parish Council to enable them to engage in and inform the possible options.**
- 3. That delegated authority be given to the Section 151 Officer, in consultation with the Leader of the Council and Ward Members to determine which option is the most appropriate.**

Reason for recommendation

To enable the Council to deliver effective and efficient community services for the benefit of the Council and its residents.

332. Grass Verge Bylaws

The report before Members sought the approval of the Committee to enable officers to proceed with the introduction of prohibitions against parking on grass verges at locations within the Borough.

Section 6 (2) (a) and (5) (b) of the Essex Act 1987 allowed Brentwood Borough Council, working in conjunction with Essex County Council, to prohibit either entirely or at specified times, the driving or leaving of vehicles on grass verges beside Borough roadways, in conformity with the requirements of the Road Traffic Regulation Act 1984.

Cllr Kerlake **MOVED** and Cllr Ms Sanders **SECONDED** the recommendations in the report and following a debate a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

That officers further investigate and prepare a report on the application of restrictions relating to parking on grass verges within the borough , the authority under which any such restrictions can be applied and how any enforcement action can be taken. This report to be presented to the next PFR committee.

Reasons for Recommendation

1. This report requests the approval of the Committee to enable officers to proceed with the introduction of prohibitions against parking on grass verges at locations within the Borough.
2. Section 6 (2) (a) and (5) (b) of the Essex Act 1987 allows Brentwood Borough Council, working in conjunction with Essex County Council, to prohibit either entirely or at specified times, the driving or leaving of

vehicles on grass verges beside Borough roadways, in conformity with the requirements of the Road Traffic Regulation Act 1984.

333. Forestry Management Plan

Members were reminded of the paper agreed by the Policy, Finance and Resources Committee (PFR) on 21 June 2016.

Since that date officers had held discussions with the Forestry Commission to provide a Woodland Management Plan and associated maintenance for 10 years.

The Forestry Commission were close to agreeing a slightly modified plan and this would be brought back before Members in due course.

The purpose of the report was to seek the PFR committee's approval for an investigation into establishing a commercial arboricultural business to be run by Brentwood Borough Council.

Cllr Mrs McKinlay **MOVED** and Cllr McCheyne **SECONDED** the recommendation in the report and following a discussion a vote was taken on a show of hands and it was

RESOLVED UNANIMOUSLY

That the Committee agrees to commission a study carried out by officers, for Brentwood Borough Council to run an arboricultural business.

(Cllr Mynott declared a non-pecuniary interest under the Council's Code of Conduct by virtue of being a member of the Woodland Trust).

Reasons for Recommendation

To ensure that council assets are properly maintained and appropriate use is made for the benefit of residents and the environment.

334. Finance Restructure

The report requested the approval of the Policy, Finance and Resources Committee to allow the Chief Executive to conduct and implement restructures in service areas of the Council. Whilst the Council's Organisational Change Policy made it clear that although approval was not sought from Members in relation to the Service areas under review, it was important that Members were aware of the potential changes to the way in which services were delivered prior to any restructuring being carried out.

The area under consideration for restructure was the Finance Department. Members were advised that the potential outcome of the restructure could result in a shared management arrangement with a neighbouring borough.

If agreed, the proposed restructures would be in place by 30 September 2017.

Cllr Mrs McKinlay **MOVED** and Cllr Kerslake **SECONDED** the recommendations in the report and following a discussion a vote was taken by a show of hands and it was

RESOLVED

- 1. That the restructure in the service areas as defined in 1.2 of the report proceeds in accordance with the Council's adopted policies and procedures.**
- 2. That the Chief Executive be granted delegated authority to undertake, manage and implement the said restructure provided that consultation takes place with the Leaders of the all political groups (or in their absence, their appointed deputies). Such consultation shall include meetings with the said Leaders and shall include advice as to progress.**

Reason for recommendation

To enable the Council to align its available resources with its service delivery model.

335. Urgent Business

There were no items of urgent business.

The meeting ended at 8.35 pm.

20 June 2017

Policy, Projects and Resources Committee

Environmental Health Pollution and Private Sector Housing Service Plan 2017/18

Report of: David Carter

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 This report seeks Member approval to the proposed 2017/18 Service Plan for the Environmental Health Pollution and Private Sector Housing team.

2. Recommendation(s)

- 2.1 **Members approve the Service Plan for the Pollution and Private Sector Housing team within Environmental Health**

3. Introduction and Background

- 3.1 As part of the Council's performance measures we have produced a service plan to focus on activity within the current financial year
- 3.2 The specific targets and projects planned are contained within the attached draft service plan which is proposed to be agreed by Members.
- 3.3 Key priorities within this service area are enforcement, particularly relating to fly tipping and environmental crime, together with effective investigation and enforcement of private sector housing issues.
- 3.4 The service plan also proposes better measure of performance within the team which can be used to demonstrate our activity in these areas.

4. Issue, Options and Analysis of Options

- 4.1 Options and proposals are contained within the service plan document

5. Reasons for Recommendation

- 5.1 To plan activity and operational priorities for the team for the current year and to provide objective measures of performance and workload.

6. Consultation

Not required.

7. References to Corporate Plan

Environment and Housing Management

Review the future delivery of housing services to provide the best outcomes for Brentwood residents

Community and Health

Support our most vulnerable residents to feel safe

Make Brentwood a Borough where people feel safe, healthy and supported

Work with partners to reduce anti-social behaviour

8. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts Financial Service Manager (Deputy Section 151 Officer)

Tel & Email: 01277 312829 / @brentwood.gov.uk

The Service Plan will be carried out within existing budgets of the Environmental Health Service.

If a capital bid is submitted for the private sector housing condition survey, it will be reviewed in line with the service plan to meet its targets.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services and Monitoring Officer

Tel & Email: 01277 312860 / daniel.toohey@brentwood.gov.uk

There are no legal implications arising from this report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None identified

- 9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

- 10. Appendices to this report**

Appendix A - Environmental Health Pollution and Private Sector Housing Service Plan 2017/18

Report Author Contact Details:

Name: David Carter Environmental Health Manager
Telephone: 01277 312509
E-mail: david.carter@brentwood.gov.uk

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BRENTWOOD BOROUGH COUNCIL

SERVICE PLAN 2017/18

Service Area	Planning and Environmental Health	Head of Service	Gavin Dennett
Title of Service	Environmental Health Pollution and Private Sector Housing	Manager	David Carter
Purpose of Service	<p>To seek to remove or control those adverse factors affecting health, safety and well being in the living and working environment that come within its remit by educating, advising, monitoring and enforcing relevant statutory duties and discretionary powers</p>		
Vision of the Service	<p>To work effectively to improve the quality of life for the Borough's residents, dealing with nuisance, anti-social behaviour and pollution and increasing the safety and quality of private sector housing in the area, working with responsible landlords, vulnerable tenants and owner occupiers to ensure homes are maintained to a decent standard and that poor housing conditions are minimised.</p>		
Date	29 th May 2017	Version	2

Service Objectives and Delivery Table 2017/18

No.	Environmental Health Pollution & Private Sector Housing Service Objective	Outcomes / Measures of Success/Timescales	Actions / Outputs	Resources	Risk
1	Title: Environment and Housing Management - Cleaner and Safer Environment				
Page 16	EHM3 – Enable communities to take a more active role in delivering a cleaner and safer environment	Quantity of fly-tipped waste being collected and disposed of by the Council by quarter (increase/decrease)	Aim to reduce Council cost in waste disposal by action against fly-tipping and other environmental crime to prevent illegal deposit of waste	No additional funding required above existing budget levels	Failure to meet targets for enforcement levels and statutory duties regarding investigation of complaints Reputation of Council
	EHM4 – Focus on reducing waste	Number of complaints received relating to environmental crime e.g. fly-tipping, waste disposal, industrial bonfires etc. relative to previous year(s)	Use of fixed penalty notices and other legal powers to deal with environmental crime, working with residents, parish councils and other agencies.		
	EHM5 – Encourage residents to work with us to take responsibility for the environment				
	Improve enforcement actions and informal approaches to deal with environmental pollution, including fly-tipping and atmospheric pollution from industrial activities.	Number and type of outcomes of complaints resulting in positive action to investigate and carry out enforcement where practicable/appropriate having regard to the Council enforcement policy	Proportionate and effective enforcement against environmental crime ranging from fixed penalty notices to prosecution		



	Air Quality	<p>Number of complaints received and investigated and number resolved within target standards Target 95% first response achieved within 5 days</p> <p>Number of joint operations carried out with Police to check waste carriers.</p> <p>Annual air quality reports submitted to Defra in accordance with the Local Air Quality Management (LAQM) requirements</p> <p>Number of inspections of permitted processes due/completed annually; issue of new or varied permits in accordance with relevant statutory time periods Target 100%</p>	<p>Investigation of complaints made to EH service – target response within 5 working days of receipt of complaint and target resolution within 28 days where practicable</p> <p>Stop & Search activities planned and carried out with Police and Trading Standards/Consumer Protection. Work with partners to target businesses disposing of waste illegally and improve compliance. Support and promotion of rogue trader and similar initiatives on a local level</p> <p>Monitoring and control of atmospheric pollution in the Borough – continue partnership working with other Essex local authorities and EssexAir website Improve access to air quality data from BBC website</p> <p>Local Authority Pollution Control (LAPC) permits issued and regulated in the Borough</p>	No additional funding required above existing budget levels	
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No.	Environmental Health Pollution & Private Sector Housing Service Objective	Outcomes / Measures of Success/Timescales	Actions / Outputs	Resources	Risk
2	Title: Community and Health - Public safety				
Page 18	CH1 – Support businesses, safeguard public safety and enhance standards locally	Work with partners through the Community Safety Partnership, Local Action Group and other groups to reduce anti-social behaviour incidents in the Borough	Active participation in the operation of CSP, LAG and collaboration with other services to deal with anti-social behaviour effectively	Funding for EH services at levels sufficient to deliver outcomes	Reputational risk to the Council from failure to effectively control anti-social behaviour and nuisance; risk of anti-social behaviour case reviews being upheld against the Council
	CH5 – Work with partners to reduce anti-social behaviour and ensure that Brentwood is a safe place to live	Use of available powers to provide effective enforcement in cases of anti-social behaviour Actions taken – number and type	Investigation of complaints and use of appropriate enforcement actions		
	Working proactively to reduce incidents of anti-social behaviour in the Borough and ensuring that businesses can operate effectively whilst minimising the unwanted impacts of their activities on residents	Actively control businesses through Licensing and Planning conditions and appropriate enforcement to encourage responsible operation of commercial premises and night-time economy. Number of planning/licensing consultation responses	Liaison with Planning, Licensing and businesses to introduce practical and proportionate controls to enhance commercial activity in the Borough while maintaining public safety and preventing nuisance		



No.	Environmental Health Pollution & Private Sector Housing Service Objective	Outcomes / Measures of Success/Timescales	Actions / Outputs	Resources	Risk
3	Title: Environment and Housing Management - Better Housing				
Page 19	CH4 – Make Brentwood a Borough where people feel safe, healthy and supported	Provide support to residents to maintain independent living and target financial assistance to those most in need Number, type and value of assistance provided	Work to continue to offer a Home assistance to elderly and disabled residents to access funding Provide assistance for disabled adaptations and access to loans to help vulnerable owner occupiers maintain their property	Financial support to Disabled Facilities Grant and Emergency Home Repair Loan funding Continued staff funding to EH Pollution team and support	Risk of insufficient funding available to meet demand for mandatory grant applications
	Continue to provide assistance and access to financial support to the most vulnerable residents in the Borough to provide adaptations and/or repairs to maintain their homes to continue to live independently	Number of homes assisted to enable independent living (KPI PHSLPI1 to be revised) – number of Disabled Facility Grants provided per quarter Budget allocated/spent per financial year	Financial provision for private sector housing		Insufficient staff funding to enable effective enforcement and statutory investigation of complaints
	Support enforcement action to ensure that private rented property is safe and free from hazards and actively work with landlords and tenants to resolve issues	Number of complaints investigated and enforcement outcomes Number of inspections planned/carried out New applications processed within statutory timescales	Investigate complaints related to private sector and social housing providers to ensure that good standards of repair and amenities are maintained in the Borough and use appropriate enforcement powers Annual inspections of licensed houses in multiple occupation (HMOs) in the Borough		



	<p>Empty Homes</p> <p>Private Sector Housing Policy revision</p> <p>Private Sector House Condition Survey</p>	<p>Annual Landlord's Forum meeting re-established</p> <p>Produce a draft Empty Homes Strategy for adoption and implementation of measures to actively reduce the number of long-term empty properties in the Borough</p> <p>Aim to update and revise Private Sector Housing Policy to complement the Council's Housing Strategy Publication within 2017/18</p> <p>Update information on quality and standards of housing within the private sector stock</p>	<p>Closer liaison with Borough landlords</p> <p>Aim to produce and adopt Strategy working in partnership with Housing Services and other organisations where appropriate and commence work within the current financial year to reduce the number of long-term empty homes</p> <p>Private Sector Renewal Policy published in 2011 is due for update/revision</p> <p>Procure suitable proposals for undertaking house condition survey to inform Policy</p>	<p>Consultant's fees for undertaking survey exercise</p>	<p>Insufficient funds available in year – capital bid needed</p>
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Service Objectives and Delivery Table 2017-19

No.	Environmental Health Pollution & Private Sector Housing Service Objective	Outcomes / Measures of Success/Timescales	Actions / Outputs	Resources	Risk
	Title:				
	Above Objectives are intended to be continuing service objectives for the medium term				

Workforce Planning & Capability

Please identify any existing gaps in your current service structure or potential gaps that may arise as a result of future projects / circumstances in the financial year. Specify whether recruitment or reduction in staff will be necessary to right-size capability or whether other strategies will be put into place. Please give an indicative idea of resource planning for 2017 to 2019.

Identified Gap	Impact	Strategy/Action	Outcome
None identified			

Performance and Reporting

Performance Indicators

Indicator No.	Indicator Description	2014/15 Outcome	2015/16 Outcome	2016/17 Outcome	2017/18 Target	Comments (provide reason if to be deleted)
PHSLPI 1	Number of homes assisted to enable independent living	561	561	229 (to date)	60	Performance indicator measuring activity in private sector housing assistance for disabled adaptations and other support works including work by Papworth Home Improvement Agency – revised indicator to show homes adapted through grant aid and Council Housing adaptations
New Page 22 CASE/2	No. of environmental crime complaints received				No.	
CASE/2a	% of environmental crime complaints resulting in formal action				10%	
CASE/3	Number of complaints received				No.	
CASE/3a	% of complaints responded within 5 working days				95%	
CASE/3b	% of complaints closed/resolved within 28 working days				75%	
BH/2	Number of complaints investigated				No.	
BH/2a	% of complaints resolved by enforcement outcome				10%	
BH/3	No. of licensed HMO inspections due				No.	
BH/3a	% of due HMO inspections carried out				95%	

Risk

Existing Risks

Please list any existing Service and Operational risks which should form part of a Corporate Risk Register.

		0-8 Low Risk	9-17 Medium Risk	18-25 High Risk
Risk Reference	Title / Brief Description	Initial Risk Level		Residual Risk Level

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New / Anticipated Risks

Please identify any anticipated risks for 2016-19 not already identified as part of the Service Objectives and Delivery Table.

	0-8 Low Risk	9-17 Medium Risk	18-25 High Risk
Description of Anticipated Risks to Service Delivery	Initial Risk Level		Residual Risk Level
Long-term staff sickness/injury	5		

Data Quality and Sign Off

In order to properly plan and deliver our services we rely on information and data. This information and data must adhere to the Council's internal standards for data quality, these are:

- Accurate (in terms of correctness)
- Complete (in terms of all data being captured)
- Valid (necessary and in an agreed format which conforms to recognised Council and National standards)
- Relevant (and not excessive or out of date)
- Timely (captured quickly and available when needed)
- Reliable (stored securely and confidentially and in a consistent manner)

By signing this Service Plan, you are confirming that you have checked the performance indicator data and are satisfied that the information relating to your Service meets the Council's data quality protocol.

This Service Plan sets out the objectives and responsibilities of the Service. It has been completed by the relevant officers and all officers understand their role in the delivery of these objectives.

Agreed

Date

20th June 2017

Policy, Projects and Resources Committee

Food Safety and Health and Safety Enforcement Service Plans 2017/18

Report of: Mark Stanbury

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Borough Council must provide Service Plans for approval by Members with respect to its statutory obligations to enforce all relevant provisions of food safety and health and safety legislation within its area. These Service Plans identify how the service intends carrying out the proactive and reactive elements of inspections and investigations to ensure the continuing safety of both business employees and the public. It also includes measures taken to aid businesses in compliance such as the provision of training and the food hygiene rating scheme.

2. Recommendations

- 2.1 **That the Food Safety and Health and Safety Enforcement Service Plans 2017/18 be approved by Members.**

3. Introduction and Background

Both Service Plans are required by legal Code of Practice produced by the Health and Safety Executive and Food Standards Agency. These documents dictate the measures necessary to ensure that all relevant businesses are inspected relative to risk. Such Service Plans are approved by Committee on an annual basis.

4. Issue, Options and Analysis of Options

- 4.1 Member approval is sought as these service plans (although a statutory requirement) impact significantly upon businesses. However, in following the requirements of the Governments' Better Regulation Agenda, this will be done in a transparent and accountable way having proper regard to the sensitivities of business and the local economy. There are no other options

available as an alternative to legal enforcement and compliance with regulatory codes.

5. Reasons for Recommendation

- 5.1 Members are required to approve these Plans as they directly affect the welfare of businesses, the public and visitors to the Borough. The Food Safety Plan ensures that high standards are maintained in commercial food production, and the Health and Safety Plan ensures the safety of local employees, the public and visitors to businesses.

6. Consultation

- 6.1 No consultation is required in advance of submission of these Plans to Committee.

7. References to Vision for Brentwood 2016-2019

- 7.1 With regard to the priority; 'Community and Health' these service plans support businesses by safe-guarding public safety through risk-based regulation as applied in accordance with the 'Regulators Code produced under the Governments' Better Regulation Agenda'.
- 7.2 With regard to the priority; 'Economic Development' the service plans support economic growth through improvements directly in Brentwood's businesses.

8. Implications

Legal Implications

Name & Title: Daniel Toohey *Head of Legal Services and Monitoring Officer*

Email daniel.toohey@brentwood.gov.uk

Telephone: 01277 312860

- 8.1 The Head of Legal Services and Monitoring Officer has been consulted and is in agreement with the legal information provided in these reports.

Financial Implications

Name & Title: John Chance *Finance Director and Section 151 Officer*

Email john.chance@brentwood.gov.uk

Telephone: 01277 312542

- 8.2 The Finance Director and Section 151 Officer has been consulted and states that there are no financial implications arising directly from this report.

Other Implications (*where significant*) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

8.3 There are no corporate health and safety or asset management implications. There are no equality/diversity or risk management implications.

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

Food Law Code of Practice

<http://www.food.gov.uk/enforcement/enforcework/food-law>

Food Law Practice Guidance England

<https://www.food.gov.uk/sites/default/files/Food%20Law%20Practice%20Guidance%20October%202015%20-%20FINAL%20.pdf>

Food Standards Act 1999

<http://www.legislation.gov.uk/ukpga/1999/28/contents>

National Local Authority (LA) Enforcement Code

<http://www.hse.gov.uk/lau/la-enforcement-code.htm>

10. **Appendices to this report**

Appendix A - Food Safety Service Plan 2017/18

Appendix B - Health and Safety Service Plan 2017/18

Report Author Contact Details:

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BRENTWOOD BOROUGH COUNCIL
ENVIRONMENTAL HEALTH AND
LICENSING SERVICES

STATUTORY FOOD SERVICE PLAN FOR
FOOD LAW ENFORCEMENT
2017/18

Drawn up in accordance with the Food Standards Agency's
Framework Agreement (July 2004)

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INTRODUCTION

This is Brentwood Borough Council's 2017/18 Food Service Plan dedicated to the food safety enforcement function. It covers all the elements of food safety and hygiene for which the authority has statutory enforcement responsibility. The Service Plan also covers objectives relating to non-enforcement activity including food hygiene education/promotion which the Council is also required to undertake in accordance with Government guidance.

The Food Service Plan is an expression of this authority's' commitment to the development of the Food Service and is a requirement of the Food Standards Agency as the body that monitors and audits local authorities' activities on food enforcement.

The Food Standards Agency's' (FSA's) Framework Agreement issued in September 2000 and subsequently amended (amendment number 5 of 2010) sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. It ensures that national priorities and standards are addressed and delivered locally.

Brentwood Borough Council's Food Service Plan has been drawn up in accordance with the guidance in the Framework Agreement and follows the Service Plan template. This is to enable the FSA to assess the Councils' delivery of its service and to allow local authorities to compare service plans written in the common format for any fundamental performance reviews under the local government Best Value agenda. This Service Plan also takes into account the Food Law Code of Practice (England) issued in March 2017.

The FSA in its Framework Agreement requires that the Food Service Plan be submitted to members for approval to ensure local transparency and accountability. This is done annually through Committee.

Brentwood Council is a high-performer both nationally and locally. In 2017 the consumer watch-dog magazine '*Which*' looked at local authority performance in 2015/16 with regard to inspection frequencies; completing due inspections within target times and, the level of legal compliance within food businesses by District/Borough and City Councils. The results showed that when considering these aspects that Brentwood is currently rated third highest within the UK and highest in Essex. Furthermore, it has operated continually at this level for the previous two years. This clearly demonstrates the commitment of this authority to food safety enforcement, its ability to work with businesses in increasing their food hygiene standards and enabling enhanced levels of protection for residents and visitors to the Borough. It is also an example of the excellent levels and performance of Brentwood food businesses and their ability to give their customers confidence whilst strengthening the local economy.

Over 99% percent of all food premises within Brentwood now meet the FSA criteria of '*broadly compliant*' with food hygiene legislation. All premises identified

for inspection in 2016/17 received an appropriate intervention where trading, together with revisits where necessary to improve compliance.

The Authority continues to operate the food hygiene rating system in cooperation with the Food Standards Agency where inspected food premises receive a score of between 0 and 5. The Borough has very few low rated premises (less than 1%), however, additional work is being done with these businesses to encourage and help them improve their scores in accordance with the available options within the Food Law Code of Practice. This approach has noticeably improved standards.

In 2016/17 Brentwood continued to train food handlers working mainly for businesses in the Borough. The Food Hygiene Foundation Level II courses were held bi-monthly. 36 food handlers received training in 2016/17 with over 98% of candidates passing first time. This added further to the high standards now being witnessed within the Borough's food premises. However, these courses are no longer supported by the Chartered Institute of Environmental Health (CIEH) but they are to be replaced with more modern courses shortly.

The majority of food premises selling open food within the Borough are duty bound under legislation to warn their customers should their foods contain allergens, however, this legislation can be difficult to interpret and put in to practice. In 2016/17, the Council provided a number of allergens courses to food handlers but again for the moment, these are no longer supported by the CIEH.

The Borough continues to obtain food samples for bacteriological analysis from both catering and retail establishments for testing against EU legislation. This yields significant intelligence information on where food risks are present. Where any have been found to be borderline or unsatisfactory then appropriate action has been taken to improve standards. Some of this work has brought about hygiene improvements in major food companies. 98 samples were taken of food and food related equipment and 36 surface swab samples were also taken. Around 36% of these samples fail analysis which necessitates further statutory action. This work continues to be invaluable to the community and businesses, saving many from food related illnesses. In comparison with other authorities in Essex, Brentwood takes more food samples as a proportion of its total number of food premises than any other, and entirely meets its county sampling expectations.

In June 2010, the authority was audited by the Food Standards Agency with regard to its assessment of Hazard Analysis Critical Control Points (HACCP) application within food businesses. This was followed up in 2011 and there are no outstanding matters. The Authority continues to apply these standards within its delivery of the food safety function.

The Council now operates the Essex-wide 'TuckIN' scheme. This is the first step taken by local authorities to influence what people eat in Essex when they frequent restaurants, cafes and takeaways. Those businesses already signed up have reduced the amounts of sugar, salt and fats in their products as well as their

calorific content. 25 premises are now signed up (a 40% increase on last financial year) within Brentwood and more are to follow. This intention also forms part of Brentwoods' statutory duties under the Health and Wellbeing Strategy in its task to reduce levels of obesity within the Borough.

In helping businesses further the Food Safety Team has also produced printed and downloadable advice on how to prevent Scrombotoxin, E.coli, and Campylobacter food poisoning. This has further enhanced consumer safety within Brentwood and is unique to this Borough.

The food safety team also deal with food complaints and complaints about food premises in relation to issues such as foreign bodies, food handling and the cleanliness of food areas.

A high level of resilience is built into the Food Safety Service with arrangements to cover officers' and ensure that they are trained to high levels of competency consistent with appropriate guidelines. The contractors used also contribute to this resilience.

The general service objectives are designed to reflect and contribute towards the achievement of corporate objectives as quoted within the Council's 'Yearbook' whilst covering ongoing service activity and addressing potential new areas of service activity.



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SECTION 1: FOOD CONTROL SERVICE AIMS AND OBJECTIVES**1.1 Aims and Objectives**

1.1.1 The Food Safety Service Mission Statement is: -

“To ensure that food and drink intended for human consumption originating from or consumed within the Borough is safe, wholesome and healthy”

1.1.2 It seeks to pursue this through a number of key objectives which include: -

- To secure compliance with food safety law having regard to official codes of practice and Better Regulation Delivery Office (BRDO) guidance, particularly concerning the frequency of food safety interventions;
- To secure the protection of consumers from the potential dangers of suspect or contaminated food, particularly that which may result in food borne infections;
- To ensure; that so far as is reasonably practicable - food is fit for human consumption and free from extraneous matter;
- To increase the knowledge of food handlers, food managers and the general public about the principles and practice of food hygiene and food safety management;
- To increase the knowledge of food business operators in the area of food safety management thereby assisting to raise standards and enable improved food hygiene rating scores under the National Food Hygiene Rating Scheme;
- To increase the knowledge of food business operators in the area of food allergens with the aim of reducing incidences of allergic reaction to prepared food and in relation to any one of the 14 allergens listed within the Food Information Regulations 2014;
- To assist in the control and prevention of the spread of food borne diseases;
- To carry out food safety interventions (*activities that are designed to monitor, support and increase food law compliance within a food establishment*) in accordance with minimum frequencies and to standards determined by the FSA;
- To respond to and investigate Food Standards Agency ‘Food Alerts for Action’ in accordance with published guidance where these impact upon food originating or traded within the Borough;

- To alert the Food Standards Agency to any situation where a contaminated food purchased or sampled within the Borough is likely to be sold elsewhere so that they may effect a food recall.
- To respond to and investigate all notified cases of food-borne disease and take effective action to control the spread of infection.
- To carry out appropriate food sampling programmes and take appropriate action on non-compliant samples;
- To respond on a risk assessed basis and investigate complaints as requests for service in relation to food and food premises and to provide first response with a maximum of five days or sooner as appropriate;
- To ensure, so far as reasonably practicable, that private water supplies are monitored for their adequacy and wholesomeness by carrying out appropriate bacteriological and chemical water sampling programmes;
- To liaise with relevant water supply companies about the adequacy and wholesomeness of public water supplies.
- To take swift and proportionate enforcement action against food businesses where they present a risk to public safety.

1.2 Links to Corporate Objectives and Plans

1.2.1 The Brentwood Council Yearbook 2015 -16 (<http://www.brentwood.gov.uk/pdf/10112016134641u.pdf>) sets out the Council's ambitions, priorities and key pledges to residents and businesses. It seeks to reduce the burden on well-managed businesses and this Service Plan demonstrates that food safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to publish information via its website and via taught courses enabling businesses to understand the law and its application within the Borough.

1.2.2 The authority monitors on a monthly basis the percentage of broadly compliant food premises. This is applied as a local indicator only. The results (Figure 1.0) show that since the Food Hygiene Rating Scheme was adopted by Brentwood overall standards have raised within food premises by 11% to a current monthly figure in excess of 99% which is above the overall target of 97% for compliance adopted by this Authority.

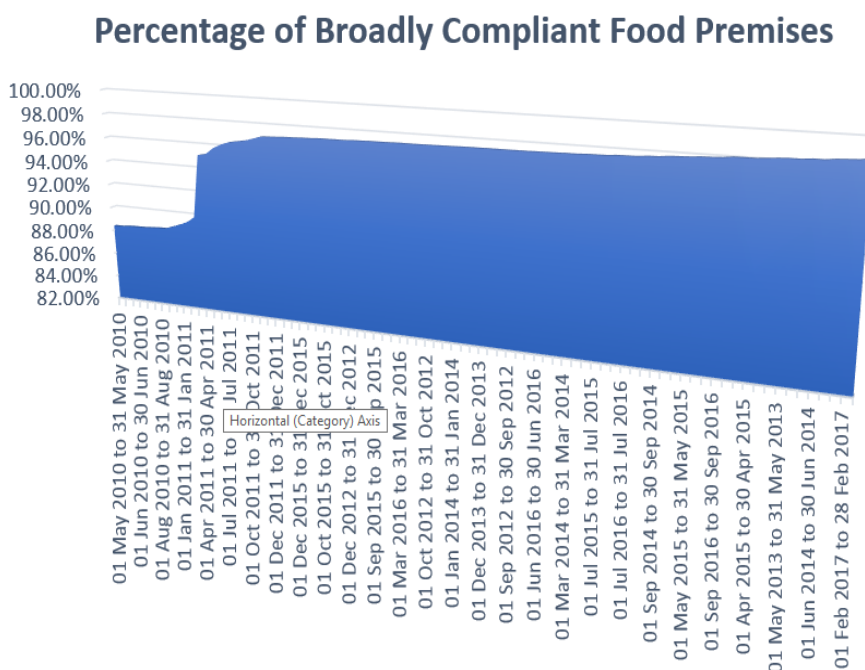


Figure 1.0 Upward trend in 'Broad Compliance' since 2010

SECTION 2: BACKGROUND

2.1 Organisational Structure

2.1.1 The Structure of the Council and for Environmental Health and Licensing Service is attached as Appendices 1 & 2. It differs from previous years' in that Thurrock Borough Council now provide a 'managed service' arrangement where via a memorandum of understanding it supplies an Environmental Health and Licensing Manager to oversee the Environmental Health and Licensing service and whom reports direct to the Chief Executive at Brentwood Council.

2.1.2 The Food and Health and Safety Team are composed of three FTE employed posts, namely; an Environmental Health Manager, a Principal Environmental Health Officer (EHO) and a part-time District EHO. The roles are described as follows: -

2.1.3 *Environmental Health and Licensing Manager* – Responsible for overseeing the work of the teams fulfilling the Licensing, Food Safety, Emergency Planning, Environmental Protection and Private Sector Housing functions at Brentwood and developing these services going forward.

2.1.4 *Environmental Health Manager* - responsible for overseeing all work within the food safety team including setting all targets, monitoring performance, training and development. The role includes operational delivery functions and responding to all relevant stake-holders.

2.1.5 *Principal EHO* - responsible for managing the food hygiene and health and safety contractors and inspection scheme, carrying out inspections and

interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.6 *District EHO* (0.6FTE) - responsible for carrying out inspections and interventions at high-risk food establishments, audits, food premises/food item complaints and investigations into food-borne illness.

2.1.7 *Three contracted EHO's* also work for the authority as qualified officers authorised to carry out approximately 85% of the planned food safety interventions for the Borough. There is also one further officer devoted to food sampling and another to food safety training who is paid as an employee. The EHO's carrying out interventions are remunerated according to the category of food premises they visit and the number of inspections undertaken.

2.1.8 The Principal and District EHOs, and the contracted EHO's carry out intervention re-visits.

2.2 Scope of the Food Safety Service

2.2.1 The Food Safety Team will provide the following services: -

- Carrying out a programme of food hygiene interventions in accordance with the Food Safety Act 1990 Code of Practice;
- Investigating and resolving complaints about food and food hygiene premises/practices;
- Taking informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) to secure ultimate compliance within food safety legislation;
- Identifying and assessing premises requiring approval in respect of specific food products or processes and to ensure that they are issued with conditional and full approval as necessary;
- Ensuring that all food premises located or trading within the Borough are registered, and to maintain an accurate database of food premises in the Borough. To record inspection information and enable performance data to be provided to the Food Standards Agency;
- Receiving and investigating all relevant Food Standards Agency Food Alerts for Action and their updates as appropriate, and to communicate with business to disseminate relevant information concerning relevant food risks.
- To provide advice and assistance to businesses and consumers on food-related issues through the local authority website and other media;
- Investigate incidences of food borne disease and take action, including liaison with other bodies such as Public Health England (previously the Health

Protection Agency), to identify the source and prevent further infection;

- Providing or arranging the provision of food hygiene training courses, food hygiene refresher courses and allergens courses (where economically viable), together with one-off courses produced for specific targeted groups and to inform both the trade and the public in relation to food safety issues. This will include courses providing 'Safer Food Better Business workshops', and further workshops to assist businesses in enhancing their food hygiene rating risk-scores;
- As a partner to the National Food Hygiene Rating Scheme – to provide and operate a scheme locally and in accordance with the national guidance. To process and respond to any appeals against scoring or requests for revisits for the purpose of rescoreing. To supply all collected information to the Food Standards Agency as of a frequency laid down by guidance;
- Carrying out an appropriate food sampling programme based upon received sampling program information, or in connection with any inspection or investigation;
- As a partner to the UK Food Surveillance system (UKFSS) – to provide food sampling data direct to the Food Standards Agency and to use the information available nationally to inform the authority's local food sampling programme and assist with food poisoning/food-borne illness investigations;
- Carrying out an appropriate chemical and bacteriological sampling programme for private water supplies;
- Commenting on proposed food legislation codes of practice and other official documents as necessary and as requested.
- Carrying out work under the Essex-Wide 'TuckIN' Project involving additional specific visits to determine current food practices and ingredients, giving advice to food business operators on ways to make food better by changing oil type, reducing sugar, salt and calories through portion size. These visits compliment routine food hygiene inspections where practicable. This work is funded through the 'Leaders Innovation Fund', - a grant to the Essex Food Safety Group from Essex County Council. The TuckIN project operates at no additional cost to Brentwood Borough Council and in addition represents a work stream under the Councils' Health and Wellbeing banner with a view to reducing levels of obesity within the Borough. In 2017, the Borough were finalists for a National Award relating to its development of TuckIN and its associated website at: - www.tuckin-uk.co.uk

2.3 Demands on the Food Service

2.3.1 The authority had (*at 1st April 2017*) 685 rated food premises on its database (an increase of 10 premises registered in 2015/16) that were subject to programmed food hygiene interventions. In addition to the premises recorded on

the database there are a number of unregistered premises awaiting inspection. There were also around 92 new food businesses starting within the Borough in 2016/17 which represents a high turnover of around 1/7 of the total number. This necessitates the need to increase interventions to accommodate.

2.3.2 It is the intention of the food safety team to ensure that details relative to all known food premises are kept up to date and that as new premises are identified they also added to the database. The team will also review the details relative to all food premises registrations. The authority is also mindful that this process will involve scrutiny of local newspapers, mail shots and internet searches. Where any planning applications relating to food premises are received by the authority then the food team are also consulted. At this stage, the food team can inform the applicant of applicable legal standards before any building works/alterations take place. This reduces the possibility of legal infringements later once the business has started up, together with costly alterations, and it also reduces the burden on business later when they are inspected. The authority will also respond to any credible information passed to it suggesting any rogue food activities within the Borough. The number of known food premises rated by type can be categorised as follows: -

Food Standards Agency Monitoring Category	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Totals
Premise Rating - A	0	1	0	0	1	1	3
Premise Rating - B	0	1	0	0	2	12	15
Premise Rating - C	0	1	0	0	4	108	113
Premise Rating - D	0	1	1	1	31	241	275
Premise Rating - E	2	9	4	7	96	153	271
Premise Rating - Unrated	0	0	0	0	0	8	8
Totals	2	13	5	8	134	523	685

Figure 2.0: Profile of Rated Food Premises as at 1st April 2017

2.3.3 All food premises residing or trading within the Borough are risk rated and their frequency for intervention purposes determined. In accordance with the Food Law Code of Practice the risk ratings attained reflect the frequency at which the next hygiene intervention should occur. These are as follows: -

Food Standards Agency Monitoring Category	Minimum frequency of inspection	Number of premises
Premise Rating - A	Every 6 months	1
Premise Rating - B	Every 12 months	13
Premise Rating - C	Every 18 months	114
Premise Rating - D	Every 24 months	271
Premise Rating - E	Every 36 months	266
Premise Rating - Unrated	Unknown until inspected	7
TOTALS		672

Figure 3.0: Intended inspection frequencies of known food premises – 2017/18

2.3.4 There are two languages other than English identified as being significant among food handlers and proprietors within the district. These are Bengali and Cantonese; however, the majority of these proprietors are able to speak English or have someone present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies.

2.3.5 The Service ensures that appropriate food hygiene guidance leaflets are provided in foreign languages (where available) and will provide Food Hygiene Courses in other than English where demand is sufficiently high.

2.3.6 In delivering the food safety enforcement function, there are a number of uncontrollable variables acting upon its delivery: -

- The food safety team investigates approximately 20 food poisoning notifications and allegations each year;
- There are a number of outdoor events which require the inspection of mobile food premises;
- Where any food premises are inspected and there is also a programmed health and safety intervention due then these inspections can be carried out together. This reduces inspection costs and reduces the burden on businesses. However, in doing this officers are to take into account LAC 67/2 (rev 6) – ‘*Targeting local authority interventions*’ which dictates that authorities firmly target their interventions around risk and not just because they are in a premises to carry out a food hygiene inspection. This policy is also referenced within the Authority’s Health and Safety Service Plan.
- The authority receives around 90 food premises and hygiene of premises complaints annually.

2.3.7 The authority may need to take legal action in relation to any significant contraventions. Investigations involving evidence gathering, formal interviews under the Police and Criminal Evidence Act and case preparation are likely to be involved.

2.3.8 The food safety team will also inspect food premises for other health-related issues as they arise such as outbreaks of communal disease (*e.g. Norovirus*) which can occasionally occur in care homes.

2.3.9 The Service is based in the Town Hall which is situated in Brentwood Essex, however, in 2017 the offices will be moving to a temporary location in Mountnessing whilst the Town Hall is being redeveloped. All FTE officers now have access to the Brentwood ‘Cloud-based’ system which can be accessed from any internet connected PC. Officers are also equipped with ‘Chromebooks’

to enable same. These can be used 'in-the-field'. These can be mobile enabled to reach the internet from anywhere outside available wifi.

2.3.10 The Authority has now been running the Uniform database for organising food premises inspections and other work since April 2012. The system has provided advances in the amount of information stored and the ability to produce credible data for Local authority enforcement data system (LAEMS) returns to the Food Standards Agency. The system also provides for better tracking of complaints and outcomes. It also holds additional data upon which to make more informed decisions about risk and where to target resources most effectively.

2.3.11 The normal hours of service delivery are 8.30 a.m. to 5.00 p.m. Monday to Thursday, and 8.30 a.m. to 4.30 p.m. on Friday's. Arrangements are made to deliver the service outside of these hours, e.g. in the case of routine inspections to premises which only open in the evenings. 'Out-of-hours' emergency cover for food alerts, outbreaks and premises closures is not guaranteed on a routine basis, however, in accordance with the Food Law Code of Practice the authority does provide the FSA with responsible officer details for 'out-of-hours' response (where this is achievable).

2.4 Enforcement Policy

2.4.1 The Environmental Health and Licensing Service endorses and adopts the principles laid down in the Enforcement Concordat which recognises that enforcement must be fair, consistent and equitable. The service also has regard to the 'Code for Crown Prosecutors' guidelines. These documents will form the basis of decision making processes in deciding the most appropriate enforcement action. The Council's Food Safety Enforcement Policy (from 2016) outlines the various enforcement options ranging from advice/education to formal action including the service of notices and prosecution for non-compliance with legislation.

2.4.2 The Service operates to the documented enforcement policy in **Appendix 3**. This has been reviewed and with reference to the enforcement concordat. The Enforcement Policy has also been revised to take account of the Regulators Compliance Code.

SECTION 3: SERVICE DELIVERY

3.1 Food Premises Interventions Programme ('Primary' and 'Secondary' inspections)

3.1.1 It is the intention of the food safety team to inspect all premises due for any food safety intervention. The latest changes to the Food Law Code of Practice (issued in March 2017) https://www.food.gov.uk/sites/default/files/food_law_code_of_practice_2017.pdf have brought further modifications to Local Authority outputs and responsibilities. Brentwood Borough now applies the following interventions and frequencies: -

Food Premises Category	Frequency of Intervention	Mode of Intervention
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A	every 6 months	Inspection
B	every 12 months	Inspection
C	every 18 months	Inspection
D	every 24 months	Alternating inspection/questionnaire
E	Every 36 months	Alternating inspection/questionnaire

Figure 4.0: Interventions approach to food businesses – 2017/18

3.1.2 Officers will determine the intervention frequency using the risk-rating scheme defined in the Food Law Code of Practice (England) issued March 2017. The risk rating profile of premises is shown in Figure 3.0 above. High-risk premises ('A' and 'B' rated) will include larger premises such as manufacturers and those which cater to a high number of vulnerable clients or inherently low-risk premises with a poor record of compliance. Medium-risk premises ('C' and 'D' rated) include the majority of cafes and restaurants. Low-risk premises ('E' rated) include newsagents, home caterers and other small retail shops selling mainly pre-wrapped shelf stable foods. Interventions at D and E rated premises fall within the 'Alternative Enforcement Programme' (AES).

3.1.3 As a consequence of the National Food Hygiene Rating Scheme and the need to focus resources where most improvement is required - categories 'D' and 'E' premises are no longer inspected every time they are 'due', but instead are sent a questionnaire enquiring as to various standards and practices in place. From this the score is verified. However, these premises will be inspected at every other planned intervention. This has the effect of legitimately reducing the burden on lower risk premises and on the service. This is in line with the options available within the Food Law Code of Practice 2017. In operating this scheme, the Authority is mindful that it will be necessary to verify the information received otherwise it may not come to the correct conclusions regarding risk in these premises. The Authority will also inspect any premises not returning their questionnaire. The Authority does not carry out partial inspections or audits, preferring full inspections for greater clarity of risk.

3.1.4 The number of programmed food hygiene interventions programmed carried out as inspections for 2017/18 is shown below: -

Risk Rating	Min. Frequency	No. of Premises	No. of hygiene interventions
Premise Rating - A	Every 6 months	3	6
Premise Rating - B	Every 12 months	13	15
Premise Rating - C	Every 18 months	114	69
Premise Rating - D	Every 24 months	271	113
Premise Rating - E	Every 36 months	266	114
Unrated	Unknown	7	7
	TOTAL	672	321

Figure 4.0: Numbers of premises (estimated) to receive an intervention in each rating – 2017/18

3.1.5 Where any programmed health and safety intervention coincides with any food hygiene inspection then they 'may' be conducted together (*subject to the caveat in 2.3.3*) in order to reduce the burden of inspections upon business and

to reduce resources. The authority will also at any inspection consider compliance with smoke-free legislation which prevents smoking in public places.

3.1.6 The Food Safety Service will endeavor to improve the ratings of premises outside the realms of enforcement wherever it is practicable to do so and within existing budgets. In previous years, the authority has provided Safer Food Better Business/Food Hygiene Rating System Workshops to low scoring enterprises with good success. However, there are only a very small proportion of premises remaining which require such intervention. For 2017/18 the authority will continue to concentrate on the higher risk premises and assist them towards Category 4 or better – 5.

3.2 Carry Over

3.2.1 Two premises (sports club houses) could not be inspected in 2016/17 as they open seasonally and could not be inspected when due. This is acceptable under the Food Law Code of Practice. They are categorised as low risk and will be reallocated for inspection in 2017/18.

3.3 Inspections of imported food

3.3.1 The Food Standards Agency requires Local Authorities to include inspection of imported food during routine food hygiene interventions. This activity is included in the calculations and will form part of the overall inspection process. There are currently no border inspection posts, enhanced remote transit sheds or importing agents in Brentwood but officers will routinely look for any food imports during routine visits to check traceability and fitness for consumption.

3.4 Inspection revisits, and revisits for rescoreing

3.4.1 It is estimated that of those premises due for an intervention in 2017/18 around 3% will require further visits to check compliance and for the purpose of rescoreing under the National Food Hygiene Rating Scheme. This will include carrying out revisits to all premises not considered '*broadly compliant*' with food hygiene law i.e. those showing elevated risk in the areas of hygiene, structure or confidence in management. This will include revisits to all category 'A' rated premises. Category 'B' premises are also considered eligible for reinspection but only where they are not broadly compliant and where their score is not influenced by their undertaking (such as with residential care homes). The majority of Category 'C' premises will not be expected to be revisited as they are all likely to be broadly compliant with food law. Revisits for the purpose of rescoreing will be carried out on demand where a food business has completed all the works necessary to meet the legal requirements set at its previous programmed inspection.

3.5 Appeals against food hygiene rating scores

3.5.1 Under the National Food Hygiene Rating Scheme businesses may appeal against the hygiene score given where they consider it unjust. The matter may be resolved by the Corporate Risk and Enforcement Manager but it may involve reappraisal of the premises in order to properly conclude the score. This may involve a site visit but not in all cases. This may occur in less than 1% of premises. One appeal was received in 2016/17 which was resolved. The score stayed the same.

3.6 Non-Programmed Inspections

3.6.1 It is estimated that there will be approximately 90 new businesses requiring inspections during 2017/18.

3.7 Food and Food Premises Complaints

3.7.1 The Service seeks to investigate all food complaints with a first response within the target period of five working days. There were 34 food complaints and 63 complaints about hygiene of premises in 2016/17. This number is expected to be largely repeated in 2017/18. It is also estimated that there will be approximately 20 enquiries concerning the food hygiene rating scheme.

3.8 Primary Authority Principle

3.8.1 Primary Authority gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The Council endorses this approach to food safety. The Service has no formal Primary Authority Agreement with any food business in the Borough, however, it will actively explore such arrangements where suitable candidates are identified.

3.9 Advice to Businesses

3.9.1 Although there is no statutory requirement for authorities to offer free advice to businesses the Service encourages food businesses to seek advice as it encourages levels of compliance. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The 'Hampton Report' entitled *'Reducing administrative burdens: effective inspection and enforcement 2005'* states that; *"We expect local authority enforcers to adopt a balance of techniques and approaches in order to ensure the safety and well-being of the public and of the environment and not to rely on any one method. We believe that assisting compliance is every bit as important as detecting non-compliance"*. This Service then would like to be perceived by food businesses as supportive and helpful and it actively seeks to give this intention.

3.9.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out inspections and other visits but may also be given via telephone calls, newsletters, seminars, leaflets or letters. Officers give advice in accordance with recognised guidance and codes of practice. Currently there are no specific food business partnerships or forums in operation.

3.9.3 In 2014 the Food Standards Agency published the; 'E.coli 0157 Control of Cross Contamination' guidance providing critical information for food business operators and enforcement authorities. The guide aims to increase recognition of the threat of *E.coli* and identifies the need to have stringent measures in place to prevent transmission. It sets out controls in circumstances where food may be contaminated and is handled in the same establishment as ready-to-eat food. Given that very serious outbreaks and fatalities have been associated with this organism this service has produced specialist guidance to assist all food businesses in their understanding of this organism and on the most effective ways of preventing infection.

3.9.4 In 2014/15 the Food Standards Agency set a 'Campylobacter Target' to: (a) reduce the number of contaminated chickens produced by industry from 27% down to 10%, and, (b) to reduce Campylobacter food poisoning by up to 30% which equates to around 111,000 cases per year. In recognition of this target the Food Safety Team at Brentwood developed in 2015/16 a 'Safer Food Better Business Manual 'Safe Method' sheet to guide food businesses in the precautions they should take to minimise cross contamination.

3.10 Food Sampling

3.10.1 The Service participates in food sampling programmes, co-coordinated with Public Health England (PHE) and the Essex Food Liaison Group. This co-coordinated programme includes organised sampling initiatives. In 2016/17, the Food Team took a combination of 98 food samples, 4 cloth samples, and 36 surface swab samples. Proportionally, this was more than any other Essex authority. The failure rate for these samples was around 36% which necessitated further action in each case to secure food safety. This would include further sampling, initiating procedural changes in food premises or preventing the production or purchase of food by manufacturers.

3.10.2 The Service intends carrying out approximately 110 routine programmed food samples in 2017/18 and a number of swab samples. In addition, reactive food sampling will also be carried out in respect of food complaints and other suspect food items. Targeted food sampling with Brentwood has on occasion identified poor suppliers located outside the Borough. In these cases, relevant food businesses within Brentwood are advised to seek their food product from other suppliers producing safer food.

3.10.3 The PHE laboratories located at Collindale will continue to process the analysis of all food samples procured by the authority and provide a no cost courier service to this and other Essex authorities.

3.11 Outbreak Control and Infectious Disease Control

3.11.1 The Service is expected to respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and take action to investigate and attempt to control spread. Officer response should be according to an initial professional assessment of urgency based upon the information available, but in any event no longer than the response period determined in the targets section. Officers are also required to liaise with the Centre for Communicable Disease Control (CCDC) and 'Public Health England'.

3.12 Food Safety Incidents

3.12.1 The procedure followed in respect of food alerts and updates is in accordance with Food Safety Act 1990 Code of Practice. The Service is connected to the Environmental Health Computer Network (EHC Net) to allow the receipt of food hazard warnings, as these are transmitted by the Department of Health (DOH) using this system. The FSA is likewise provided with the contact number of the authority which can be contacted out of hours where necessary. Food safety incidents are responded to on a risk assessed basis. In 2011 the Borough successfully prosecuted a business found to be at the center of a Scombrototoxin food poisoning outbreak.

3.13 Food Standards work

3.13.1 Although Brentwood Borough Council had an arrangement with Essex County Council to share elements of food safety enforcement this has now ended mainly in response to new legislation giving non-unitary authorities new powers in relation to the control of allergens in food. Therefore, from time to time, officers of this authority incorporate related questions concerning allergens in to their routine inspections. Complaints concerning allergens will also be investigated by the relevant authority.

3.14 Liaison with other organisations

3.14.1 Arrangements are in place to ensure that enforcement action taken by the service in the Brentwood Borough is consistent with enforcement action carried out within neighbouring local authorities. This includes: -

- Active support of the Essex Environmental Health Managers Group which includes regular meetings and contact between Essex authorities and also has representatives from Trading Standards, PHE and CCDC representatives;
- Peer review bench marking exercises with all Essex Local Authorities;
- Regular discussions amongst officers in respect of Local Government Regulation guidance;

- Attending Chartered Institute of Environmental Health (CIEH) branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net);
- The Essex Health Protection Team in respect of the investigation of suspect food poisoning outbreaks which involves contact with the consultant in communicable disease control (CCDC). A representative from the Service regularly attends the PHE Liaison Meeting which among other things is the body which devised the Joint Health Authority/Local Authority Outbreak Control Plan.
- Brentwood Borough Council currently operates a 'managed service' with Thurrock Borough Council where in the absence of a 'Head of Service' Thurrock provide a manager to oversee Environmental Health and Licensing (which includes food safety enforcement). This is done through a memorandum of understanding. This arrangement may evolve in to a more shared service where this provides any particular advantage to either authority in terms of cost savings or efficiency gains.

3.15 Specialist Food Safety Information

3.15.1 This is obtained through the Essex Food Liaison Group of which all Essex councils are members.

3.16 Food Safety Promotion

3.16.1 The Food Safety Team at Brentwood Borough provides up to date information on the Council's website which enables residents and food businesses to view the services available and to download formwork including that for business registration and training.

3.16.2 The Service responds to changes in legislation and current concerns about food by educating proprietors during officer visits and by sending out mail shots and other information.

3.16.3 The Service guides all new food premises to 'Safer Food Better Business' which is now available on line as a downloadable document. Where this system is appropriately used and put into practice then the business may rely upon it to comply with the legal requirement to provide a food safety management system based on HACCP (Hazard Analysis, Critical Control Points).

3.16.4 In 2011 the authority produced two supplements for the Safer Food Better Business manual. One was in response to a Scombrototoxin food poisoning outbreak, and the other concerning *E.coli* was in response to a Food Standards Agency request to bring this hazard more firmly to the attention of business. Both supplements have since been circulated within the Essex authorities and copies

provided to the Food Standards Agency. The authority will provide further such information where it is necessary to alert businesses or consumers to significant food risks.

3.17 Food Hygiene Training

3.17.1 In 2016/17 the Food Safety Service offered the CIEH Level 2 Food Hygiene course taught at the Town Hall. This qualification provides food handlers with training in food safety which may be deemed compliant with the legislative requirement to receive commensurate training and instruction. The service provided six of these type courses conducted bi-monthly. The courses are chargeable. Many local food businesses use the Council's course as it is local and taught to a high-level. In 2017, the CIEH has however brought these courses to a close, however, they are to be replaced by an alternative once this is available.

3.18 Food Allergens Training

3.18.1 In 2016/17 the Service offered the CIEH Level 2 Award in Food Allergens Awareness. This course was the first to be provided within Essex and it provided food businesses with all the information they required to be compliant with the Food Information Regulations 2014. The course however is no longer available from the CIEH having been discontinued. It may be replaced in the future.

3.19 Conflicts of Interest

3.19.1 For Services provided by Environmental Health and Licensing - the Food Law Code of Practice requires food authorities to ensure that officers are always aware of potential conflicts of interest that can arise in enforcement situations through promotions of its own food authority's services.

3.19.2 Although the authority has provided the Level 2 Food Hygiene Course and the CIEH Level 2 Award in Food Allergens Awareness it may not publicise these over and above others that are available. To this end it will also provide details upon request of other local providers within this market.

3.19.3 For enforcement within Local Authority managed premises - where the Council is the operator of food businesses or employs contractors to run food businesses there is scope for conflict of interest. When the Service is enforcing food hygiene legislation it applies the same national criteria in respect of scoring and inspecting businesses to determine the inspection frequency as it does for all its businesses. The council owns some premises providing parks and activity functions that fall within this category. This matter is dealt with within Food Safety Procedure 021 'Food Safety Enforcement'.

3.19.4 In relation to contractors - enquiries are made to ensure that any contracted enforcement officers are independent from any of the food businesses they may be involved with in food safety enforcement work.

3.20 Health and Safety inspections and interventions within food premises

3.20.1 The Health and Safety Service Plan sets out the Authority's intentions for health and safety enforcement and in-line with Health and Safety Executive (HSE) requirements. Authorities are not now expected to carry out a thorough proactive health and safety inspection whenever carrying out a food hygiene inspection. However, HSE document LAC 67/2 (rev 5) specifically points local authorities to dangers relating to electrical safety and encourages them to take on a variety of interventions to reduce related hazards. This includes specific targeted inspections, increasing awareness and visiting new business start-ups.

3.21 Food Safety Webpages

3.21.1 Food safety information is provided on the Council's website which is available for consumers and businesses. This may be found at: - <http://www.brentwood.gov.uk/index.php?cid=1095>. These pages are regularly reviewed and updated. The pages provide downloadable forms (self-service) for matters such as premises registration, 'right of reply' and appeals.

SECTION 4: RESOURCES

4.1 Budget Allocation

4.1.1 The budget allocated to food safety enforcement covers all areas of statutory and non-statutory work. Relative to the intentions expressed within this service plan the budget is adequate for these purposes. Should the budget be reduced in 2017/18 then this is liable to create further risk in food premises. For example, where less food was sampled then this might result in less opportunity to prevent food poisoning within the Borough.

4.1.2 The financial allocation for inspections and complaint work for 2017/18 is as follows: -

COST CENTRE = FOOD /HEALTH AND SAFETY ENFORCEMENT	
AREA OF SPEND	AMOUNT £
General Equipment	750
Software	0
Subscriptions	1,500
Analytical Services (contractors undertaking food hygiene enforcement and sampling)	21,950
Salaries (staff)	108,420
National Insurance Payments (staff)	11,730
Pensions (staff)	15,560
Temporary Employees (Food Hygiene Course)	3,000
TOTAL	162,910

Figure 5.0: Budget allocation 2017/18.

4.2 Staffing Allocation

4.2.1 There are three officers employed: -

- Environmental Health Manager (1.0 Full Time Equivalent) (FTE*)
- Principal Environmental Health Officer (1.0FTE), and
- District Environmental Health Officer (0.6FTE)

4.2.2 Officers in these posts are authorised to enforce food safety legislation consistent with their qualifications in accordance with the relevant Food Safety Act Code of Practice to enforce food safety legislation in food premises rated 'A-E'. These staff not only do food work - they form a team which carries out duties in respect of health and safety, infectious disease control, licensing and animal welfare, etc.

4.2.3 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.90 FTE is allocated to the Food Safety Service.

4.2.4 A budget of £21,950 is allocated for the work of outside analysts and consultants each year to cover for food inspections, sampling and complaint work.

4.2.5 The number of staff and financial allocation available at these levels are deemed adequate to carry out the food safety function as required.

4.3 Staff Development Plan

4.3.1 The Service ensures that necessary training is given to officers to enable them to carry out their duties competently. The Environmental Health Manager is a voting member of the Chartered Institute of Environmental Health (CIEH), and has attained Chartered Status of the Institute. Voting members and those with chartered status of the CIEH are required to undergo at least 20 and 30 hours respectively of continuous professional development (CPD) per year. In compliance with the appropriate Food Safety Act Code of Practice, all officers in the food team will receive 10 hours of food training, some of which will be provided in-house.

4.3.2 Staff receive annual appraisals (when set by upper management) and regular meetings with their manager on a routine basis. In addition, regular team meetings take place during which training needs are discussed. A representative from the food team regularly attends the Essex Food Liaison Group Meetings. These meetings provide a useful forum for identifying common training needs for food enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs.

*FTE = The ratio of the total number of paid hours during a period (part time, full time, contracted) by the number of working hours in that period Mondays through Fridays. The ratio units are FTE units or equivalent employees working full-time. In other words, one FTE is equivalent to one employee working full-time. For example: You have three employees and they work 50 hours, 40 hours, and 10 hours per week – totaling 100 hours. Assuming a full-time employee works 40 hours per week, your full time equivalent calculation is 100 hours divided by 40 hours, or 2.5 FTE.

5.1 Quality Systems

5.1.1 In recognition of the need to provide an effective food safety service to both consumers of food and proprietors of food businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

5.1.2 The following systems assist in assessing and ensuring the right level of quality is provided: -

- Regular Food Safety Team meetings which are fully minuted and officers appropriately tasked;
- Bench marking exercises with other food enforcement services in Essex and elsewhere;
- Team meetings for sharing good practice and consistency;
- Joint inspections with food enforcement officers by their line manager provides an opportunity to monitor the officers' inspection techniques and to discuss the outcome. Officers are also encouraged to carry out joint inspections with other team members in order to share best practices;
- Counter signing of formal enforcement notices prior to service;
- Monitoring of copy letters which have been sent out by officers;
- Joint visits and auditing of officers during inspections and the paperwork they produce;
- Completion of an aide-memoir form providing permanent record of the findings of each inspection, which can be monitored and discussed;
- Documentation of various procedures;
- Implementation of external third party auditing which will involve scrutiny by food enforcement officers from other local authorities in Essex, co-ordinated by the Essex Food Group;
- Internal audits – the unit received an internal audit in 2011 and attained a 'substantial assurance standard' with no major or critical priorities identified;
- Third party monitoring and auditing of performance targets by the FSA. The service was re-audited by the Food Standards Agency in October 2011. All actions stemming from that audit have now been completed.

SECTION 6: REVIEW

6.1 Review against the Service Plan

6.1.1 During the year the Food Safety Service formally monitors its performance against targets and on a monthly and quarterly basis. This is also reported quarterly within a Performance Indicator Dashboard viewed by the Chief Executive and Corporate Leadership Board.

6.2 Identification of any variation from the Service Plan

6.2.1 The performance levels for the period 2016/17 were in conformance with that period's service plan.

6.3 Areas of Improvement

6.3.1 The Service has documented internal Quality Management Systems and regularly extends and reviews the number of documented procedures. This exercise is being repeated in 2017/18.

6.3.2 The Service has now fully adopted the Uniform data base system which greatly enhances the type, quality and depth of information held on food businesses as well as complaints. The system has brought about improvements in service and in particular enables historic tracking of compliance within premises plus enhances progressive enforcement as the authority tries to improve standards in food businesses.

6.3.3 The Service routinely uses the UKFSS (United Kingdom Food Sampling System) to record data for all the food samples it takes.

6.4 Resilience

6.4.1 The Food Safety Service at Brentwood is highly resilient. Three PAYE Environmental Health Officers and four contracted Environmental Health Officers supply the service and cover arrangements. Besides carrying out proactive work contracted officers have undertaken reactive duties including processing of complaints. This arrangement has served the authority well and means that it has been able to react to all situations so far presented to it including significant investigations into food/food related incidents.

SECTION 7: TARGETS/STANDARDS

7.1 Targets and standards applied

7.1.1 The following targets and standards are utilised: -

- To operate a food hygiene interventions system whereby all food premises (100%) within the Borough and in accordance with the Food Safety Code of Practice receive timely interventions in the form of inspections, audits or a process of alternative enforcement in order to bring about compliance with all applicable food hygiene related statute.

- That all new food businesses will be visited and assigned an inspection rating within 28 days of becoming registered with the authority (receipt of the registration form).
- To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to official Codes of practice, Local Government Regulation Guidance and the Environmental Health Enforcement Policy.
- Officer responses to food related complaints and FSA's Food Alerts will be according to the initial professional assessment of urgency based upon the information available, but in any event not longer than 5 working days.
- To attend the Essex Food Liaison Group and to liaise with other District Councils, Essex County Council, Public Analysts and the Public Health Laboratory Service as required by the official Code of Practice.
- To record cases of notifiable disease and maintain weekly reports to ensure that statistical returns to authorised external agencies are produced as required.
- To respond promptly as an overriding priority to the notification of communicable diseases especially where the source could be food borne and to take action to control their spread. Officers' response to communicable disease notification should be according to the initial professional assessment of urgency based upon the information available, and in any event not longer than 5 working days.
- To implement a bacteriological food sampling of 110 programmed samples, in addition to any samples required following an inspection.
- To implement chemical and bacteriological water sampling for private water supplies as required.

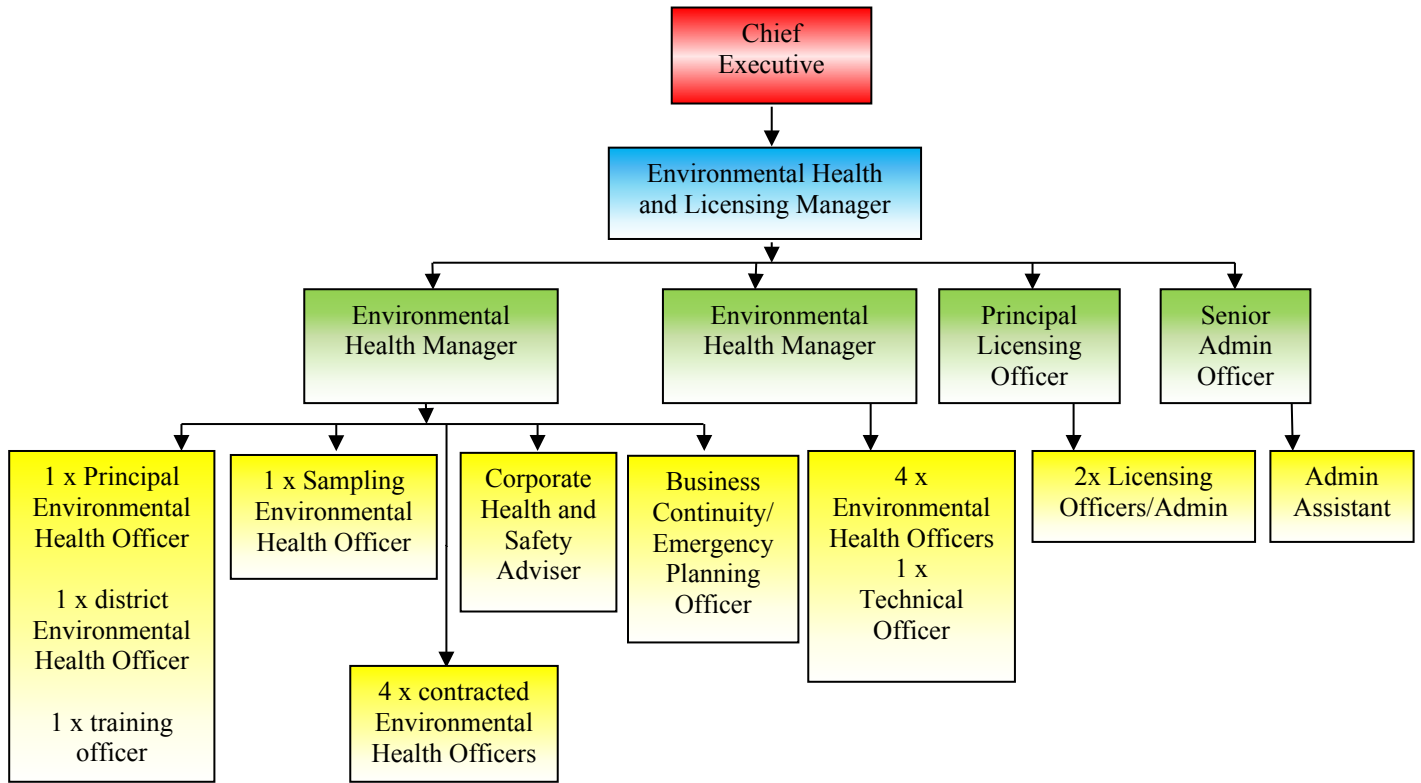
SECTION 8: PERFORMANCE INDICATORS

8.1 Performance indicators applied: -

8.1.1 The following performance indicator is utilised: -

- (i) Over 99% of food premises within the Borough are broadly compliant with food safety legislation (those with a score of no more than 10 within the categories of food hygiene, structure and food safety management) with food safety legislation. This is above 97% (the set target) - which is 11% greater than it was within the Borough five years ago, and 2% greater than a year ago. This is reported on a monthly and quarterly basis and also as a cumulative figure. This shows continual improvement in all measured areas.

Appendix 1 – ENVIRONMENTAL HEALTH AND LICENSING SERVICES STRUCTURE



BRENTWOOD BOROUGH COUNCIL

**ENVIRONMENTAL HEALTH AND
LICENSING SERVICES**

**STATUTORY HEALTH AND SAFETY SERVICE
PLAN FOR HEALTH AND SAFETY LAW
ENFORCEMENT
2017/18**

Drawn up in accordance with the Health and Safety
Commission's Guidance issued under Section 18 of The Health
and Safety at Work etc. Act 1974

For consideration by the Policy, Projects and Resources
Committee 20th June 2017

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INTRODUCTION

This is Brentwood Borough Council's 2016/17 Health and Safety Service Plan dedicated to the health and safety enforcement function. It covers all elements of responsibilities relating to premises and functions falling within this local authority's remit for health and safety enforcement (*refer to the Health and Safety (Enforcing Authority) Regulations 1998 and Operational Circular No. OC 124/11*).

The Health and Safety Service Plan is an expression of this authority's commitment to the development of the Health and Safety Enforcement Service and is a requirement of the Health and Safety Commission (HSC) as the body that monitors, audits and broadly sets local authorities' activities on health and safety enforcement.

The format and content of this service plan incorporates mandatory guidance issued by the HSC under Section 18 of the Health and Safety at Work etc. Act 1974. This is the standard which local authorities must reach in relation to their priorities.

The health and safety enforcement scene across the UK has undergone dramatic change over recent years. Through its actions via LA Code of Practice LAC 67/2 (now revision 6) and modifications to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations the Government has sought to reduce local authority output on interventions by approximately 1/3 in order to lower the burdens upon business. However, as a consequence of this instruction local authority health and safety inspections have actually dropped by an average of 95% nationally and prosecutions dropped by 33%. Where health and safety interventions would commonly have taken place alongside food hygiene inspections this no longer routinely occurs as councils have been directed away from visiting almost all lower-risk commercial premises (and in particular offices and shops which make up the bulk of the commercial sector).

Similarly, fewer accidents are now reported to local authorities as the legal requirement to notify has been increased from three to seven days. Furthermore, local authorities are now expected to use 'intelligence information' to root out poor practices but the requirement to register premises for health and safety enforcement has also ended making this task very difficult. It is arguable that this move has now put more employees within UK businesses at risk including those within Brentwood and local government enforcers including this Borough as part of the Essex Authority Health and Safety Liaison Group have sent warnings to Central Government regarding this. Concerns have also been sent by the Chartered Institute of Environmental Health which represents local authority Environmental Health Officers.

For 2017/18 Brentwood Borough Council will follow the guidance issued in LA Code of Practice LAC 67/2 (rev.6) with regard to the targeting of interventions. In this respect, it will concentrate on both national priorities set in the code and local priorities where these are evident (such as those identified through the Essex Health and Safety Liaison Group). Most of this work will be via projects as premises are no longer risk assessed under this code and local authorities may not now carry out proactive inspections relating to risks which are not identified for attention nationally. There are limits however to this project work as there will only be a small number of available premises in those categories within the borough which are eligible to be visited and these cannot be inspected every year (as this will cause a corresponding burden on

those businesses). The restrictions on inspections is unlikely to turn around unless there is a fundamental change in government policy or UK accident rates increase. This is not expected.

On a positive note, Brentwood Council is now conducting more criminal investigations in to reported accidents and more prosecutions may result. Overall this now dominates the work undertaken by the unit.

Brentwood Borough Council will therefore continue to inspect/carry out interventions in all permitted premises/activities within its enforcement remit and will investigate all significant accidents and incidents brought to its attention.



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Environmental Health and Licensing Services

April 2017

SECTION 1: SERVICE MISSION STATEMENT

The Environmental Health and Licensing Service Mission Statement is: -

'To seek to remove or control those adverse factors affecting health, safety and wellbeing in the living and working environment that come within its remit by educating, advising, monitoring and enforcing relevant statutory duties and discretionary powers.'

SECTION 2: SERVICE AIMS AND OBJECTIVES

2.1 Aim

2.1.1 The aim of Environmental Health and Licensing Service is to ensure that the health and safety of those who live, visit, and work within the Borough is not adversely affected by the work or activities undertaken by any employer – 'so far as is reasonably practicable' (ref: Health and Safety at Work etc. Act 1974).

2.2 Objectives

The objectives of Environmental Health and Licensing are: -

2.2.1 To secure full compliance with health and safety legislation and seek to ensure that due regard is had to all Approved Codes of Practice and guidance issued by the Health and Safety Commission/Health and safety Executive which the Authority is bound to follow.

2.2.2 To support the Government's 'Helping Great Britain Work Well Strategy 2016' (<http://www.hse.gov.uk/strategy/assets/docs/hse-helping-great-britain-work-well-strategy-2016.pdf>). This sets the following targets: -

- **Acting together:** Promoting broader ownership of health and safety in Great Britain.
- **Tackling ill health:** Highlighting and tackling the costs of work-related ill health.
- **Managing risk well:** Simplifying risk management and helping business to grow.
- **Supporting small employers:** Giving SMEs simple advice so they know what they have to do.
- **Keeping pace with change:** Anticipating and tackling new health and safety challenges.
- **Sharing our success:** Promoting the benefits of Great Britain's world-class health and safety system.

2.2.3 To comply specifically with the standards laid down within Operational Guidance LAC 67/2 (revision 6). This features at **Appendix 3** to this service plan.

2.3 Links to Corporate Objectives and Plans

2.3.1 The Brentwood Council Yearbook 2015 -16 (<http://www.brentwood.gov.uk/pdf/10112016134641u.pdf>) sets out the Council's ambitions, priorities and key pledges to residents and businesses. It seeks to support businesses by reducing the enforcement burden upon those which are well managed and this Service Plan demonstrates that health and safety resources remain focused on the higher risk premises and activities. The Service will also continue to provide advice on compliance to both new and existing businesses and, to provide information via its website.

2.3.2 The policies set out in the Yearbook seek to achieve a balance between community health and development. The Service aims to reduce lost days through work-related ill health and work-related accidents and support economic development. The Borough aims to take a balanced approach to health and safety enforcement which safeguards health but does not act as a disincentive to business. The Environmental Health Enforcement Policy 2016 featuring at **Appendix 2** to this service plan describes how this is carried out.

SECTION 3: BACKGROUND

3.1 Organisational Structure

3.1.1 The structure of the Environmental Health and Licensing Service is shown at **Appendix 1**. It differs from previous years' in that Thurrock Borough Council now provide a 'managed service' arrangement where via a memorandum of understanding it supplies an Environmental Health and Licensing Manager to oversee the Environmental Health and Licensing service and whom reports direct to the Chief Executive at Brentwood Council.

2.1.2 The Food and Health and Safety Team are composed of three FTE employed posts, namely; an Environmental Health Manager, a Principal Environmental Health Officer (EHO) and a part-time District EHO. The roles are described as follows: -

2.1.3 *Environmental Health and Licensing Manager* – Responsible for overseeing the work of the teams fulfilling the Licensing, Food Safety, Emergency Planning, Environmental Protection and Private Sector Housing functions at Brentwood and developing these services going forward.

2.1.4 *Environmental Health Manager* - responsible for overseeing all work within the health and safety team including setting all targets, monitoring performance, training and development. The role includes operational delivery functions and responding to all relevant stake-holders.

2.1.5 *Principal EHO* - responsible for carrying out health and safety project work and inspections, plus the investigation of accidents and complaints.

2.1.6 *District EHO* (0.6FTE) - responsible for carrying out health and safety project work and inspections, plus the investigation of accidents and complaints.

3.2 Scope of the Health and Safety Service

3.2.1 To carry out a risk based health and safety interventions programme having regard to HELA Circular LAC 67/2 (revision 6).

3.2.2 To investigate and resolve complaints about breaches of health and safety legislation having regard to the Health and Safety Commission's (HSC) guidance regarding 'Incident selection criteria' stipulated under HELA Circular LAC 22/13.

3.2.3 To investigate and take appropriate action following receipt of all relevant notifications of reportable accidents, diseases or dangerous occurrences as received via the Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations.

3.2.4 To investigate and take appropriate action following receipt of asbestos removal notifications and unsatisfactory lift inspection and pressure systems reports.

3.2.5 To attend premises where allocated to local authorities and perform interventions, inspections, special visits, and revisits in relation to results and other investigations.

3.2.6 To take informal or statutory action including notices, seizure, prohibition, prosecution or issuing simple cautions to secure compliance with the legislation having regard to the Service's enforcement policy and HSC's guidance on the 'choice of appropriate enforcement procedures'.

3.2.7 Maintain an accurate database of health and safety premises in the Borough (*so far as is possible* - given that there is no longer any requirement for premises to notify their presence to Local Authorities) and record information to enable the completion of the LAE1 return to the Health and Safety Executive's (HSE) Local Authority Unit. The database may be added to by carrying out site visits particularly to small/medium enterprises as was carried out in 2015/16, and 2016/17.

3.2.8 To receive and act upon all warnings sent by the HSE or HSC about dangerous practices or equipment as appropriate.

3.2.9 Provide advice and assistance to businesses and the public on health and safety issues.

3.2.10 Provide or arrange for the provision of health and safety training courses and one off courses (*where financially viable*) which are designed for specifically targeted groups and promote both trade and public education of health and safety issues.

3.2.11 Comment on proposed health and safety legislation, codes of practice and other official documents as necessary and as requested.

3.2.12 To liaise with other organisations such as the Chartered Institute of Environmental Health, HSE, Essex County Council, the Essex Chief Officers Group, the Essex Health and Safety Liaison Group and the Fire Authority to ensure a consistent approach to the enforcement of health and safety issues.

3.2.13 To liaise with any other bodies where mentioned within Annex B of LAC 67/2 (rev.6) who might provide potential information sources to assist the authority in formulating its interventions plans.

3.3 Demands on the Service

3.3.1 Demands on the service tend now almost totally towards the reactive – not proactive. The Loftstedt Report https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/66790/loftstedt-report.pdf (2011) had the effect of curbing local authority inspections within the commercial sector which until then had made up the inspection bulk. This is because that sector is considered low-risk when considering all types of premises and activities across HSE/LA remits. This leaves some higher-risk premises identified by the HSE to be dealt with proactively through project work. Aside from this, criminal investigations tend to dominate output at Brentwood and they tend to be lengthy processes.

3.4 Proactive Planned Interventions Programme

3.4.1 The number of premises where the local authority has jurisdiction for health and safety within the borough is currently unknown as the Government has removed the need for any businesses to register with the local authority (unlike with food businesses). When questioned, the HSE have indicated that this should now be done on 'intelligence' (though this is inherently difficult to collect). Business Rates department hold details on business but the relevant enforcing authority HSE/LA is not required to be recorded. The only way then to gather this information is 'on-foot' which is time/resource dependant.

3.4.2 In 2016/17 the authority carried out a number of health and safety projects centered on known high-risk areas. This included notifying local authorities of equipment safety issues within gyms as the result of a successful prosecution undertaken by Brentwood Council and maintaining a downloadable version of the Safer Work Better Business' Manual which can be obtained free of charge to businesses providing them with compliance information in a number of key areas. Surveys were conducted within small business areas to determine which premises amongst them were HSE or local authority enforced, and therefore which of them might require an intervention of some sort. Some advice was given as a result. The authority also carried out carbon monoxide testing in a number of food premises. These formed the majority of interventions undertaken.

3.4.3 The programme for 2017/18 is once again led by HSE priorities which are stated under 3.5.1. There will also need to be further surveys of premises to determine whether any specific interventions are required.

3.4.4 Local Authority Circular LAC 67/2 (rev.6) requires authorities to use both national planning priority information and local information to determine the key causes of serious workplace accidents, injuries and ill-health, and to develop intervention plans targeted to poorly performing businesses.

3.4.5 The LAC indicates that it is no longer acceptable to carry out proactive inspections without a 'valid reason'. Inspections and interventions then will only therefore be carried out in relation to clear evidence of risk in each case. The LAC requires LA's to consider the full range of interventions at their disposal for managing health & safety risks in their community.

Reactive interventions:

1. Incident, accident and ill-health investigations
2. Dealing with reported issues of concern and complaints

3.5 Topic Based Interventions Work Plan

3.5.1 As the Local Authority Circular LAC 67/2 (rev.6) is so prescriptive about what interventions can occur the inspection programme must abide by this. The topic-based interventions for 2017/18 will therefore include the following areas: -

- **Beverage gases in the hospitality industry:** - The aim of this priority is to raise awareness around the risks associated with the handling of beverage gases, highlighting the need to provide safe systems of work and emergency procedures with emphasis on handling, the storage of cylinders and working in confined spaces. Resources are available from the British Compressed Gas Association (BCGA) – refer to http://www.bcgga.co.uk/pages/index.cfm?start=11&page_id=20&showCategory=2&showSubCategory=2
- **Gas Safety in commercial and Catering Premises:** - Raising awareness within commercial premises with regards to the proper installation and maintenance of equipment by competent Gas Safe engineers. Raising awareness of the risks of exposure to carbon monoxide from badly installed /faulty appliances and poor or inadequate extraction systems. Local authorities are required to gather intelligence to justify any proactive inspections in this area such as during food safety inspections.
- **Falls from height:** - Fragile roofs/skylights can be found at many premises falling to local authorities for enforcement. Where they are identified during visits, LAs should discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or building user) are aware of their duties under the Construction (Design and Management)

Regulations 2015 and the precautions needed, referring them to the appropriate guidance.

- **Health risks from respirable silica dust:** - Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. During visits, Local authorities may come across minor construction works within premises that are generating significant quantities of silica dust to be a hazard. Poor standards should be addressed with duty holders, and any enforcement action taken in accordance with the Enforcing Authority Regulations, collaborating with HSE where appropriate.
- **Duty to manage asbestos:** - In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw 'duty holders' attention to their responsibility to manage and the relevant HSE guidance/webpages. On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with immediately.
- **Welfare provision for visiting delivery drivers:** - Raising awareness when visiting local authority enforced premises such as warehouses that they should allow delivery drivers access to onsite toilets and rest facilities.
- **Visitor attractions to prevent or control ill health arising from animal contact:** - Local Authorities are expected to follow HSE guidance on preventing and controlling ill-health from animal contact at visitor attractions <http://www.hse.gov.uk/agriculture/topics/visitor-attractions.htm>. This will necessitate periodic interventions to ensure that appropriate controls are in place to prevent the transfer of infection such as the bacterium E. coli.
- **LPG – buried metallic pipework** –The LPG supplier led programme (2016/17) is coming to an end, however there are a number of commercial LPG customers who have not responded to their supplier's requests. These duty holders (whose details have been provided to relevant LAs by LAU) should be inspected.

Also to be included relative to known risks within small/medium enterprises is: -

- **Unstable Loads:** - Looking at loading and unloading vehicles within high-risk sectors such as warehouse and distribution centres.
- **Manual Handling:** - Considering lack of management of manual handling risks in warehousing/distribution.
- **Controlling Legionella:** - Businesses within the borough must have adequate arrangements for the control of Legionella in water supplies and particularly where cooling towers feature as part of premises.

3.5.2 The following areas have been removed from the LAC: -

- **Migrant workers:** - This is no longer a priority area, however, local authorities may continue if there is local intelligence.

3.6 Non-English speaking businesses

3.6.1 There is limited information available at present about the number of non-English speaking non-food business proprietors. It is believed however that the two languages other than English as being significant are Bengali and Cantonese however the majority of these proprietors are able to speak English or have someone present at the premises who can translate. Arrangements are in place for a translator to be contacted in emergencies. The Service ensures that appropriate guidance leaflets are available in foreign languages where appropriate and available.

3.7 Service hours

3.7.1 The Service is based in the Town Hall which is situated in Brentwood Essex, however, in 2017 the offices will be moving to a temporary location in Mountnessing whilst the Town Hall is being redeveloped. All FTE officers now have access to the Brentwood 'Cloud-based' system which can be accessed from any internet connected PC. Officers are also equipped with 'Chromebooks' to enable same once configured. These can be used 'in-the-field'. These can be mobile enabled to reach the internet from anywhere outside available wifi.

3.7.2 The normal hours of service are 8.30 a.m. to 5.00 p.m. Monday to Thursday and 8.30am to 4.30pm on Friday. Where necessary, arrangements are made to deliver the service outside of these hours (e.g. in the case of routine inspections to premises which are only open in the evenings). No formal arrangements exist to guarantee emergency cover out of normal hours however senior officers' contact details are given out but this does rely on them being contactable.

3.8 Enforcement Policy

3.8.1 This Service operates to an 'Environmental Health Enforcement Policy' as attached to this service plan. This policy has been fully reviewed having regard to the Better Regulation guidelines.

SECTION 4: SERVICE DELIVERY

4.1 Health and Safety Inspection Programme

4.1.1 The new Code of Practice now clearly dictates what local authorities can and cannot inspect within their areas. Where this is ignored then there is a complaints structure in place to take local authorities to task should they stray from this policy. Given that there is less to proactively inspect, local authorities must now largely rely on health and safety project work and accident investigations if they are to maintain their statutory duties and financial allocation. The project work identified in this service plan will satisfy the conditions of the code and LAE1 requirements for reporting to HSE.

4.1.2 During visits officers will also check that smoke free legislation is being complied with i.e. that smoking is not being permitted in public places and enclosed spaces.

4.2 Revisits

4.2.1 Given that proactive inspections are reduced - revisits to check compliance do not occur except where absolutely necessary. However, multiple site visits are often necessary where an accident has occurred in order to gain evidence and ensure that a position of safety is quickly restored.

4.3 Health and Safety Related Complaints

4.3.1 The Service seeks to investigate all health and safety related complaints within the target period. It is estimated that there will be 30 such complaints during 2017/18.

4.4 Reports of Accidents Diseases and Dangerous Occurrences

4.4.1 Notifications of accidents, diseases and dangerous occurrences are all considered upon receipt and as soon as practicable. A decision as to whether a full investigation is required is then made in accordance with the 'Incident Selection Criteria' (to be found within LAC 22/13). It is estimated that there will be circa 25 such notifications logged for investigation during 2017/18.

4.5 Lead Authority Principles

4.5.1 The Council supports the principle of the Lead Authority system but currently the Service has no formal Lead Authority Agreement for any of the businesses in the Borough.

4.6 Advice to Businesses

4.6.1 The service encourages businesses to seek advice. It is preferable to resolve problems through co-operation at an early stage before the situation becomes serious, when formalised enforcement action may have to be considered. The service would like to be perceived by businesses as supportive and helpful.

4.6.2 Advice is mainly delivered on a one-to-one basis whilst officers are carrying out other inspections, interventions and visits but may also be given via telephone calls, seminars, newsletters, leaflets, posters, letters or telephone calls. Officers give advice in accordance with recognised guidance and codes of practice. In 2017/18 the service will be present at a Business Showcase at the Council offices - where it will provide health and safety advice to those attending from industry.

4.6.3 Businesses are now able to download a copy of the Safer Workplace Better Business manual from the Councils' extranet <http://www.brentwood.gov.uk/index.php?cid=2626>. Each download in full or in sections will count for an intervention under the criteria as outlined under LAC 67/2 (Rev.6).

4.7 Liaison with other Organisations

4.7.1 Arrangements are in place to ensure that enforcement action taken by the Service in the Brentwood Borough is consistent with enforcement action carried out in the neighbouring local authorities. This is achieved by: -

- Active attendance at the Essex Environmental Health Managers Group which includes regular meetings and contact between authorities.
- Partnership working with the Health and Safety Executive e.g. joint inspections and liaison.
- Attendance at the Essex Health and Safety Liaison Group where all matters pertaining to health and safety enforcement across the County are discussed.
- Peer review bench marking exercises with other Essex Local Authorities.
- Regular discussions amongst officers in respect of HSE and HSC guidance.
- Attending Chartered Institute of Environmental Health's branch meetings, monitoring and responding to e-mail messages on the Environmental Health Computer Network (EHC Net).

SECTION 5: RESOURCES

5.1 Budget Allocation

5.1.1 The budget allocation for 2017/18 is as follows: -

COST CENTRE = FOOD /HEALTH AND SAFETY ENFORCEMENT	
AREA OF SPEND	AMOUNT £
General Equipment	750
Software	0
Subscriptions	1,500
Analytical Services (contractors undertaking food hygiene enforcement and sampling)	21,950

Salaries (staff)	108,420
National Insurance Payments (staff)	11,730
Pensions (staff)	15,560
Temporary Employees (Food Hygiene Course)	3,000
TOTAL	162,910

Figure 1.0: Budget allocation 2017/18

5.2 Staffing Allocation

5.2.1 There are two full time employed officers and an additional employed officer on a three-day week: -

- Environmental Health Manager
- Principal Environmental Health Officer (full time), and
- District Environmental Health Officer (3 days per week)

5.2.2 Officers in these posts are authorised to enforce health and safety legislation consistent with their qualifications in accordance with the health and safety statute in place.

5.2.3 In addition to health and safety work they form a team which carries out duties in respect of food safety, infectious disease control, licensing animal welfare and smoke free requirements etc.

5.2.4 In addition to the field staff officers above there is also an allocation for administration and senior management support. A direct total of 0.3 FTE is allocated to the Health and Safety Service.

5.2.5 A budget of £21,950 is allocated for the work of outside consultants to carry food safety inspections and some health and safety work where necessary for the authority.

4.2.6 The number of staff and financial allocation available at these levels are deemed adequate to carry out the health and safety function as required.

5.3 Staff Development Plan

5.3.1 The Service ensures the necessary training is given to officers to enable them to carry out their duties competently. Annual appraisals of staff, during which training needs are assessed takes place as required by upper management.

5.3.2 In addition, minuted team meetings take place during which training needs are discussed. Brentwood Borough Council attend the Essex Health and Safety Liaison Group. These meetings provide a useful forum for identifying common training needs for health and safety enforcement officers throughout the county. Suitable low-cost courses are then organised to meet these needs. Internal training has proved to be a successful way of meeting training needs.

5.3.3 Currently all Environmental Health Officers in this team are voting members of the Chartered Institute of Environmental Health (CIEH), and are Chartered Members of the Institute. The Service supports officers wishing to obtain Corporate Membership of the CIEH by taking the Assessment of Professional Competence (APC).

5.3.4 All Environmental Health Officers that are members of the CIEH are required to undergo at least 20 hours of continuous professional development (CPD) per year. Officers wishing to maintain their chartered status must undergo at least 30 hours. Officers that are members of the Institution of Occupational Safety and Health (IOSH) are required to maintain their competence with 30 points obtained in continuous professional development over a three-year period. The service supports attendance at IOSH meetings in order to facilitate this requirement.

5.3.5 The Environmental Health Manager is qualified to Master's Degree level within the area of occupational health and safety. The Environmental Health Manager also manages the Council's Corporate Health and Safety Service as the Strategic Health and Safety Coordinator. The Principal Environmental Health Officer is qualified to Post Graduate Diploma level in occupational health and safety and is a Chartered Member of IOSH. The District Environmental Health Officer is a Chartered Member of the CIEH and has both a B.Sc. (Honours) Degree and NEBOSH Diploma in Occupational Health and Safety.

5.4 Section 18 Compliance

5.4.1 Both the Health and Safety Executive and Local Authorities have a duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work Act. Local Authorities are required to perform this duty in accordance with mandatory guidance from Health and Safety Commission. To this end 'Local Government Regulation' has in partnership with the Health and Safety Commission produced a toolkit with which Local Authorities may assess their current level of service against a prescribed standard. This in turn enables an action plan to be produced in order to address any shortcomings identified and participate in a joint peer review process. The Borough completed this assessment in 2010/11 and received peer review upon it in 2011/12. Any shortfalls identified via the self-assessment and peer review processes have been actioned.

5.5 Regulators' Development Needs Analysis RDNA

5.5.1 Under Section 18 every enforcing authority must: -

- (a) have a system to train, appoint, authorise, monitor and maintain a competent inspectorate, and
- (b) have a documented policy and procedures covering appointment, authorisation and competence.

5.5.2 To meet this standard the authority has put in to place a system for appointing and authorising suitably qualified inspectors under Section 19 HSWA; implementing standards of competence, and making arrangements so that competence levels may be maintained. This will require appropriate officer training.

SECTION 6: QUALITY ASSESSMENT

6.1 Assessing Levels of Quality

6.1.1 In recognition of the need to provide an effective health and safety enforcement service to both the public and proprietors of businesses, various systems are in place or are being considered to ensure that the quality expected by service recipients and the Council is delivered.

6.1.2 The following systems assist in assessing and ensuring the correct level of quality is provided:-

- Bench marking (peer review) exercises with other health and safety services in Essex,
- A small number of joint inspections with the health and safety enforcement officers' line manager which provides an opportunity to assess the officers' inspection techniques and to discuss the outcome,
- Monitoring the quality of inspection reports,
- A Section 18 assessment of the health and safety service,
- Implementation of the Regulators' Development Needs Analysis (RDNA) tool for officer competencies,
- Monthly Team meetings for sharing good practice and consistency,
- Counter signing of formal enforcement notices prior to service,
- Monitoring of copy letters which have been sent out by officers,
- Development of an aide-memoir form, providing permanent record of the findings of each inspection, which can be monitored and discussed,
- Documentation of various procedures.

SECTION 7: REVIEW

7.1 Review against the Service Plan

7.1.1 Under the current performance management framework service plans often included a number of targets and performance indicators. However, no targets are

set for health and safety performance as it is now largely a reactive service with some project work accounting for proactive work. All annual output is reported to the HSE via the LAE1 Form.

7.2 Identification of any variation from the Service Plan

7.2.1 The performance levels for inspections during the period 2017/2018 will be reported against any indicators adopted by the authority (there are none currently).

7.3 Areas of Improvement

7.3.1 The Service is continuing to develop and review documented internal quality management systems in respect of its core processes.

7.4 Enforcement Policy and Practices

7.4.1 The Environmental Health Enforcement Policy of 2016 as attached to this Service Plan covers the work of Environmental Health Services. It covers the delivery of enforcement and making reference to the Better Regulation Delivery Office – Regulators Code 2014.

7.5 Managed Work Programme and Service Plans

7.5.1 The Authority will consider how enforcement activity can be aimed at lower risk premises which are not targeted for inspections but by other means e.g. by the use of questionnaires, and by providing industry specific information. This it already does by making information freely downloadable from its local authority website.

7.6 Training and Competence

7.6.1. In association with its application towards the Section 18 Standard the Borough has provided a written policy for the authorisation of officers to enforce health and safety law, incorporating a statement on competence, authorisation, appointment, training and supervision of officers. The Authority is able to demonstrate that it only appoints inspectors who possess the necessary competencies to perform the tasks which they are authorised to carry out.

7.6.2 In association with the peer review assessments, the Authority will develop a competency assessment procedure that incorporates the standards outlined in Annex 2 of the Section 18 guidance. In particular, it will detail how the Council ensures that its officers: -

- Can identify the authority's objectives, plans and priorities and contribute to them effectively.
- Manage their time effectively to ensure efficient use of resources.

- Adequately report their findings from inspections.
- Are able to investigate accidents, incidents, ill health and complaints.
- Can plan, gather evidence and prepare prosecution reports.
- Can draft and serve Health and Safety Notices and similar documents.

7.6.3 The Authority will keep written records for all officers, detailing the results of any competency assessments that have been made. It will similarly review and update assessments on a regular basis.

7.6.4 To avoid any conflicts of interest all officers must disclose any other organisation for which they undertake work as is the policy of this Council. All officers must comply with their professional code of conduct.

7.7 Investigations and accidents, complaints etc.

7.7.1 The Authority will: -

- Consider all accidents and incidents brought to its attention for investigation
- Consider each with regard to HSE priority guidance as to what needs/does not need further investigation
- Investigate each accident thoroughly and institute appropriate action to prevent recurrence. This may involve the service of letters, notices, simple cautions or prosecution whichever is most appropriate with regard to the Enforcement Management Model (EMM), Code for Crown Prosecutors, Enforcement Concordat or Better Regulation Regulators Code.
- Provided a documented policy for responding to reported accidents and complaints.

SECTION 8: TARGET/STANDARDS

8.1 Targets and standards applied

8.1.1 The following targets and standards are utilised: -

- (i) To carry out topic-based interventions projects in relation to high risk businesses and activities.
- (ii) To take informal or statutory action including prosecution to secure effective and speedy compliance with legislation having regard to Approved Codes of Practice, HSC and HELA guidance and Environmental Health Services Enforcement Policy.
- (iii) To assess and respond to health and safety related complaints including notifications of accidents, asbestos removals, lift reports and other requests for

service according to the initial assessment of urgency based upon the information available, but in any event not later than 5 working days.

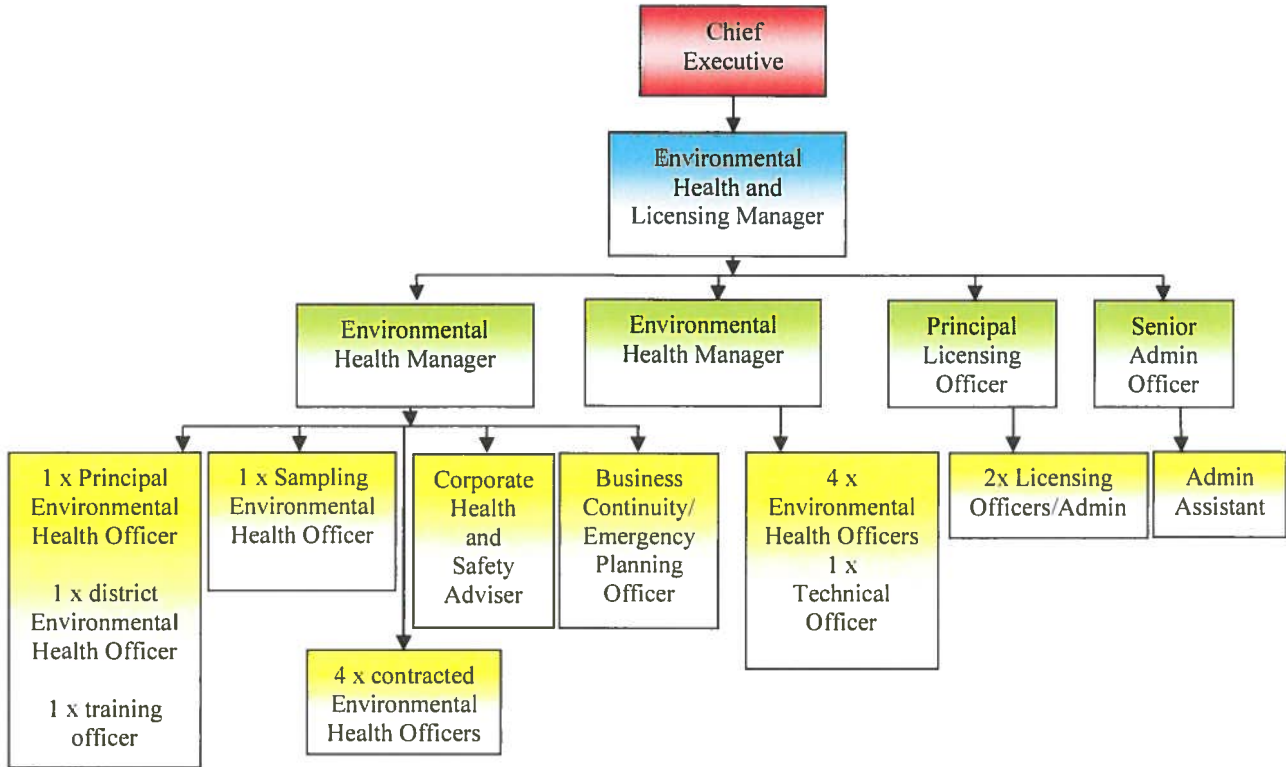
- (iv) To attend the Essex Health and Safety Liaison Group and to liaise with other District Councils, Essex County Council's Trading Standards Department and Fire Authority, and HSE.
- (v) To accurately record and submit annual LAE1 returns of all the information requested by the HSE local authority unit based on the performance of the Service.
- (vi) To produce other information on performance to the HSE on demand.

SECTION 9: PERFORMANCE INDICATORS

9.1 Performance indicators applied: -

9.1.1 No formerly reported performance indicators are applied, however, routine staff performance indicators are maintained by management.

Appendix 1 – ENVIRONMENTAL HEALTH AND LICENSING SERVICES STRUCTURE





ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

Version no.	Date	Summary of changes from previous version
003	16/06/2016	Updated to reflect Better Regulation Delivery Office – Regulators Code 2014 and the Enforcement Concordat
004	10/04/2017	Updated

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ENVIRONMENTAL HEALTH SERVICES ENFORCEMENT POLICY

1. Introduction

1.1 This Policy covers the work of Environmental Health Services. It is a new policy covering the delivery of enforcement and making reference to the Better Regulation Delivery Office – Regulators Code 2014.

1.2 Environmental Health Services play a vital role in protecting and supporting the public, the environment and groups such as residents, workers and businesses in the Borough of Brentwood. It is important that these enforcement functions are carried out in an equitable, practical and consistent manner, and that both those subject to and beneficiaries of regulation and those on whose behalf enforcement is carried out can understand the approach we as a Council take.

1.3 The Council is under a duty to enforce a range of statutory instruments adopting a variety of formal and informal sanctions. This can include anything from advising food businesses about what they need to do to comply with the law, to prosecuting a householder for noise nuisance. This places the Council and its officers in a position of responsibility to ensure that its approach fits with national and local policy, codes and guidance. This is particularly important with regard to the economic challenges facing local government and business.

2. Executive Summary

2.1 The purpose of this policy is to explain clearly the approach of the Council's Environmental Health Services towards enforcement when dealing with non-compliance. It provides guidance on the range of options available to achieve compliance with the legislation we enforce, and how discretionary powers may be used to regulate and raise standards in various sectors. The document is intended to communicate Brentwood Borough Council's policy in respect of its approach to those affected by its activities and officers of the local authority.

2.2 It also sets out the principles applied to encourage smarter, risk-based enforcement. The Council is committed to ensuring that its officers act in accordance with this policy. It is not in itself a statement of law and does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

2.3 This policy was written having regard to the principles outlined in the Better Regulation Delivery Office – statutory Regulators Code. It was subject to a consultation process with Councilors and local stakeholders before being submitted to the Policy, Finance and Resources Committee for approval.

3. Enforcement Policy Statement

3.1 The Council is committed to following good enforcement practice in accordance with current legislation listed at Appendix B. This includes carrying out our activities in a way that enables those we regulate to comply and grow, avoiding imposing unnecessary regulatory burdens, and assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means.

3.2 This policy has been produced in cognisance of Brentwood Borough Council's obligations under Section 17 of the Crime and Disorder Act 1998 to exercise its functions, and do all that it reasonably can to prevent and reduce crime and disorder in its area.

3.3 This policy is also in accordance with the government's 'Better Regulation Agenda'. Specifically, it implements good practice recommended by the Cabinet Office Enforcement Concordat; the Regulators' Code; and the regulatory principles required under the Legislative and Regulatory Reform Act 2006, including the duty to have regard to economic growth (the 'Growth Duty').

3.4 All authorised officers when making enforcement decisions shall abide by this policy, and the supporting documented procedures, both within the appendices and departmental processes.

3.5 This Policy lays out the generic principles for good enforcement. This is refined where relevant with service – specific enforcement standards, procedures and standards that are referenced within the attached appendices. These will be reviewed and updated in light of new legislation, guidance and service demands.

4. Context

4.1 Definition of 'Enforcement'

4.1.1 "Enforcement" includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. The term "enforcement" therefore has a wide meaning and applies to all dealings between the Council and those upon whom the law places responsibilities. It is not limited to formal enforcement action such as prosecution, but can include a range of interventions that seek to achieve compliance with the law.

4.2 The importance of enforcement

4.2.1 Regulation is important for the protection of the vulnerable, or to achieve other social or environmental objectives. The appropriate use of enforcement powers, including prosecution is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for

failures to comply. The Council places great importance on the consistent use of enforcement action and does not set itself numerical targets for prosecutions or statutory notices.

4.2.2 Good enforcement should help economic prosperity and encourage sustained growth without placing unreasonable burdens on businesses. Through their actions, the regulators incorporated within this policy, help to maintain a 'level playing field' to allow fair competition and good companies to thrive. It is acknowledged that this resource should also be encouraging compliant businesses to grow through proportionate regulatory activity and provision of reliable advice, without compromising the protection of the public. There is also ample evidence to show that appropriate compliance can reduce avoidable expenditure, for example by lowering labour costs as a result of fewer accidents.

4.3 The need for an Environmental Health Services Enforcement policy

4.3.1 There is an expectation from national bodies such as the Better Regulation Delivery Office (Department for Business, Innovation and Skills), the Food Standards Agency and the Health and Safety Executive amongst others that local authorities will clearly set out their policy with respect to enforcement to ensure that there is clarity for all parties who may be affected. The policy must be subject to appropriate consultation at local level before being endorsed by Members. Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and, in particular the decision to prosecute, have serious implications for all involved. Environmental Health Services will apply this policy to ensure that: -

- Decisions about enforcement action are open, fair, proportionate and consistent
- Officers apply current Government guidance and relevant codes of practice
- Everyone understands the principles, which are applied when enforcement action is considered.

4.4 Scope of the enforcement policy

4.4.1 The Regulators Code and Enforcement Concordat apply to: -

- Environmental Health
- Licensing

4.5 Brentwood's approach to enforcement

4.5.1 In coming to a decision on how to deal with non-compliance, we will have regard to the following principles which are set out in the Macrory review¹ of Regulatory Penalties. In particular, our actions should: -

- Aim to change the behaviour of the offender
- Aim to eliminate any financial gain or benefit from non-compliance

1. http://webarchive.nationalarchives.gov.uk/20070305103615/http://cabinetoffice.gov.uk/regulation/reviewing_regulation/penalties/index.asp

- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
- Be proportionate to the nature of the offence and the harm caused
- Aim to restore the harm caused by regulatory non-compliance, where appropriate
- Aim to deter future non-compliance.

4.5.2 In achieving compliance, we will also deliver against the principles of good enforcement which include openness, helpfulness, proportionality, consistency, targeting, transparency and accountability. On occasions this will involve working in partnership with other enforcement agencies.

Openness:-

- We will provide information and advice in plain language on the rules that we apply. This may be provided either verbally, by telephone, on the Councils' website, by personal visit where appropriate, electronically or in writing.
- We will be open about our work, including any charges that are set.
- We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.
- We will make it clear what should be expected from the Council as an Enforcement Authority.
- We will respond to requests for information under the Freedom of Information Act or Environmental Information Regulations, within 20 working days. Our document retention policy will detail our commitment to records management.

Helpfulness:-

- As prevention is better than cure, we will actively work with individuals and businesses to advise and assist. We encourage compliance by providing guidance and liaising with stakeholders on how this can best be presented and disseminated – a request for advice will not directly trigger enforcement action where there is a willingness to resolve any noncompliance which may be identified.
- Our staff will identify themselves and provide a courteous and efficient service.

- We will provide a contact point and telephone number to encourage individuals and businesses to seek advice/information from us.
- Applications for approval of establishments, licensing, registration, or authorisation will be dealt with efficiently and promptly.

Proportionality:-

- We aim to minimise the cost of compliance by ensuring that any action required is proportionate to the risk and that we take proper account of the economic consequences of our actions.
- As far as the law allows, we will take account of the circumstances of the case and the attitude of the offender when considering action.
- We will help to promote a thriving local economy by maintaining a fair and safe trading and working environment.
- We are committed to choosing proportionate approaches based on relevant factors such as business size and capacity.
- We are committed to dealing firmly with those who deliberately or persistently fail to comply.

Consistency:-

- We will carry out our duties in a fair, equitable and consistent manner.
- Officers are expected to exercise judgment in individual cases but we will endeavor to ensure that a similar approach is taken in similar circumstances.
- We will take account of advice offered to us through bodies such as the Local Government Association (LGA), Food Standards Agency (FSA), Health and Safety Executive (HSE) and the Department for Business Enterprise and Regulatory Reform (BERR).
- Where a Primary Authority Partnership exists, officers will consider advice previously issued by the primary authority when considering the most appropriate course of action. Where, after further liaison with the primary authority, officers consider that formal action is still appropriate; the statutory notification process will be followed. This scheme does not preclude officers from taking immediate action in the event of serious or imminent risks to health or safety.
- Where there is a wider regulatory interest, we will liaise and co-operate with or pass information to the appropriate enforcement agency. This may include the sharing of intelligence with other Government Agencies, Police Forces, Fire Authorities, Statutory Undertakers or other Local Authorities.
- We will liaise with our colleagues in other Essex Authorities and Regulatory Services, to share information and intelligence, and develop a consistent approach to enforcement, e.g. through the use of common protocols.
- We will consult in developing clear standards, setting out the level of service and performance the public and businesses can expect to receive.

- We will publish our standards and how we have performed annually by way of service plans, statutory and key performance indicators.
- Advice from officers will be put clearly and an explanation given as to why remedial works are necessary.
- The timescales for compliance with notices will be reasonable.

Targeting:-

- We will ensure resources are targeted primarily on those whose activities give rise to the most serious risks, where the hazards are least well controlled, or where there is most potential for irreversible harm to the built and natural environments.
- We will ensure that action is focused on the duty holders who are responsible for the risk and who are best placed to control it through the use of a graduated enforcement approach.
- We will identify and implement risk-rating schemes for all service areas where our work routinely brings us into contact with businesses.
- We will seek to ensure our resources are used with maximum effectiveness to avoid burdening businesses with the costs of unnecessary interventions.
- Where more serious non-compliances are identified, we will advise duty holders of the circumstances under which a revisit will be undertaken and the timescale for that revisit.

Transparency:-

- We will help duty holders to understand what is expected of them and what they should expect from officers.
- We will clearly distinguish between legal requirements and good practice advice.
- We will have regard to this enforcement policy when making decisions about the appropriateness of enforcement actions. Where for any reason a decision needs to be taken outside of, or in contravention of this policy, a clear and reasoned argument will be recorded as to why that decision was taken.

Accountability:-

- We will ensure that we have policies and procedures against which our work can be judged.
- We will ensure there is an effective and accessible mechanism for dealing with comments and complaints.
- Officers are responsible to Elected Members, the public and Government bodies for their actions.

4.6 Enforcement options and procedures

4.6.1 Officers will take the most appropriate course of action and each case will be considered in accordance with this document. Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or origin, gender, religious belief, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be affected by undue pressure from any source. Our decisions will have appropriate regard to the principles promoted through the Council's HR policies.

4.7 Working in partnership with others

4.7.1 Where appropriate, enforcement activities within Environmental Health Services will be coordinated with other regulatory bodies and enforcement agencies, both within and outside the council. In this way, we will seek to maximise the appropriateness and effectiveness of any enforcement and have an integrated approach to problem solving.

4.7.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, potentially involving enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be informed of this matter as soon as possible and all enforcement activity coordinated with them.

4.8 Recovering our costs

4.8.1 We will seek to recover all our legitimate costs from convicted offenders. The Council will also consider either through its own officers or in co-operation with the Police may make an application under the Proceeds of Crime Act 2002 to restrain or confiscate the assets of the offender. The purpose of any such actions would be to recover any financial benefit that the offender has obtained from their criminal conduct.

4.9 Publicity

4.9.1 We will consider, in all cases, drawing media attention to factual information about charges that have been laid before the courts, but will take great care to avoid any publicity that could prejudice a fair trial. We will also consider publicising any conviction that could serve to draw attention to the need to comply with legal requirements or deter anyone tempted to disregard their duties.

4.10 Enforcement in respect of Brentwood Borough Council

4.10.1 On rare occasions, there may be a perceived potential for conflict of interest where the Council has ownership or management interests in premises normally enforced by their own inspecting officers. For instance, where the Council is the

clear duty-holder for health and safety purposes, the premises will be transferred to the Health and Safety Executive for enforcement purposes. Responsibility for day-to-day health and safety at work matters on such premises lies with the head of the relevant service. In other contexts, such as food hygiene, pollution or licensing issues, enforcement officers will offer advice as they would in other circumstances. If considered necessary, any disputed matters would be referred to the Head of Paid Service.

4.11 Comments, compliments, complaints

4.11.1 Brentwood Council is committed to the delivery of responsive, good quality customer services to the people of the Borough and would welcome comments and feedback about the impact the enforcement policy may have on local residents and/or business through our Customer Contacts Team.

4.12 Policy review

4.12.1 It is considered good practice to review Council policies. In future, a 3 yearly review of this Policy will provide a reasonable timetable in line with other Regulatory Service policies. A review may also be appropriate in the intervening period if there is a significant change in legislation, national codes, guidance or national or local policy.

5. Outcomes and Priorities

5.1 This policy seeks to achieve the following Outcome and Priorities: -

Outcomes

- A balanced and transparent enforcement approach which is understood by all relevant stakeholders.

Priorities

- Ensuring that stakeholders, including local businesses have a clear understanding of how enforcement decisions are taken at Brentwood;
- Delivery of enforcement activity in a way which is consistent with national and local priorities.

6. Links to other Corporate Policies or Partner documents

- This Policy links with the aims and objectives outlined within the Brentwood Borough Council Corporate Plan – ‘Vision for Brentwood 2016-19’.

7. Application of the Enforcement Concordat

7.1 This Policy also adopts the Enforcement Concordat (of 1999) as produced by the Cabinet Office. This predates the Regulators Code. The Concordat is a voluntary, non-statutory code of practice. It sets out the following Principles of Good Enforcement: -

- Standards – setting clear standards
- Openness – clear and open provision of information
- Helpfulness – helping businesses by advising and assisting with compliance
- Complaints about service – having a clear complaints procedure
- Proportionality – ensuring that enforcement action is proportionate to the risks involved
- Consistency – ensuring consistent enforcement practice

7.2 In adopting the Enforcement Concordat the Authority agrees to the principles within it, which are as follows: -

- Determining Lead Officer responsibility (as necessary) for its implementation at the Council
- Reviewing existing policies (as necessary) across Environmental Health and Licensing Services
- Consulting with businesses
- Drawing up a strategy for implementation, and
- Monitoring of systems, involving continuous assessment and consultation

7.3 Formal adoption of the Enforcement Concordat was via the Department of Trade and Industry, however, there is no longer any mechanism for this given the documents' age. The document continues to apply.

The Enforcement Concordat is attached at Appendix J.

8. Appendices

- A. Outline of functions within Environmental Health Services
- B. Legislation, guidance and codes that influenced the preparation of the enforcement policy
- C. Conduct of Investigations
- D. Enforcement options and procedures
- E. Food Safety Enforcement
- F. Health and Safety Enforcement
- G. Pollution and Private Sector Housing
- H. Glossary of terms
- I. Regulators Code

Appendix A

OUTLINE OF FUNCTIONS WITHIN ENVIRONMENTAL HEALTH SERVICES

1. ENVIRONMENTAL HEALTH AND LICENSING

Environmental Health Practitioners deliver a wide range of services aimed at safeguarding the environment and improving the health, safety and well-being of our community. They work to ensure that the air is clean; food is fit to eat; housing is suitable for habitation; and workplaces are safe.

The Service at Brentwood is divided into 3 sections supported by an administration team and reporting direct to the Head of Paid Service. There is an Environmental Protection Team, a Commercial Team, which covers food safety, health and safety, and a Licensing Team. The main areas of work are as follows: -

Animal Control	<ul style="list-style-type: none"> ▪ Pest Control – advice ▪ Control of stray dogs ▪ Promoting responsible animal and pet management
Housing	<ul style="list-style-type: none"> ▪ Tackling unsatisfactory conditions in private rented accommodation ▪ Inspection and licensing of houses in multiple occupation ▪ Detection of overcrowding ▪ Grants for making repairs, improvements or adaptations to homes to allow independent living
Pollution Control	<ul style="list-style-type: none"> ▪ Air, land, water pollution monitoring and control. ▪ Authorisation of industrial processes that discharge to the atmosphere. ▪ Stopping statutory nuisances ▪ Rectifying defective private drainage systems
Public Health	<ul style="list-style-type: none"> ▪ Promoting public health initiatives ▪ Enforcement of 'Smokefree Regulations' ▪ Dealing with filthy and verminous premises
Food Safety	<ul style="list-style-type: none"> ▪ Investigating food poisoning outbreaks and control of communicable disease ▪ Inspection of food businesses - enforcement and advice ▪ Investigation of complaints about food and food sampling ▪ sampling ▪ Provision of food hygiene training courses. ▪ Food hygiene controls.
Health and Safety	<ul style="list-style-type: none"> ▪ Inspection of workplaces - enforcement and advice ▪ Investigation of accidents at work. ▪ Investigation of complaints about health and safety at work ▪ Securing processes and workplaces
Licensing	<ul style="list-style-type: none"> ▪ Various licensing and registration functions

	<ul style="list-style-type: none">▪ Regulating alcohol and entertainments, gambling, trading controls, taxis, skin piercing, animal establishments and charitable collections.▪ Certain road closures.
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Appendix B

LEGISLATION, GUIDANCE AND CODES THAT INFLUENCED THE PREPARATION OF THE ENFORCEMENT POLICY

1. PRINCIPLES OF GOOD REGULATION

The Legislative and Regulatory Reform Act 2006, Part 2, requires Brentwood Borough Council to have regard to the Principles of Good Regulation when exercising a specified regulatory functions. For local authorities, the specified functions include those carried out by our environmental health and licensing services.

We will exercise our regulatory activities in a way which are:-

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

2. REGULATORS' CODE

Brentwood Borough Council has had regard to the Regulators' Code (made under section 23 of the Legislative and Regulatory Reform Act 2006) in the preparation of this policy. In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

3. HUMAN RIGHTS ACT 1998

Brentwood Borough Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

4. DATA PROTECTION ACT 1998

Where there is a need for Brentwood Borough Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1988.

5. REGULATORY ENFORCEMENT AND SANCTIONS ACT 2008 ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

6. CRIME AND DISORDER ACT 1998

Section 17 of the Crime and Disorder Act 1990 imposes a duty on local authorities to exercise its functions with due regard to the crime, disorder and environmental issues affecting the local area and do all they reasonably can to prevent them. The duty reflects the reality that there are potential crime or disorder implications in decisions made across the full range of statutory services.

7. FOOD FRAMEWORK AGREEMENT

The Framework Agreement on official feed and food law controls sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. This takes account of the Government's better regulation agenda and of principles of good regulation.

8. HEALTH AND SAFETY EXECUTIVE'S ENFORCEMENT POLICY STATEMENT

This Policy Statement sets out the general principles and approach which the health and safety enforcing authorities are expected to follow. All local authority staff who take enforcement decisions are required to follow the above statement.

Appendix C

CONDUCT OF INVESTIGATIONS

All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Brentwood Borough Council: -

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants. Officers of Environmental Health Services are authorised to make use of these powers, but they do not have the power to arrest.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

1. INTERVIEWS UNDER CAUTION

The individual/company under investigation will be offered the opportunity of an interview under the Police and Criminal Evidence Act where the option of formal action (simple caution or prosecution) is under consideration.

2. STATUTORY TIME LIMITS

Any investigation will be governed by the statutory time limit involved and any report to be considered for prosecution will be completed as soon as possible. Witnesses and others involved in an investigation will be kept informed of the progress of the investigation by the investigating officer.

3. CASE REVIEWS

The line manager will review the progress of investigations with the case officer on a regular basis. Proceedings will only be instigated once the case file has been signed off by a senior manager.

4. MANAGEMENT SYSTEMS

The Council will maintain a management system to monitor and review the quality and nature of the enforcement activities undertaken in these services in order to demonstrate

the effectiveness of the policy with respect to its aims and objectives and to recommend changes and improvements. This will be periodically reviewed by service managers.

Service managers will ensure all staff are trained to ensure they are fully conversant with this policy and arrange retraining and updating when necessary.

5. COMPLAINTS AGAINST THE SERVICE

If any person is aggrieved with the action taken or information or advice given by officers of Brentwood Borough Council or believe they have not received fair or consistent treatment as outlined in this policy, they will be given the opportunity to discuss the matter with the relevant line manager.

If not satisfied by those discussions the matter can be taken up with the service manager, who will consider the complaints, decide whether the enforcement policy has been breached in this instance and give a reply in writing. This is without prejudice to any formal appeal mechanism. If the problem cannot be resolved, the person will be informed of the Council's complaints procedure.

Appendix D

ENFORCEMENT OPTIONS AND PROCEDURES

1. NOTIFYING ALLEGED OFFENDERS:

If we receive information (for example from a complainant) that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.

During the progression of enforcement investigations or actions, all relevant interested parties, such as business proprietors and witnesses, will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.

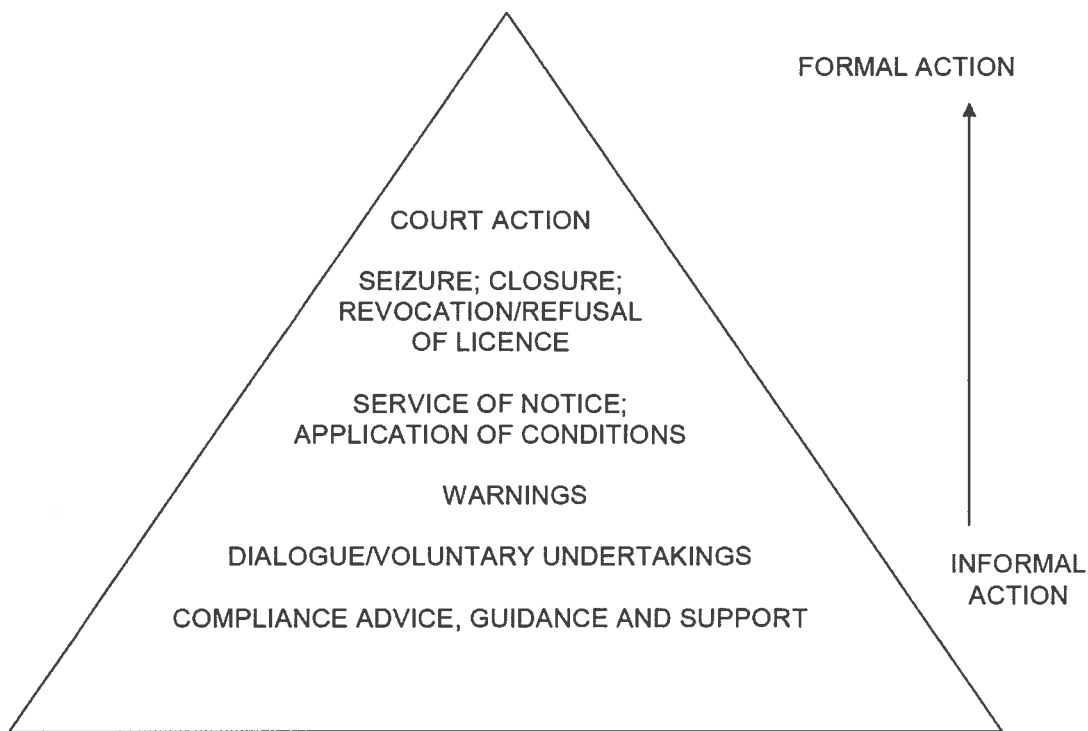
2. GRADUATED ENFORCEMENT APPROACH:

Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. Decisions will take account of the following: –

- the seriousness of the offence;
- the past history of the offender(s);
- confidence in the duty holder's willingness and ability to prevent a recurrence;
- the consequences of non-compliance;
- the likely effectiveness of various enforcement options;
- what is in the public interest/benefit;
- the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance;
- sufficiency of evidence to support the action.

The individual service areas will have certain powers which are specific to their role and the legislation that they enforce. This is covered in more detail in the appendices.

Having considered the above, the evidence and any other relevant information, we have a range of compliance options available to us with the enforcement options indicated below.



3. TO TAKE INFORMAL ACTION – SUCH AS: -

- giving verbal advice and/or information
- advice or warning letter
- verbal warning
- acceptance of a voluntary undertaking to rectify or prevent recurrence of breaches

Informal action may be appropriate if: –

- the act or omission is not serious enough to warrant formal action;
- previous experience indicates that informal action will achieve compliance;
- non-compliance will not pose a significant risk to public health or safety or breaches are minor in nature, or are not causing demonstrable harm to visual or residential amenities;
- informal action is appropriate and likely to be effective in assisting individuals and businesses in rectifying breaches as quickly and efficiently as possible.

When such an approach is used to secure compliance with legislation, any written documentation issued will:

- specify the legislation that has been contravened;
- specify what remedial action is required, together with the reasons;

- ensure that any recommended areas of good practice which are above the minimum levels required by statute are clearly differentiated within the document;
- where examples are given of how compliance may be achieved, make clear that alternative means of compliance may also be acceptable;
- highlight the right to question works required by raising the matter with the relevant named manager.

In the case of health and safety matters, a copy will be sent to staff representatives.

We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

Sometimes we will offer advice about “good practice”, but we will clearly distinguish between what must be done to comply with the law and what is advice only.

Failure to follow informal advice or honour voluntary undertaking (s) relating to contraventions of the law could result in an escalation of enforcement action. Advice and verbal warnings will be noted on the relevant case file. If a similar breach is identified in the future, details of advice given previously will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such information may be presented in evidence.

4. TO TAKE FORMAL ACTION – SUCH AS: -

- serving Statutory Notices e.g. abatement notices, Improvement and Prohibition Notices;
- serving Fixed Penalty Notices or Penalty Charge Notices;
- offering a simple caution;
- prosecution;
- seizure of equipment, goods or materials;
- closure of premises
- revocation of a license
- injunctive restraint
- execution of work required by statutory notice where the recipient has not complied and recovery of all reasonable costs incurred
- compulsory purchase /management/control of property
- fine and statutory charges

In some cases, a combination of these options may be appropriate. Officers will comply with Codes B, C and E of the Police and Criminal Evidence Act 1984 (PACE) as it relates to local authority enforcement.

Code B deals with police powers to search premises and to seize and retain property found on premises and persons. Code C sets out the requirements for the detention,

treatment and questioning of suspects not related to terrorism in police custody by police officers. Code E deals with the tape recording of interviews with suspects in the police station.

Formal action and prosecution will be taken in respect of the most serious cases. This is usually where an offence has occurred, the person responsible has been identified and one or more of the following applies: -

- action is required by statute;
- urgent action is required;
- the protection of a vulnerable individual needs to be secured or there is benefit to the public;
- action has been or needs to be taken by default;
- there is reason to believe that the duty holder responsible will not take the required steps within a reasonable period of time;
- an Authorised Officer has been obstructed in the course of their duties;
- any other reason where the Authorised Officer can justify the need to the Service Manager

4.1 Service of Notices:

Certain legislation allows notices to be served requiring offenders to take specific actions ('Improvement Notices'). Notices may require activities to cease immediately ('Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices') where the circumstances relating to health, safety, environmental damage or nuisance. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of noncompliance.

Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or where appropriate, the carrying out of work in default. Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

In deciding whether to serve either a Statutory Notice, the following conditions will also apply: –

- standards are generally poor with little management awareness of statutory requirements;
- non-compliance could be potentially serious to public health, or there is a threat to the amenity of the area.

It should only be necessary to consider the use of a Prohibition Notice in one or more of the following circumstances: –

- the consequences of not taking immediate and decisive action to protect public health or amenity would be unacceptable;

- in the case of health and safety at work, an imminent risk of injury or health can be demonstrated; the guidance criteria, specified in relevant Codes of Practices are fulfilled;
- there is no confidence in the integrity of an offer made by a duty holder to voluntarily close premises, cease work or cease the use of any equipment, process or treatment which is the subject of the noncompliance.

In serious cases, it may be necessary to adopt a variety of enforcement options to achieve the appropriate outcomes. In serious cases, this may include prosecution as well as serving notice(s).

4.2 Right of Appeal against Notices and Works in Default

Where there are rights of appeal against formal action, advice on appeal procedures will be clearly set out in writing at the time the action is taken together with an explanation of the implications of non-compliance. Specifically, whenever possible, this advice will be issued with the Enforcement Notice.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with, then the local authority can decide to carry out the works to satisfy the requirements of the notice. Furthermore, where the law allows it, the person or business served with the notice can then be charged for the costs incurred by the Council.

4.3 Seizure

Certain legislation enables authorised officers to seize goods, equipment or documents for example, unsafe food, sound equipment that is being used to cause a statutory nuisance, or any goods that may be required as evidence for possible future court proceedings. When goods are seized, the person from whom the goods are taken will be given an appropriate receipt, and an explanation explaining the reason for the seizure and the implications of that process for the item(s) seized. In some cases, forfeiture can follow court action.

4.4 Fixed Penalty Notices (FPN) & Penalty Charge Notices PCN)

Certain laws enable the service of fixed penalty notices to secure an immediate sanction to be imposed where a breach of legislation has been witnessed. These are recognised as a low-level enforcement tool (they are not a criminal fine), which avoids the offender acquiring a criminal record. The officer could choose to issue such a notice without issuing a warning. Failure to pay the fine is likely to result in the offender being prosecuted in the case of a Fixed Penalty Notice, or pursued in the County Court in the case of an unpaid Penalty Charge Notice.

If a fixed penalty is paid in respect of a breach, Brentwood Borough Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

Brentwood Borough Council is only able to issue fixed penalty notices where it has specific powers to do so (e.g. smoking in an enclosed public place or fly tipping offences). Where fixed penalty notices are available, their issue will be at the discretion of Brentwood Council. In some cases, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

4.5 Refusal, Suspension and Revocation of Licences

A business or individual may require prior approval such as a licence, registration, permission or permit before carrying out a certain activity. The Council administers numerous licensing and permissioning regimes, each having different rules for making applications and their determination. It is impossible to fully explain these procedures in this document and applicants and licence-holders should contact the relevant service area if they are in any doubt.

In the case of licensing, usually the local authority grants a licence upon receipt of a valid application if the requirements for licensing are met. These standards may be specified in legislation, local byelaws, or other suitability criteria adopted by the local authority. In some cases, an application must be advertised and the determination of the licence will depend upon the receipt of representations. In certain instances, the council will arrange a hearing to determine the application, commonly resulting in a decision to grant the licence, with or without conditions, or to refuse the licence.

Where a licence or other form of prior approval is refused, the business/individual will be advised on the reason for refusal, and where appropriate the action which must be taken in order to enable the authority to issue the appropriate licence/approval. Advice will be given on the appeal processes open to the business or individual concerned.

Various sanctions are available to local authorities where breaches of statute or licence conditions come to light. Informal actions may result (as described above). Alternatively many licence regimes allow the licensing authority to suspend or revoke the licence, where this is justified. Aggrieved parties can usually appeal against these decisions to a Magistrates Court. When considering future licence applications, Brentwood Council may take previous breaches and enforcement action into account.

4.6 License Reviews

A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review, which is essentially a request by a third party to the licensing authority to review a particular licence.

4.7 Injunctive Actions, Enforcement Orders, etc.

In some circumstances, Brentwood Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring.

The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court - a serious offence which may lead to imprisonment.

Brentwood Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, we will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

4.8 Prosecutions and Simple Cautions

We follow guidance Code for Crown Prosecutors set by the Crown Prosecution Service in applying two tests that determine whether a prosecution or simple caution is viable and appropriate. A simple caution or prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test.

4.9 The Evidential Test: *Is there enough evidence against the defendant?*

When deciding whether there is enough evidence to charge, the local authority must consider whether the evidence can be used in court and is reliable. The Council must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge, assuming that a jury or bench of magistrates are properly directed in accordance with the law.

4.10 The Public Interest Test: *Is it in the public interest to bring the case to court?*

A prosecution will usually take place unless the public interest factors against prosecution clearly outweigh those in favour of prosecution. The Council must balance factors for and against prosecution carefully and fairly. A decision to prosecute usually depends on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

4.11 Simple Cautions

A simple caution may be offered where there is an admission and acceptance of guilt. Normally this will only be offered for first (or less serious) offences; the offender should not have received a simple caution for a similar offence within the last 2 years. Sufficient evidence will have been obtained to prove the case, and it has been determined that this course of action is in the public interest. The offender must be 18 years of age or over.

This course of action is normally considered when the criteria for prosecution are met but extenuating circumstances suggest a more lenient approach would achieve the same

objectives. A simple caution will appear on the offender's criminal record. Should the offer of a simple caution be refused, then a prosecution should automatically follow.

Simple cautioning will not be used as an alternative to a weak prosecution case.

A simple caution may be issued as an alternative to prosecution. Simple cautions will be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

In considering whether to administer a simple caution the following criteria must be met:

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction. In other words a conviction should be more likely than an acquittal before a court of law;
- the offender must admit the offence; and
- the offender must be an adult and must understand the significance of a caution and give informed consent to being cautioned. This agreement will not be sought until it is decided that cautioning is the correct course of action.

In deciding whether to caution or prosecute the following factors must be taken into consideration:

- the nature and seriousness of the offence;
- the likely penalty if the offender was convicted by a court;
- the offender's age and state of health;
- the offender's previous criminal history;
- the offender's attitude towards the offence;
- the views of the victim or any aggrieved party;
- whether compensation has been paid;
- public interest;
- the likelihood of re-offending.

If the offender commits a further offence, the caution is likely to influence the Council's decision to take a prosecution. It is likely to influence how Brentwood Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted or a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.

4.12 Prosecution

Prosecutions will only be undertaken when the offence and the person or body corporate responsible for it has been identified, and the duty holder has shown disregard for one or more of the following: -

- (a) The legal process;
- (b) The meeting of legal responsibilities, including for example, deliberate, negligent or persistent breach of legal obligations which were likely to cause material loss or harm to others, particularly where written warnings or formal notices have previously been issued;
- (c) The likelihood of the alleged offence to seriously prejudice the health, safety or other entitlement of people, animals or the environment, or
- (d) Brentwood Council officer(s), who in the course of their duties have been assaulted or obstructed.

A successful prosecution will result in a criminal record. The Court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

4.13 Other Factors

Other important legislation and government guidance exists which influences the local authority's enforcement activities and may have to be taken into account before enforcement action is commenced. Further explanation of such legislation is given at Appendix B.

Most legislation applies a statutory time limit in which offences must be investigated and resolved or prosecuted or they will be considered to be "out of time". We will seek to complete our investigations in a timely manner thus ensuring that we adhere to these time constraints.

4.14 To Take no Action:

There will be times when it is appropriate to take no action, particularly where there is no statutory contravention, or risk to public health, safety or amenity. This could also include where the cost of compliance to the offender outweighs the detrimental impact of the contravention; or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. In such cases, we will advise the offender and/or the complainant of the reason for the decision taken. Where the law provides the complainant with other options to resolve the issues which affect them, such

as civil remedies (e.g. Anti-Social Behaviour Orders), we will make sure that they are directed to the most appropriate source of information to assist them. This may involve referral to other council departments, external organisations or to seek independent legal advice.

4.15 Civil Action:

The enforcement action we take is distinct from any civil claims for compensation. We will not necessarily pursue enforcement actions in all cases where civil claims are anticipated, nor will the Council actively assist in such cases.

This is without prejudice to disclosure of information on investigations where this is permitted under statute, or required of the Council under the Freedom of Information Act.

4.16 Anonymous Complaints:

Such complaints are commonly received and the reasons for wishing to remain anonymous vary. Anonymity often hinders an investigation, preventing an officer from making a comprehensive assessment of all relevant facts to enable a just or informed decision on a matter. Furthermore, certain environmental health laws require the identification of someone who is aggrieved by the situation as a precursor to taking effective legal action.

Each anonymous complaint received will be assessed to determine the most appropriate follow-up action depending on the circumstances and seriousness of the allegation.

4.17 Enforcement in respect of Brentwood Borough Council

On rare occasions, there may be a perceived potential for conflict of interest where the Council has ownership or management interests in premises normally enforced by their own inspecting officers.

For instance, where the council are the clear duty-holder for health and safety purposes, the premises will be transferred to the Health and Safety Executive for enforcement. Responsibility for day-to-day health and safety at work matters on such premises lies with the head of the relevant service. In other contexts, such as food hygiene, pollution or licensing issues, enforcement officers will offer advice as they would in other circumstances. If considered necessary, any disputed matters would be referred to the Head of Paid Service.

5. ANCILLARY MATTERS CONCERNING THE ENFORCEMENT POLICY

5.1 Authorisations:

All appointed officers will be properly authorised and act in accordance with our policy and the Scheme of Delegation maintained in accordance with the Council's Constitution.

We will ensure that enforcement officers are trained and competent for the purposes of enforcing the relevant functions for which they are authorised. Authority for making decisions on instituting legal proceedings and other formal measures are similarly drawn from the Scheme of Delegation within the Councils Constitution.

5.2 Monitoring the Policy

It is essential that officers adhere to the enforcement policy. To ensure that officers comply with this enforcement policy, line Managers will monitor selected cases. Deviations from the policy will be reported to the Head of Service. Head of Service will only accept any departure from policy in exceptional circumstances capable of justification, and only after full consideration and authorisation.

5.3 Appeals

If any business or individual is unhappy with the action taken, or the information or advice given by the Council's Environmental Health Services staff, they will be given the opportunity of discussing the matter with the officer's line manager. This is without prejudice to any formal appeals mechanism. Further independent challenge panels are also available in respect of health and safety at work advice and food safety advice.

5.4 Health and Safety at Work advice

If a business believes that action taken or advice given by one of our inspectors about health and safety at work is incorrect or exceeds what is required to control the risk adequately, they can initially contact the inspector who gave the advice or their line manager to raise their concerns in the first instance. If after this, they are still unhappy with the advice received, they can raise their concerns with the Independent Regulatory Challenge Panel at the Health and Safety Executive (HSE). The Panel will consider their concerns and make appropriate recommendations which our inspectors then have to have regard to.

Referral to the Independent Regulatory Challenge Panel is not appropriate if the concerns relate to service of legal notice(s) or prosecution action. In such cases, there are established appeal processes through the Employment tribunals or the courts.

5.5 Food Safety Advice to Businesses

If a business is unhappy with written advice they have received on food safety issues because they think it is incorrect or goes beyond legal requirements, they can initially contact the officer concerned or their line manager to raise their concerns. If after this they are still unhappy with the outcome, we would ask the business to follow our complaints procedure. If it is felt that this has not provided a satisfactory outcome, there is then the option to raise the concerns with the Food Standards Agency's Independent Business Appeal Panel². Referral to the Independent Business Appeal Panel is not

appropriate if the concerns relate to service of legal notice(s) or prosecution action. In such cases, there are established appeal processes through the courts.

2. <https://www.food.gov.uk/business-industry/how-to-make-an-appeal/how-to-make-an-appeal/panel>

Appendix E

FOOD SAFETY ENFORCEMENT

1. ENFORCEMENT OPTIONS

The following section relates to the specific enforcement issues relating to the food safety work carried out by Brentwood Borough Council and is included to ensure compliance with the Framework Agreement. The authority has responsibility for enforcement of food legislation and carries out its food enforcement activities having regard to the provisions of the Food Law Code of Practice (England).

There is a range of enforcement options which are similar in principle to the main body of this policy – further explanation is provided as appropriate. Action could include one, or any combination of the following: -

- A. No action
- B. Revisit
- C. Advice
- D. Informal Action
- E. Formal Notice – Hygiene Improvement or Remedial Action
- F. Detention and Seizure
- G. Emergency Prohibition
- H. Revocation or suspension of approval
- I. Simple Caution
- J. Prosecution
- K. Warrant to Enter Premises
- L. Alternative enforcement strategy premises

A) No action

In exceptional circumstances, contraventions may not warrant any action. This could arise, for example where the cost of compliance to the business outweighs the detrimental impact of the contravention on the community. The Regulators Code is clear in expecting the service to recognise that; “a key element of their activity will be to allow, or even encourage economic progress and only to intervene where there is a clear case for protection”. Any decision to take no action will be recorded, including the reasons for this decision.

B) Revisit

We will advise a business if it is our intention to revisit. Revisits will be carried out in all instances where there is a formal notice. Where contraventions of food hygiene or processing regulations are found or evidence of poor hygiene practices, a revisit will be carried out but only where the premises is rated less than; 'broadly compliant' with food

hygiene standards. For very minor contraventions, we may advise that a check will be carried out at the next routine inspection.

C) Advice

We recognise that very often we are approached by businesses for advice on compliance issues and good hygiene practice. We will always offer appropriate advice, distinguishing between legal requirements and recommendations. We recognise that this is a very important part of our working relationship with businesses and demonstrates the willingness of the business to pro-actively manage situations. If significant contraventions are highlighted as a result of this contact, it may still be necessary to adopt an additional enforcement approach if public health needs protecting.

D) Informal Action

Informal action to secure compliance with legislation will include offering advice and the use of written or verbal warnings, including those generated following inspection. Informal action will be considered in one or more of the following circumstances: -

- the act or omission is not serious enough to warrant formal action;
- the previous history of the individual/enterprise indicates that it can reasonably be expected to achieve compliance through the use of informal action;
- confidence in the management is high;
- the consequences of non-compliance will not pose a significant risk to public health.

Where an informal approach is used to secure compliance the written documentation issued will: -

- explain the scope of the inspection;
- contain all clear, unambiguous information necessary as required by the Food Law Code of Practice in order that the business may understand what work is necessary and why;
- indicate the measures which will enable compliance with legal requirements and clearly state that other means of achieving the same effect may be used;
- clearly indicate any recommendations of good practice under an appropriate heading, to distinguish them from legal requirements.

E) Formal Notices – Hygiene Improvement/Remedial Action

The use of Hygiene Improvement or Remedial Action Notices would generally be followed in the following circumstances:

- there are significant contraventions of the legislation;
- there is a lack of confidence in the food business operator or enterprise to respond to an informal approach;

- there is a history of non-compliance with informal action;
- standards are generally poor with little management awareness of statutory requirements;
- the consequences of non-compliance could be potentially serious to public health;
- where it is intended to prosecute, and effective action also needs to be taken as quickly as possible to remedy conditions that are serious or deteriorating;
- additionally, in terms of Remedial Action Notices, where the inspection process is being obstructed.

At the time of the visit, or at least prior to the service of a notice, the authorised officer will discuss with persons having the necessary authority to take action within the business, realistic time limits for compliance with the Notice – this will consider not only the practicality of carrying out works, but the food safety implications of the contravention.

A revisit will be made to assess compliance with the notice on the date of expiry. Failure to comply with a Hygiene Improvement Notice will normally lead to a prosecution.

F) Detention and Seizure

Where officers have grounds for suspecting that food does not comply with the food safety requirements in Hygiene Regulations, they may use powers to inspect, detain, seize and arrange for condemnation of food. When food is seized, we will give the person from whom the food is taken an appropriate receipt. The food will then be taken before a Magistrate as soon as possible for them to confirm the seizure and condemn the food as unfit. If the Magistrate does not condemn the food, we will release it back to the owner who will be entitled to claim compensation for any loss suffered. We will always give full details of our actions to the owner of the food when we exercise this power, and explain the procedures and implications of any actions taken by both sides.

G) Emergency Prohibition

The use of a Hygiene Emergency Prohibition Notice will be considered appropriate only if there is an imminent risk of injury to health and one or more of the following circumstances are present: -

- the consequences of not taking immediate and decisive action to protect public health would be unacceptable;
- an imminent risk of injury to health can be demonstrated. This might include evidence from relevant experts, including a food analyst or food examiner;
- the guidance criteria, specified in the Food Law Code of Practice concerning the conditions when prohibition may be appropriate are fulfilled;
- there is no confidence in the integrity of any offer made by the food business operator to voluntarily close the premises or cease the use of equipment, process, or treatment associated with the imminent risk.
- the food business operator is unwilling to confirm in writing his/her offer of a voluntary prohibition;

Wherever possible, a second opinion from another suitably authorised officer will be obtained prior to the notice being issued.

H) Revocation or Suspension of Approval/Licence

This action would only be taken once other enforcement options have been considered since to take such action would affect the ability of the business to continue to trade. Revocation would be considered where: -

- serious deficiencies are identified;
- the officer has had to repeatedly stop production at the establishment and the food business operator is not able to provide an adequate guarantee that acceptable standards will be maintained in the future. In such cases, temporary suspension would be considered as a possible enforcement option in the first instance. A second opinion will be sought from another suitably authorised officer prior to any formal action being commenced.

I) Simple Caution

The same principles apply as in Appendix D.

J) Prosecution

The following are circumstances where prosecution may be initiated:

- the alleged offence(s) involve a significant/blatant breach of the law such that public health has been put at risk;
- the alleged offence(s) involve a failure by the suspected offender to correct an identified risk to food safety having been given reasonable opportunity to comply with the lawful requirements of an authorised officer;
- the offence(s) involves a failure to comply in full or in part with the requirements of a statutory notice;
- obstruction of an officer whilst undertaking his or her duties;
- there is a history of similar offences

The officer must be satisfied that there is sufficient relevant, admissible, substantial and reliable evidence that an offence has been committed.

In deciding whether or not to prosecute for an alleged infringement, regard will be had to 'The Code for Crown Prosecutors'. In particular, a prosecution should not be commenced unless the 'Evidential Test' and the 'Public Interest Test' criteria specified in the Code have been met.

In considering whether the relevant criteria are met, the following factors will be considered:

- The seriousness of the alleged offence; where there is a risk of harm to public health or a disregard of legal standards for financial reward;
- The previous history, in particular whether there is a history of similar offences, or a failure to respond positively to past warnings or statutory notices;
- Any likelihood of being able to establish a defense;
- The reliability of the evidence available;
- The ability of witnesses and their willingness to co-operate;
- Any willingness by the defendant to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case especially with respect to legal precedent;
- Any explanation offered by the company or suspected offender;
- Whether the offence was premeditated;
- The need to influence the offender's future behavior;
- Whether the evidence shows the defendant is an organiser of the offence;
- Whether the defendant was in a position of authority or trust;
- The effect on the offender's, or a witness's physical or mental health, balanced against the seriousness of the offence;
- The views of any victims;
- Whether the offence, although not serious in itself, is widespread in the area where it was committed;
- Whether the offender has put right the harm caused;
- Whether there is a realistic prospect of conviction.

Factors against prosecution would be that a small penalty is likely to be imposed, or the offence is due to a genuine mistake or misunderstanding, but this must be balanced with the seriousness of the offence.

Consideration will be given to prosecuting directors of bodies corporate where:

- it appears that the offence was committed with his/her consent, connivance or neglect; or
- it is likely that the body corporate may be wound up to avoid criminal proceedings.

Prosecution of employees will only be considered in exceptional cases e.g. where the employee has clearly contradicted the employers' instructions; has been deliberately obstructive or has acted in a grossly negligent or wilful manner.

In cases of obstruction, prosecution will always be considered where this has resulted either in undue delay or in additional work/costs to the local authority, or where false information has been given deliberately.

On completion of prosecution cases, officers must inform other interested bodies of the outcome of the case as necessary. In particular, any complainants or victims will be

informed. The outcome of the case will be reviewed with the relevant service manager to discuss any necessary future action.

Further considerations in this connection are listed within the main body of this enforcement policy.

K) Warrant to Enter Premises

Officers may apply to the Magistrates Court for a warrant to enter premises in the following circumstances:

- necessary entry is required at an unreasonable time; and/or
- entry to a premises is refused; and/or
- entry is expected to be refused; and/or
- the premises are vacant and entry is required.

In all cases, officers will exercise their powers courteously and with respect for persons and property, and only use reasonable force when this is considered necessary and proportionate to the circumstances.

L) ALTERNATIVE ENFORCEMENT STRATEGY

Some low risk categories of food premises (category D and E) may be inspected under an AES strategy. In such circumstances the interventions conducted by Environmental Health will be by alternating inspections and questionnaires. This is in line with FSA codes of practice.

2. PRE-NOTIFICATION OF INSPECTION

The general principle for official control inspections is that they shall be carried out without prior warning. Each case will be considered on its merits and having regard to the nature of the business being inspected.

3. TRAINING, COMPETENCY AND AUTHORISATION

Only duly authorised officers may undertake enforcement duties in accordance with the Council's scheme of delegation. Officers will only be authorised where their level of qualification, training and experience are considered acceptable. Newly appointed or transferred officers will also be assessed by their manager for competency and referred for training where necessary, in accordance with the training policy and the Council's 'Investors in People' appraisal scheme. Only officers with two or more year's experience will be authorised to sign Hygiene Emergency Prohibition Notices served under regulation 8 of the Food Hygiene (England) Regulations 2006 or Emergency Prohibition Notices served under section 12 of the Food Safety Act 1990.

Officers undertaking enforcement duties will be suitably trained and qualified to ensure they are fully competent to undertake their enforcement activities. Qualifications will be based on current government guidance. Appropriate training programmes for officers will be set up to achieve the necessary competence. The training requirements to achieve the necessary level of competence will be regularly reviewed by the service managers. Training will be prioritised within available resources.

Officers are responsible for ensuring they have regard to relevant guidance documents laid out in service procedures.

Appendix F

HEALTH AND SAFETY ENFORCEMENT

1. AIM

The aim of Brentwood Council's Health and Safety Enforcement Policy is to ensure that duty holders manage and control risks effectively thus preventing harm. In particular, our policy is to:

- Ensure that duty holders take action to deal immediately with serious risks
- Promote and achieve sustained compliance with the law
- Ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities, are held to account, which may include bringing alleged offenders before the courts in the circumstances set out later in this policy.

In this context "enforcement" applies to all dealings between the Council as a health and safety enforcing authority and those on whom the law places duties (employers, the self employed, employees and others).

The Council believes in firm but fair enforcement of health and safety law in line with Health and Safety Commission's Enforcement Policy Statement (EPS). This is informed by the principles of proportionality in applying the law and securing compliance; consistency of approach, targeting of enforcement action, transparency about how we operate and what those regulated may expect, and accountability for our actions. These principles will apply both to enforcement in particular cases and to our management of enforcement activities as a whole and are explained more fully in the Policy section of this document.

Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be appropriate, or to assist such claims. We have a range of tools at our disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Many of our dealings are informal e.g. offering duty holders' information and advice. Where appropriate our Inspectors may also serve Improvement and Prohibition Notices and prosecute.

Subject to the evidential tests in the Code for Crown Prosecutors, circumstances where we will normally prosecute, or recommend prosecution, following an investigation or other regulatory contact are where:

- death was a result of a breach of the legislation;
- the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
- there has been reckless disregard of health and safety requirements;

- there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
- work has been carried out without or in serious breach of an appropriate licence;
- a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
- there has been a failure to comply with a written warning or an improvement or prohibition notice; or there has been a repetition of a breach that was subject to a simple caution;
- inspectors have been intentionally obstructed in the lawful course of their duties;
- false information has been willfully supplied, or there has been intent to deceive.

We will also consider prosecution, or consider recommending prosecution where following an investigation or other regulatory contact, the following circumstances apply:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law.
- a breach that gives rise to significant risk has continued, despite relevant warnings from employees, or their representatives, or others affected by a work activity.

Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders. Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally, we will actively consider the management chain and the role played by individual directors and managers. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

As with prosecution, we will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. We will use discretion in deciding when to investigate or what enforcement action may be appropriate. Such judgments will be made in accordance with the following principles that are in accordance with the *Enforcement Concordat*³ and Section 18 Guidance (including the EPS).

The Health and Safety Commission's priorities are used to target our activities and resources via our Service Plan, including the provisions of the National Local Authority Enforcement Code⁴. To maintain a proportionate response most resources available for investigation will be devoted to the more serious circumstances. We will carry out a site investigation of a reportable work-related death, unless there are specific reasons for not doing so. Our health and safety team will aim to:

- Inspect/carry out interventions at those premises for which it has enforcement responsibility and investigate accidents and complaints in accordance with the Council's selection criteria policy;

3. <http://webarchive.nationalarchives.gov.uk/+/http://www.berr.gov.uk/files/file10150.pdf>

4. <http://www.hse.gov.uk/lau/national-la-code.pdf>

- Rate premises according to risk, (which includes management organisation, and the type of activities etc.) in order to determine the frequency of future inspections;
- Seek to promote health and safety through advice and guidance, and by the provision of training; and
- Take formal enforcement action, in accordance with the EPS, when it is the most appropriate way of dealing with the matter.

Where we can we will endeavor to make provision for the particular interests of stakeholders. For example we may make visits out of normal office hours but at times when the business is open; or we may arrange for interpreters/translators to be available if particular groups of duty holders do not have English as a first language.

Where there has been a death at work resulting from a failure to comply with health and safety law, the matter will be referred to the police if the circumstances of the case might justify a charge of manslaughter. The police are responsible for deciding whether or not to pursue a manslaughter case and this may occur alongside a prosecution for health and safety breaches. In all cases, the work related deaths protocol for liaison signed by the Police, British Transport Police, the Crown Prosecution Service, the Health and Safety Executive and the Local Government Association will be followed.

2. PRINCIPLES OF ENFORCEMENT

2.1 The Process of Enforcement

Inspectors use various enforcement techniques to deal with risks and secure compliance with the law, ranging from the provision of advice to enforcement notices. Enforcement decisions must be impartial, justified and procedurally correct. The Health and Safety Executive's EPS sets out the approach we follow. The Enforcement Management Model (EMM) – together with the procedure for its application – provides the Council with a framework for making enforcement decisions that meet the principles in the EPS. It captures the issues inspectors consider when exercising their professional judgment and reflects the process by which enforcement decisions are reached.

2.2 Purpose of the EMM

The EMM is not a procedure in its own right. It is not intended to fetter inspectors' discretion when making enforcement decisions, and it does not direct enforcement in any particular case. It is intended to:

- promote enforcement consistency by confirming the parameters, and the relationships between the many variables, in the enforcement decision making process;
- promote proportionality and targeting by confirming the risk based criteria against which decisions are made;

- be a framework for making enforcement decisions transparent, and for ensuring that those who make decisions are accountable for them; and
- help experienced inspectors assess their decisions in complex cases, allow peer review of enforcement action, and be used to guide less experienced and trainee inspectors in making enforcement decisions.

The EMM and the associated procedures enable managers to review the decision making process and their inspectors' enforcement actions to ensure the purpose and expectations of the EPS have been met.

The EMM does not exist in isolation. It is supported by quality procedures which address, amongst other things, the selection and investigation of accidents.

2.3 Enforcement Tools

Enforcing Authority (EA) Inspectors have a range of tools at their disposal to seek compliance with the law and to ensure a proportionate response to criminal offences.

Where appropriate they may:

- Serve Improvement and Prohibition Notices
- Prosecute
- In very exceptional circumstances issue Simple Cautions.

Simple Cautions will not be used –

- As a 'let off'
- Where there are some mitigating circumstances
- Where there is doubt about the public interest
- Where either the prosecutor's office or the court are too busy.

2.4 Investigation

As with prosecution (see below), the Health and Safety Executive expects us to use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. The Commissions priorities are reflected in the HELA Strategy that we use to target our activities and resources via our Health and Safety Service Plan.

To maintain a proportionate response most resources available for investigation will be devoted to the more serious circumstances. The Health and Safety Executive's Strategic Plan recognises that it is neither possible nor necessary for the purposes of the Act to investigate all issues of non compliance with the law that are uncovered in the course of planned inspection, or reported events.

A more detailed policy on investigating reportable workplace accidents and ill health is detailed below.

2.5 Action by the Courts

Where appropriate we will draw the court's attention to all the factors that are relevant to the court's decision as to what sentence is appropriate on conviction. The Court of Appeal has given some guidance on some of the factors that should inform the courts in health and safety cases (R v F. Howe and Son (Engineers) Ltd [1992] 2 All ER, and subsequent judgments).

2.6 Representation to the Courts

In cases of sufficient seriousness, and when given the opportunity, we will consider indicating to the magistrates that the offence is so serious that they may send it to be heard or sentenced in the higher court where higher penalties can be imposed. In considering what representations to make we will have regard to Court of Appeal guidance: the Court of Appeal has said "In our judgment magistrates should always think carefully before accepting jurisdiction in health and safety at work cases, where it is arguable that the fine may exceed the limit of their jurisdiction or where death or serious injury has resulted from the offence".

2.7 Death at Work

Where there has been a breach of the law leading to a work-related death, we will consider whether the circumstances of the case might justify a charge of manslaughter. We will liaise with the Police, Coroners and the Crown Prosecution Service (CPS) and if they find evidence suggesting manslaughter pass it on to the Police or where appropriate the CPS. If the Police or the CPS decides not to pursue a manslaughter case, we will bring a health and safety prosecution if that is appropriate. (To ensure decisions on investigation and prosecution are coordinated the HSE, the Association of Chief Police Officers and the CPS have jointly agreed and published "Work Related Deaths: A Protocol for Liaison).

Brentwood Council has agreed that it should take account of the Protocol when responding to work-related deaths).

2.8 Incident Investigations

It is the policy of the Council to investigate reportable accidents under the Reporting of Injuries, Disease, and Dangerous Occurrences Regulations 2013 according to the HSE's Incident Selection Criteria.

An initial assessment of the incident will be made and a decision taken on investigation within 3 working days (except in the case of work related deaths where a decision will be taken upon receipt by an inspector).

They will be investigated in accordance with the principles of proportionality, consistency, targeting, transparency and accountability.

The purpose of investigation is to: -

- Identify immediate and underlying causes
- Ensure the duty holder takes appropriate remedial action to prevent reoccurrence
- Evaluate compliance with the relevant statutory provisions
- Apply the principles of the Enforcement Management Model and take enforcement action if appropriate.

Investigations will be: -

- Continued only so far as they are proportionate to the achievement of the objectives set for them [see below]
- Conducted and/or supervised by staff who are competent
- Provided with adequate resources and support, including information, equipment and staffing
- Conducted so that efficient and effective use is made of the resources committed to them
- Timely, so far as this is within the control of the investigating inspector
- Subject to suitable management procedures for monitoring the conduct and outcome of investigations

The following factors will determine whether an investigation continues to be proportionate:

- Public expectation, for example, where there has been a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries
- The potential (taking into account reasonable foreseeability) for a repetition of the circumstances to result a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries either in the activities of a specific duty holder or within industry generally
- The extent to which the available evidence allows conclusions as to causation to be drawn and supported with sufficient certainty, including conclusions as to responsibility for alleged breaches of relevant legislation
- The extent to which the resources needed for the investigation are disproportionate to the hazard(s) or risk(s)
- The prevalence of the event, either in the activities under the control of a specific duty holder, or in an industry sector generally.

2.9 Complaints

A complaint is a concern originating from outside the council in relation to a work activity for which Brentwood Council is the enforcing authority, that is sufficiently specific to enable identification of the issue and the dutyholder and/or location and that either:

- Has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- Appears to constitute a significant breach of law for which Brentwood Council is the enforcing authority.

The level of investigation will depend upon: -

- The severity and scale of actual or potential harm, or the high potential for harm arising from an event;
- The seriousness of any potential breach of the law;
- The track record of the duty holder;
- The enforcement priorities of the Council;
- The practicality of achieving results;
- The wider relevance of the event including serious public concern.

Officers will not always visit the premises which are the subject of a complaint – a judgment will be made following initial contact with the complainant, when it may be determined that a phone call to the premises concerned will be the most appropriate.

Appendix G
POLLUTION AND PRIVATE SECTOR HOUSING

1. AIM

The aim of Brentwood Council's Pollution and Private Sector Housing Enforcement Policy is to ensure that enforcement action is proportionate and effective in dealing with issues within our remit, including housing, statutory nuisance and pollution control.

2. PRINCIPLES OF ENFORCEMENT

The general principles as set out in the Regulatory Services Enforcement Policy will form the principles of regulation which the Council will follow when dealing with cases that require enforcement action to be taken.

The purpose of enforcement is to ensure that preventative or remedial action is taken to protect health and the environment by securing compliance with the regulatory systems. Whilst the Council will seek to ensure full voluntary compliance with relevant legislative requirements whenever possible, we will use enforcement powers where necessary and proportionate.

Where enforcement is deemed appropriate and is being considered, the Service can choose one or more of the following options:

- To take no action;
- To take informal action;
- To issue a fixed penalty notice;
- To issue a statutory notice;
- To carry out work in default;
- To revoke licences/authorisations/approvals;
- To refuse licences/registration/authorisations/approvals
- To call for review licences;
- To use seizure powers;
- To use formal cautions;
- To prosecute;
- To seek injunction.

Details of these powers and enforcement actions are contained in the main text of this Policy.

Where there is specific guidance on enforcement action, for example, statutory guidance or other relevant guidance and codes of practice issued by professional organisations and bodies, this will be followed, unless there are specific Council policies which would achieve at least equivalent standards.

The Council will ensure that enforcement decisions are based upon the principles outlined in section 4.5 of the Policy (Brentwood's approach to enforcement).

The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, The Criminal Procedures and Investigations Act 1996, Equality Act 2010 and other relevant legislation and guidance.

3. Enforcement Actions

Fixed Penalty Notices

Certain offences may be dealt with by means of a Fixed Penalty Notice (FPN) as an alternative to prosecution.

Fixed penalty notices will be served having regard to the following:

Legislative provision for the discharge of an offence by the service of a fixed penalty notice, this is at the Council's discretion;

In some circumstances particularly where breaches are serious or recurrent, prosecution may be more appropriate; we will consider this when deciding whether to issue a FPN.

Payment of a fixed penalty notice does not provide immunity from similar or recurrent breaches;

If a fixed penalty notice is not paid, we may commence criminal proceedings or take other enforcement action in respect of the breach.

The level of FPN charges will be set by the Council and reviewed on a regular basis having regard to guidance and taking into account the Council's costs of enforcement.

Statutory Notices

Statutory notices will be served having regard to the following:

- any specific legal requirements to serve notice;
- if there are significant breaches of legislation;
- if there is a lack of confidence in the recipient to respond to an informal approach;
- there is a history of non-compliance with an informal approach;
- standards are generally poor with little management awareness of statutory requirements;

- the consequences of non-compliance could be potentially serious to public health, safety or welfare; and
- effective action also needs to be taken to remedy conditions that are serious or deteriorating, even when it is intended to prosecute.

Statutory notices will be served for matters which are a risk to public health, safety, or the environment and not for minor technical contraventions.

Statutory notices will be in the prescribed form where this has been specified.

The time limit on notices will be realistic and have regard to the issue and recipients of notices will be given the opportunity, if they wish, to discuss its requirements.

Compliance with the requirements of all notices served will be checked as soon as is practicable after expiry.

Failure to comply with a statutory notice will, in general, result in prosecution and/or work in default. Officers must have sufficient evidence to justify service, and be prepared to pursue non-compliance through the courts. Recipients of notices will be advised of any right of appeal; at the time the notice is served.

4. Areas of Enforcement

Private Sector Housing Enforcement

The Council may identify the need to deal with hazards under Part 1 of the Housing Act in a number of ways including proactive inspections of, for example, houses in multiple occupation or in response to a complaint or request from a tenant for enforcement action.

The Housing Act 2004, ("the Act"), together with Regulations made under it, prescribes the Housing Health and Safety Rating System (HHSRS) as the means by which Local Authorities assess housing conditions and decide on action to deal with poor housing. It is a risk assessment system of the effect of housing conditions on the health of occupiers, by means of scoring the severity of potential hazards.

The scores for each hazard are ranked in Bands. Hazards falling into Bands A to C are more serious, and are classed as Category 1. Less serious hazards fall into Bands D to J, and are classed a Category 2.

The Council is under a duty to take the most appropriate action in respect of a Category 1 hazard but has discretion to exercise power in relation to Category 2 hazards.

Where the Council has a duty to act in respect of a Category 1 hazard or determine to take action on Category 2 hazards, we will take the most appropriate of the following courses of action:

- serve an improvement notice;
- make a prohibition order;
- serve a hazard awareness notice;
- take emergency remedial action or make an emergency prohibition order;
- make a demolition order;
- declare a clearance area.

In determining what action to take, the Council will not only take account of the hazard score, but also whether the Council has a duty or discretion to act and other factors which may include the views of occupiers, track record of the owner, the risk to the current and likely future occupiers and regular visitors and the presence of other significant hazards in the property.

The Council will have regard to the Housing Health and Safety Rating System Enforcement Guidance issued by the Secretary of State when considering enforcement action to deal with housing conditions.

When taking enforcement action the Council will prepare a statement of reasons for their decision and provide a copy of that statement to accompany the notice.

The Council currently makes a charge for the issue of formal notices served under the Housing Acts to recover administrative and other expenses incurred, which will have a financial implication for the person upon whom the notice is served.

The Council will consider this when determining whether to serve a formal notice and will usually attempt to resolve housing issues informally prior taking formal action unless circumstances require more immediate action to deal with the hazards.

Houses in Multiple Occupation (HMOs)

Houses in multiple occupation of 3 storeys or more with shared amenities and occupied by 5 or more persons require a licence to operate. Failure to do so is an offence.

The Council will attempt to identify houses which are occupied in such a way that a licence is required and will take appropriate action to ensure that a licence is obtained.

Where a landlord fails to license a licensable HMO, or knowingly permits another person to occupy a licensed HMO and this results in the house being occupied by more households or persons than is authorised by the licence, or fails to comply with a licence condition, the Council can take a prosecution case to the Residential Property Tribunal (RPT).

Local Authority Pollution Control (LAPC)

Under the Environmental Permitting (England and Wales) Regulations 2010, local authorities must regulate certain types of factory and other activities such as dry cleaners. This is to reduce any pollution they may cause and, in particular, to help improve air quality. Businesses which operate these premises must have a permit.

The Council undertakes risk-assessed compliance inspections to ensure that the operator is managing the installation in accordance with the conditions set in the Environmental Permit.

The need for enforcement may stem from an unauthorised "incident" or activity or from a breach of the conditions of a permitted activity.

The Council expects full voluntary compliance with conditions attached to the permit, however it will use its enforcement powers where necessary.

The powers available include;

- Enforcement Notices
- Suspension Notices
- Variation of permit conditions
- Revocation Notices
- Prosecution
- Formal caution
- Warnings

Enforcement Notices

Enforcement Notices may be served where the operator is contravening or likely to contravene permit conditions. The Council will consider in each case the advantages of serving an Enforcement Notice, using warning letters or taking court proceedings.

Warning letters will usually be sent and in the event of non-compliance prosecution will be considered.

Suspension Notices

The Council may serve a Suspension Notice where there is a risk of serious pollution from a permitted installation. Once the Council is satisfied that the required action has been taken, written notification shall be given to the operator and the Notice withdrawn.

Variation Notices

The Council will consider the issue of a Variation Notice in respect of permitted installations in the following cases;

- where the operator formally requests a specific variation
- where the operator notifies the Council of a proposed change to the installation and the Council determines that a variation is required to accommodate that change
- where the Council believes that the existing conditions attached to a permit require amending or additional conditions are required.

Revocation Notices

The Council may revoke a permit in whole or in part where appropriate by service of a Revocation Notice. When issuing a Revocation Notice the Council will provide an accompanying letter stating the reasons and effect of the Revocation Notice.

Failure to comply with permit conditions or Notices

Failure to comply with permit conditions or the requirements of a notice may lead to a criminal enforcement response.

Operating without a permit

The Council would expect an operator to be aware of the need for a permit and to obtain one before commencing operation. Should an operation be being carried on without a permit the operator will be invited to make an application and the additional fee for operating without a permit will apply. Failure to complying after the warning may lead to prosecution of the operator

Appendix H

GLOSSARY OF TERMS

Abatement Notices	This action may be taken where there is an on-going or recurring nuisance/defect and where the legislation allows. The notice will require certain steps to be taken to resolve the problem.
Better Regulation Agenda	The Government's better regulation agenda aims to use targeted measures to simplify and improve existing regulation; communicate more clearly with businesses, to help them understand what they must do to comply with the law.
Code for Crown Prosecutors	The Code devised by the Crown Prosecution Service which sets out the principles to be followed when a decision is being taken about whether a prosecution case should be taken.
Company Directors Discrimination Act	This Act allows a court to make a disqualification order against a company director that prevents them from acting as if they were a director within a company.
Data Protection Act	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Department for Business Innovation and Skills (BIS)	The aim of the Department for Business Innovation and Skills is to improve the quality of working life for individuals, and create the conditions for business success. They support better regulation and are working to promote best practice and effective employment relations.
Duty holders	Health and safety legislation specifies who has responsibilities under the law. Those bodies/persons are referred to as duty holders
Employment Tribunal	The Employment Tribunals are independent judicial bodies that determine disputes between employers and employees over employment rights, and consider appeals against health and safety enforcement notices.
Enforcement/enforcing Authority	All local authorities take on the role of enforcement authority in respect of relevant functions and legislation within their geographical area. Some enforcement agencies may also be involved – roles and responsibilities are specified in legislation and guidance.
Enforcement Concordat	The Government introduced the Enforcement Concordat in 1998 in collaboration with business and local and national regulators. The Enforcement Concordat encourages partnership working between enforcers and businesses, and sets out the Principles of Good Enforcement which enforcers should apply in order to achieve higher levels of voluntary compliance
Enforcement Management Model	The Enforcement Management Model (EMM) is a framework which helps inspectors make health and safety enforcement decisions in line with the Health and Safety Executive's Enforcement Policy Statement. Its purpose is to ensure fair and consistent enforcement decisions are taken.
Environmental Information Regulations (EIR)	The Environmental Information Regulations give certain rights of access to environmental information to the general public.
Fixed Penalty Notices	Fixed penalty notices generally deal with environmental offences such as litter, graffiti and dog fouling, and can be issued by local authority officers and police community support officers. These notices can be issued to anyone over 10 years old where the law allows it. Penalty notices are not the same as criminal convictions. However, failure to pay the fine may result in higher fines or imprisonment.
Food Standards Agency	The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.
Freedom of Information Act (FOI)	The Freedom of Information Act gives you the right to obtain information held by public authorities unless there are good reasons to keep it confidential.
Health and Safety Executive (HSE)	The HSE is a public body responsible for enforcement of health and safety in certain workplaces. Regulations define which workplaces are the responsibility of the HSE and which are the responsibility of local authorities.
Improvement Notices	This action may be taken under certain legislation where there is a legal contravention. The notice will require works to be carried out within a specified time period. Failure to comply is an offence.

Better Regulation Delivery Office (BRDO)	BRDO is a non-departmental public body, accountable to the Department of Business, Innovation and Skills through the Better Regulation Executive. Its focus is on ensuring that inspection and enforcement are based on an assessment of risk, so that businesses are supported and regulatory resources are focused on those who flout it.
Local Government Association (LGA)	Local Government Association is a voluntary lobbying organisation, acting on behalf of the local government sector
Penalty Charge Notice	Penalty charge notices may be issued for contraventions of specific regulations/orders where no criminal offence has been committed. Failure to pay a penalty charge notice will result in recovery of the debt through the civil courts.
Primary Authority	The primary authority is the local authority that has formed a partnership with a business and is registered on LBRO's website. The authority provides advice and guidance to that business, and other enforcement authorities must consider this advice when undertaking enforcement activity.
Prohibition Notices	This action may be taken where there is a serious risk to health or safety and where the legislation allows. The notice may require closure of a business; prevent use of a machine or process, until such time as the risk has been controlled. Failure to comply is an offence.
Regulators Code	The Regulators' Code asks regulators to perform their duties in a business-friendly way, through regulation and inspections in a way that causes least disruption to the economy.
Section 18 guidance	Section 18 of the Health and Safety at Work etc Act 1974 places a duty on the Health and Safety Executive and local authorities to make adequate arrangements for enforcement.
Simple Caution	A 'simple caution' is used to deal quickly and simply with those who commit less serious crimes. It aims to divert offenders away from court, and to reduce the likelihood that they will offend again.
Statutory enforcement notice	The powers of officers are set down in legislation. Many laws allow enforcement officers to issue statutory notices. These require action to be undertaken within a certain time to ensure legal compliance, e.g. improvement and prohibition notices.
Statutory undertakers	These are the various companies and agencies with legal rights to carry out certain development and highways works, e.g. gas, telephone and electricity companies.

Appendix I

BETTER REGULATION DELIVERY OFFICE – REGULATORS CODE (April 2014)



**Department
for Business
Innovation & Skills**

**Better
Regulation
Delivery Office**

Regulators' Code

April 2014

Foreword



In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Fallon
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act must have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
 - 1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities¹ and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.
 - 1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities², for example, by considering how they can best:
 - understand and minimise negative economic impacts of their regulatory activities;
 - minimising the costs of compliance for those they regulate;
 - improve confidence in compliance for those they regulate, by providing greater certainty; and
 - encourage and promote compliance.
 - 1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.
 - 1.4 Regulators should ensure that their officers understand the statutory principles of good regulation³ and of this Code, and how the regulator delivers its activities in accordance with them.
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
 - 2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

¹ The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

² The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

³ The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf.

Regulators' Code

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate⁴.
3. Regulators should base their regulatory activities on risk
- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework⁵, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

⁴ The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

⁵ The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

Regulators' Code

4. **Regulators should share information about compliance and risk**
- 4.1 Regulators should collectively follow the principle of "collect once, use many times" when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.
5. **Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**
- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.
6. **Regulators should ensure that their approach to their regulatory activities is transparent**
- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
 - a) how they communicate with those they regulate and how they can be contacted;
 - b) their approach to providing information, guidance and advice;
 - c) their approach to checks on compliance⁴, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

⁴ Including inspections, audit, monitoring and sampling visits, and test purchases.

Regulators' Code

- d) their enforcement policy, explaining how they respond to non-compliance;
 - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
 - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point⁷ on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

⁷ This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.

Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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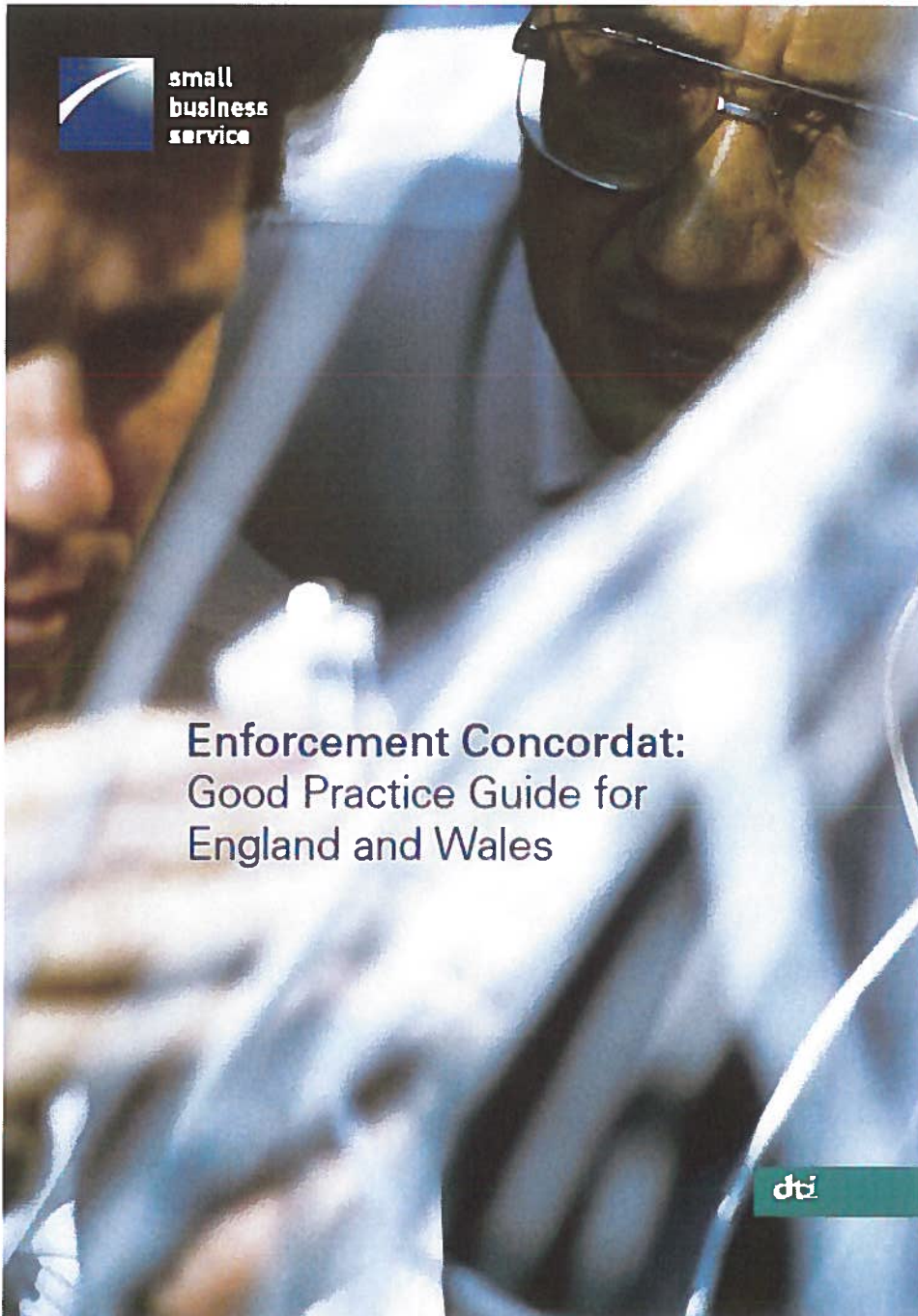
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Appendix I

ENFORCEMENT CONCORDAT: GOOD PRACTICE GUIDE FOR ENGLAND AND WALES <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>



Title:

Setting Priorities and Targeting Interventions

Open Government status: Fully Open

Target audience: Local Authority Health and Safety regulators

(Practitioners and Managers)

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Summary

This Local Authority Circular (LAC 67/2 (rev 6) is guidance under Section 18 Health and Safety at Work etc. Act 1974 (HSWA) and replaces LAC 67/2 (rev 5) and all earlier versions.

The LAC provides LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code).

LAC 67-2 (Revision 6)

Background

In May 2013 HSE published the National Local Authority Enforcement Code (the Code). The Code was developed in response to the recommendation in “Reclaiming health & safety for all: an independent review of health & safety legislation” by Professor Ragnar Löfstedt for HSE to be given a stronger role in directing Local Authority (LA) health and safety inspection and enforcement activity and as an outcome of the Red Tape Challenge on health and safety.

The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Introduction

The Code provides LAs with a principles based framework that focuses regulatory resources on the basis of risk. It requires LAs to consider a range of regulatory techniques (interventions) to influence the management of risk by a business.

Section 18(4) of the Health and Safety at Work Act etc. 1974 places a duty on Local Authorities to make ‘adequate arrangements for the enforcement’ of health and safety and the Code sets out what is meant by ‘adequate arrangements for enforcement’.

LAs are responsible for regulating over 1.7 million workplaces and it is neither proportionate nor effective to deliver a regulatory function based on the regular inspection of individual workplaces – particularly since many of those workplaces will already be managing their risks effectively.

Inspection can be very effective in the right circumstances – where individual face-to-face contact with a dutyholder is necessary to influence their management of risk. However, it is the most resource intensive form of intervention and should be limited to the highest risk premises; conversely it may not be considered the best use of public resource to inspect comparatively lower risk premises.

Alongside the Code, HSE assists LA targeting by producing a list of national priorities for LAs (outlined in Annex A) and the publication of a list of specific activities in defined sectors that are suitable for targeting for proactive inspection (see section 2). LAs should also maintain a deterrent by ensuring they have the ability to take suitable action against those businesses who fail to meet their health and safety obligations.

Implementing and complying with the Code will ensure that LA regulatory resource is used consistently and to best effect. Using risk based targeting should free up resources and facilitate the provision of advisory visits and support to deliver the growth agenda particularly with new business start-ups.

LAC 67-2 (Revision 6)

This LAC provides LAs with guidance and tools for setting their health and safety priorities and targeting their interventions to enable them to meet the requirements of the Code.

Action

1. Setting Priorities

In delivering their priorities LAs should ensure their planned regulatory activity is focussed on outcomes. The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE.

LAs should construct their work plan to deliver specific outcomes. The plan is likely to consist of work to deliver those national priorities set by HSE, work to deliver local priorities and be accompanied by an inspection programme that meets the requirements of the Code.

National Priorities

In May 2017, HSE will launch the new Sector Strategies and Sector Action Plans which cover the period 2017-2022. The national priorities in Annex A are drawn from these sector plans, and although the Sector Strategies cover a 5 year period, HSE will continue to review the national priorities in Annex A on an annual basis which will allow flexibility to include new priorities which may result from new intelligence or in response to learning from major incidents.

Local priorities

LAs also have access to a wealth of local information (see Annex B - Information sources to assist development of LA intervention plans). This local intelligence should be used by LAs to determine their specific local priorities and poor performers, by identifying the key risks of serious workplace accidents, injuries and ill-health in their community.

Matters of Evident Concern (MECs) are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e. self-evident) or brought to the inspector's attention. Matters of Potential Major Concern (MPMCs) are those which have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

LAs should monitor MECs or MPMC's dealt with during advisory or other regulatory visits as well as complaints and incidents to identify any matters that may present a potential significant local issue.

Where LAs, individually, or through their Liaison groups, become aware of an issue that may be novel or an emerging problem that could have national significance they should alert HSE (via HSElex or lau.enquiries@hse.gov.uk). This will allow the issue to be considered further and a decision taken as to need for some form of national intervention e.g. new guidance; issuing a safety bulletin/alert; centralised intervention, national campaign etc.

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Primary Authority inspection plans

Primary Authority (PA) inspection plans should be focussed on outcomes related to specific priorities. The inspection plan should follow the principles of the Code with proactive inspection consistent with the list of activities/sectors published by HSE. If issues are identified with a PA business as a result of local intelligence (RIDDORs, adverse defect or insurance reports etc.) contact should be made with the Primary Authority to check and share each other's information. This will help determine a proportionate and consistent response and ensure that any national implications can be considered.

2. Targeting interventions

LAs should use the range of techniques (interventions) available to increase their impact, and reach to influence behaviours and improve the management of risk. LAs should decide, plan and target their health and safety interventions based on the outcomes and priorities that they are trying to address.

Focussing on priorities and outcomes

To assist LAs to target their resources HSE publishes a list of higher risk activities falling into specific LA enforced sectors appropriate for targeting for proactive inspection. Under the Code, proactive inspection should be used only for the activities on this list or where there is intelligence that risks are not being effectively managed.

Not all national priorities are on the list of activities/sectors suitable for targeting for proactive inspection. This is because some priorities are better suited to other interventions e.g. LAs should not specifically inspect premises for the presence of asbestos but can seek to raise awareness of the requirement to manage asbestos. (For information on the range of intervention types see Annex C - Examples of Intervention Types).

LAs should expect to explain to the business why they are being inspected. A business can complain to the Independent Regulatory Challenge Panel when they consider that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA. Where the Panel upholds a complaint, HSE will work with the LA in question to assist the LAs implementation and compliance with the Code.

HSE has developed a risk-based approach to complaint handling and incident selection criteria, which LAs should adopt to help target their reactive interventions and make best use of resources.

Risk ratings

There is no longer a requirement for LAs to report to HSE (via the LAE1), details of the risk rating of the premises visited (Category A, B1, B2 or C). The annex on risk ratings that used to be part of previous versions of this guidance has therefore been removed. However, risk rating premises based on a dutyholder's health and safety performance can still provide useful information for an LA to assist the determination of relative intervention priorities, and an approach to general site risk rating is available for reference on HSElex:

LAC 67-2 (Revision 6)

<https://ourknowledge.hse.gov.uk/regulatory/intervention/Lists/LAC%20672%20rev%206/AllItems.aspx>.

HSE have adopted a more sophisticated system of assessing a dutyholder's performance in managing the risks based on the control measures in place at the time of the inspection. In this the inspector chooses to assess a small number of risk areas for that business. These are chosen to include the most significant risks observed and at least one health risk area. HSE records these ratings with comments and uses them to give an overall picture of the dutyholder's health and safety management. This approach to risk rating is an integrated element of HSE's Do-It inspection tools, so is not easily transferable. If you are an LA considering the development of your own in-house risk rating approach, a list of topics used by HSE has been attached to HELEX for reference:

<https://ourknowledge.hse.gov.uk/regulatory/intervention/Lists/LAC%20672%20rev%206/AllItems.aspx>.

3. Reporting performance

Under the Code, LAs should ensure they have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. LAs must make this information available and share it with HSE via the LAE1 return to allow the preparation of national data. This national data will be on the HSE website to assist LAs when benchmarking and peer reviewing their work against other LAs.

The LAE1 is limited to the capture of occupational health and safety regulatory activity required by HSE. LAs are however at liberty to report to their managers or elected members a greater set of activity or information than that required by HSE on the LAE1. (See Annex D - Recording Local Authority Activity and Enforcement Data (the LAE1)).

Application to Petroleum Certification and Explosives Licensing Regimes

The Code applies to all LA enforcement under the Health & Safety at Work etc. Act. This includes the requirement to follow a risk-based approach to regulation for petroleum certification and petroleum and explosives licensing and the enforcement of relevant health and safety legislation at petrol filling, non-workplaces in relation to petroleum storage and licenced explosives sites e.g. Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) and the explosives/petroleum regulations.

However, the Code does not require intervention and enforcement activity related to petroleum certification or explosives licensing to be undertaken in accordance with the guidance in this LAC, or reported via the LAE1.

In practice, enforcing authorities for petroleum and explosives sites will need to ensure, by risk-based proactive inspection visits, that site operators are complying with the goal setting duties set out in the relevant health and safety legislation or for domestic and non-workplaces, petrol is stored in accordance with the petroleum storage regulations and any applicable licence/certificate conditions.

The application to petroleum and explosives in this way is because the requirements for recording via the LAE1, the national priorities, the risk rating scheme and the List of activities/sectors for proactive inspection by LAs were developed to address conventional health and safety issues and not the potential for high hazard/low frequency major incidents with the potential for substantial off-site effects that petroleum and explosives sites can pose.

LAC 67-2 (Revision 6)

For further information on addressing the risks posed, regulators warranted to enforce the relevant legislation at certificated petroleum sites or licenced explosive sites should consult:

For certificated petroleum sites-

<http://www.hse.gov.uk/fireandexplosion/petroleum.htm>

For licensed explosives sites –

General Information: <http://www.hse.gov.uk/explosives/index.htm>

Explosives Regulations 2014 Guidance: Safety provisions –

<http://www.hse.gov.uk/pubns/books/l150.htm>

Explosives Regulations 2014 Guidance: Security provisions –

<http://www.hse.gov.uk/pubns/books/l151.htm>

Explosives Regulations 2014 sub sector guidance –

<http://www.hse.gov.uk/explosives/new-regs-subsector.htm>

Further References

- The National Local Authority Enforcement Code
<http://www.hse.gov.uk/lau/national-la-code.pdf>
- [List of activities/sectors for proactive inspection by LAs](https://ourknowledge.hse.gov.uk/regulatory/intervention/Lists/LAC%20672%20rev%206/Attachments/2/The%20list%20-%202017-18.pdf)
<https://ourknowledge.hse.gov.uk/regulatory/intervention/Lists/LAC%20672%20rev%206/Attachments/2/The%20list%20-%202017-18.pdf>
- Sector Strategies
<http://www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/>
- Independent Regulatory Challenge Panel
<http://www.hse.gov.uk/contact/challenge-panel.htm>

Annexes

Annex A - Summary of national planning priorities 2017 - 2018

This annex sets out the 2017-18 local authority national planning priorities. Not all national priorities have a proactive inspection component

NOTE: These priorities fit within the wider GB Health and Safety strategy, 'Helping Great Britain Work Well', first published on 29th February 2016.

This wider strategy sets out the six themes for the whole of the GB health and safety system. LA workplace health and safety regulators are a key part of that system, and will be expected to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and;
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support

Updates will be communicated to Local Authority Regulators by yearly revisions of this LAC and the List of activities/sectors for proactive inspections by LAs and e-bulletins via the HElEx system.

Over-arching principles

LAs should use the full range of interventions available to influence behaviours and the management of risk.

Proactive inspections

Proactive inspection should only be used:

- a) For high risk premises/ activities within the specific LA enforced sectors published by HSE (See List of activities/sectors for proactive inspection by LAs); or
- b) Where intelligence shows that risks are not being effectively managed

In both circumstances, LAs have the discretion as to whether or not proactive inspection is the most appropriate intervention.

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Primary Authority inspection plans should follow the principles of the Code and be developed taking into account the national priorities (see below), the list of activities/sectors considered suitable for proactive inspection and company/site specific information.

National Priorities

Construction - Although most construction work is regulated by HSE, LA health and safety regulators can make a significant contribution to addressing construction health and safety risks. Where the owners/occupiers of commercial premises at general visits appear likely to be clients for construction work, LAs should draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM clients, referring them to advice available¹. In addition, there are a number of specific topic areas LAs should address during the course of their visits, as outlined below.

Falls from height – work on/adjacent to fragile roofs/materials - Fragile roofs/skylights etc., can be found at many premises that fall to LAs for enforcement. Where they are identified during visits, LAs should discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or building user) are aware of their duties under CDM 2015 and the precautions needed, referring them to the appropriate guidance². On occasions, LA health and safety regulators may come across work on a fragile roof that is underway at the premises being visited (typically, small-scale repairs/maintenance such as gutter cleaning). The risks may give rise to a matter of evident concern (MEC), in which case, poor standards should be addressed with all duty holders – client, designers and contractors, and any enforcement action taken in accordance with the Enforcing Authority (EA) Regulations 1998³ and in collaboration with HSE where appropriate and using normal channels.

Health risks - respirable silica dust - Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. The standards for controlling this dust are detailed in HSE guidance⁴ & 5. During visits, LAs may come across minor construction work that is generating significant quantities of silica dust that give rise to a MEC. Poor standards should be addressed with dutyholders, and any enforcement action taken in accordance with the EA Regulations 1998, collaborating with HSE where appropriate, using normal channels. See operational guidance on silica used by HSE Inspectors⁶.

Duty to manage asbestos - In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw dutyholders' attention to their duty to manage and the relevant HSE guidance/webpages⁷. On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with immediately as a MEC. Where management of asbestos risks arises as a MEC and standards are particularly poor, LAs should take appropriate enforcement action, in accordance with the EA Regulations 1998, collaborating with HSE where necessary and using normal channels.

Visitor attractions to prevent or control ill health arising from animal contact - select the most appropriate intervention (See Preventing or controlling ill-health from animal contact at visitor attractions – guidance on inspection and enforcement and List of activities/sectors for proactive inspection by LAs).

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Beverage gases in the hospitality industry - Raise awareness of the risks associated with the handling of beverage gases in the hospitality industry. In particular, highlighting the need to provide safe systems of work and emergency procedures for cellar work, with emphasis given to the handling, and storage of cylinders and work in confined spaces. Promote the training of workers to understand the hazards of working with beverage gases and in safe changeover procedures.

Useful resources are available from the British Compressed Gas Association (BCGA):

http://www.bcga.co.uk/pages/index.cfm?start=11&page_id=20&showCategory=2&showSubCategory=2

In particular:

http://www.bcga.co.uk/pages/download_document.cfm?document_name=GN30.pdf

could be shared with dutyholders.

Gas safety in commercial catering premises - The proper installation, maintenance and inspection by a competent Gas Safe registered engineer is essential to ensuring that staff and customers at commercial catering premises are protected from exposure to carbon monoxide gas. HSE has obtained information from Gas Safe Register which suggests that commercial caterers are not fully aware of their duties under the Gas Safety (Installation and Use) Regulations 1998 and this can lead to appliances being deemed unsafe.

These appliances include boilers, cooking ranges and more specialised equipment such as tandoori ovens and chapatti flammers.

LA health and safety regulators should raise awareness, with their local duty holders, of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make -up air to support combustion; and/or inadequate extraction systems. LA regulators should consider a range of interventions to raise awareness of this issue. HSE requests feedback on any interventions by LAs to determine what further work may be required to ensure effective control of this risk in this sector.

Where there is local intelligence suggesting that the risk of CO poisoning is not effectively managed, site specific contact with a dutyholder may be necessary to influence the management of risk.

Useful resources:

- Catering Information Sheet (CAIS23) - Gas safety in catering and hospitality
- Catering Information Sheet Catering Information Sheet (CAIS10) – Ventilation in catering kitchens
- <http://www.hse.gov.uk/toolbox/gas.htm>

Proactive visits to premises with buried metal LPG pipework as part of LPG

pipework replacement programme - The LPG supplier led programme is coming to an end. However there are a number of commercial LPG customers who have not

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responded to their supplier's requests. These duty holders (whose details have been provided to relevant LAs by LAU) should be inspected.

If the duty holder does not believe they have responsibility for/own the pipework, then they should provide contractual evidence. If there is still doubt the inspector should forward the details to HSE who can raise the issue with the LPG supplier for clarification. Guidance on requirements is available in the LPG topic pack. (<http://www.hse.gov.uk/foi/internalops/fod/inspect/lpg.pdf>)

Welfare provision for delivery drivers - Raise awareness at LA enforced premises such as warehouses that receive regular deliveries that HSE guidance states that where it is practicable and appropriate, any onsite toilet and rest facilities should be made available to visiting workers if requested. Appropriateness may depend on consideration of length of vehicle turnaround times, unloading times, frequency of deliveries, premises location and or distance travelled, etc. (<http://www.hse.gov.uk/pubns/priced/l24.pdf>)

Investigation of incidents and complaints - LAs should use HSEs incident selection criteria and complaint handling criteria/risk filter to select relevant incidents and complaints;

Reactive work including the monitoring of RIDDOR reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.

1 <http://www.citb.co.uk/documents/cdm%20regs/industry-guidance-clients.pdf>

2 <http://www.hse.gov.uk/pubns/geis5.htm>

3 <http://www.hse.gov.uk/foi/internalops/og/og-00073.htm>

4 <http://www.hse.gov.uk/construction/healthrisks/hazardous-substances/construction-dust.htm>

5 <http://www.hse.gov.uk/pubns/cis36.pdf>

6 <http://www.hse.gov.uk/foi/internalops/og/og-00017.htm>

7 <http://www.hse.gov.uk/asbestos>

Annex B – Information sources to assist development of LA intervention plans

Although not exhaustive the following summarises the potential information sources that may be available to assist LAs when developing intervention plans - data protection issues may need addressing when sharing information of this type.

Sources within your Local Authority:

- LA inspection/complaints database - risk ratings, past performance, local trends.

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- Food Safety Officer observations – confidence in management, M.E.C. Based on a number of LA reports and some limited statistical analysis by HSE, it's seen that there can be a strong correlation between a lack of confidence rating in food safety management and poor health and safety management. Using recent food hygiene assessments as a proxy for a recent assessment in the management of health and safety at a site can be useful to assist in targeting likely poor performers of H&S management.
- Trading standards - confidence in management, M.E.C.
- Building control - changes in business activity, M.E.C.
- Business rates - new businesses.
- Registration/Licensing schemes - new businesses, changes in business activity, confidence in management.
- Adverse Defect Reports (also known as Adverse Insurance Reports (AIRs)) - may indicate poor management or maintenance systems suggesting a failure to manage safety appropriately.
- Local knowledge - local sector changes, poor performers.
- Community protection teams - issues identified by multi-regulatory working

Sources within your local community and region:

- Local health and safety Liaison Groups - Local trends, sharing good regulatory practice, methods of effective engagement, poor performing companies that operate in more than one LA.
- Clinical Commissioning Groups - anonymised local work related ill health statistics, issues that span the health and safety/ public health boundary.
- GPs - reportable cases of work related ill health, reports disclosed by patients.
- CQC and County Councils - identification of establishments with poor or failing management systems, issues that span the health and safety/ public health boundary.
- Safety representatives/local Trade Union contacts - worker complaints.
- Local Trade Association contacts - issues of poor practice, requests for advice.
- Information from Local Enterprise Partnerships and their associated structures.
- Local Media/Press - reported near misses, complaints and incidents.
- Social media – e.g. Facebook and twitter can provide anecdotal evidence of poor performing local businesses
- Police - information regarding violence in workplace or issues from the local community safety scheme.
- Fire services - information regarding poor on-site conditions, identified in response to attendance at incidents or as part of their wider business engagement.
- Local training establishments - requests for advice, joint activity, changes in local business profiles.

Information within the Joint Strategic Needs Assessment (JSNA)

HSE sources:

- RIDDOR data - reported ill health and accidents, statistical comparisons and trends.
- Labour Force Survey - societal trends may include otherwise unreported trends.

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- National planning priorities - issues identified and analysed by HSE policy teams as having a national priority.
- Prosecutions database.
- Local HSE office contacts - shared local knowledge, issues crossing the HSE/LA regulatory boundaries.
- Asbestos (ASB5) Database - Priority Visit Status (PVC) and requests for asbestos license deferments - if unjustified they may indicate deficiencies in competence or poor practice.
- Industry sector updates via HSE email bulletins
- Information provided to all LA Health and safety regulatory staff via HELEX system.
- Latest news page on the HSE website

Annex C - Examples of Intervention types

Type	Description	Examples
Intervention types: Proactive interventions		
Influencing and Engaging with Stakeholders, Others in Industry and Large Employers		
TYPE	DESCRIPTION	EXAMPLE
<i>Partnerships</i>	Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.	Developing new relationships between businesses and regulatory services to reduce the regulatory burden on businesses; promote two way communication between businesses and regulatory services; supporting regulators to find the right balance between encouragement, education and enforcement and offering support from regulatory services for businesses e.g. Local Enterprise Partnerships. Working with a range of agencies e.g. work experience co-ordinators, secondary school students and other regulators/enforcement organisations from the coast guard to school wardens to raise awareness on sensible health and safety, tattooing, road and fire safety, and workplace safety use a variety of techniques

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		<p>e.g. supporting website and Facebook pages.</p> <p>Estates Excellence type projects use a range of organisations (e.g. LAs, Fire and Rescue Service, the Federation of Small Businesses, EEF, service providers, trade unions and local business groups) to set up/fulfil the need for advice and training for businesses and workers. Uses specially-trained staff to visit SMEs on targeted industrial estates to offer advice to managers and workers and provide free workshops, training, advice and guidance specifically targeted to a business' individual needs.</p>
<i>Motivating Senior Managers</i>	<p>Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).</p>	<p>Business engagement partnerships (e.g. Local Enterprise Partnerships) can link a range of local partners including representatives from the Federation of Small business and Chamber of Commerce to get manager buy-in on effective management of health and safety risks.</p>
<i>Supply Chain</i>	<p>Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts</p>	<p>Given an LA's local focus, national supply chain activity is often outside of their remit (although large Primary Authority Schemes may help develop this).</p> <p>However, there can be opportunities for LAs to get local supply chains to improve health and safety e.g. office cleaning suppliers, builders merchants.</p> <p>LAs can also be involved in helping to collect intelligence that feeds into supply chain monitoring e.g. linking in with</p>

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		trading standards or public health work on sunbeds, tattoo inks.
<i>Design and Supply</i>	"Gearing" achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks, preferably taking ownership of improvement targets.	Initiative to reduce workplace violence in takeaways – the LA working with the Police and local takeaways to pledge and commit to certain activities e.g. takeaways prohibiting customers possessing alcohol from entering the premises; the Police and the LA providing specific guidance, training, promotion and publicity
<i>Intermediaries</i>	Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders.	Using local HABIA and training college contacts to influence hair dressers and managers to take up published materials and working practices.
Engaging with the Workforce		
<i>Working with Those At Risk</i>	Working with safety representatives, trade unions and other organisations that represent people put at risk by work activities to support them in their roles.	Migrant Workers - Using the local community structures and support groups to educate and communicate health and safety messages to vulnerable migrant workers.
Working with Other Regulators and Government Departments		
<i>Working with other regulators etc.</i>	Where appropriate work with other regulators (including HSE, other LA regulators, the Police etc.) to clarify and set demarcation arrangements; promote cooperation; coordinate and undertake joint	Working with relevant signatories of the Work-Related Death Protocol. Working with the Care Quality Commission during the period of transition to aid handover and ensure continued protection of employees and non-employees.

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	activities where proportionate and appropriate; share information and intelligence.	
Creating Knowledge and Awareness of Health and Safety Risks and Encouraging Behaviour Change		
<i>Education and Awareness</i>	Seeking further ways of getting messages and advice across early to key target groups, particularly those who are difficult to reach, using channels such as small business groups, chambers of commerce etc. Promoting risk education as a curriculum item at all levels of the education system.	Using awareness days and targeted information to promote health and safety messages at take away establishments. Working with educational establishments that operate work experience placements to raise safety awareness of students. Gas safety in catering premises – having evaluated intelligence that highlighted local catering premises were not managing significant risks effectively including gas engineers working out of scope - food safety officers, health and safety officers and representatives from Gas Safe Register developed and organised a training day for the local businesses and enforcement officers. Talks to local Technical College students e.g. to construction students on asbestos awareness, to student hospitality managers – on legionella control, to hair dressing students – on dermatitis. Offering advice and support visits to new business start-ups.
Promoting Proportionate and Sensible Health and Safety		
<i>Encouraging Compliance</i>	Encouraging the development of examples with those organisations that are committed to performance and then using these examples to show others the practicality and value of improving their own standards.	Promoting and sharing compliant practice through campaigns, local business forums, large business mentoring small businesses etc. to improve the management of health and safety risks.
<i>Recognising Compliance</i>	“Where proper management of risks can be assured, HSE and LAs	Business Awards to give public recognition to workplaces that have taken positive action to improve employee’s health and wellbeing. Recognising the use of third party inspections

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	will not intervene proactively. This means we will discourage HSE and LAs from putting resources into issues where the risks are of low significance, well understood and properly managed.”	and audits for large events (formalised in license agreements) by LAs who then only need to oversee/check the process – thus freeing up LA resources for other purposes. Directing regulatory resources away from compliant businesses and low risk activities, and a more direct focus on non-compliant businesses.
Inspection and Investigation		
<i>Inspection</i>	Alongside the National LA Enforcement Code (the Code), HSE has published a list of higher risk activities falling into specific LA enforced sectors. Under the Code, proactive inspection should only be used for the activities on this list and within the sectors or types of organisations listed, or where there is intelligence showing that risks are not being effectively managed. The list is not a list of national priorities but rather a list of specific activities in defined sectors to govern when proactive inspection can be used. However, if a business carries out an activity on this higher risk list, it does not mean that it must be proactively inspected: LAs still have discretion as to whether or not proactive inspection is the right intervention for businesses in these higher risk categories.	Proactive inspection of industrial retail/wholesale premises to ensure adequate control of work at height and work place transport.
<i>Incident and Ill Health Investigation</i>	Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action,	Using HSE Incident selection criteria http://www.hse.gov.uk/lau/lacs/22-13.htm and HSE's risk based approach to complaints handling http://www.hse.gov.uk/lau/lacs/67-2-annexc.htm





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	learning and applying the lessons.	When there is only limited information regarding the potential need for a more involved intervention it may be prudent to maintain an active 'watching brief' to see if there is cumulative evidence that identifies poor performance.
<i>Dealing with Issues of Concern and Complaints</i>	Encouraging duty holders to be active and making sure that significant concerns and complaints from stakeholders are dealt with appropriately.	Adoption of the HSE complaints handling procedures to ensure that resources are targeted on complaints that indicate the poor management of risk.
Enforcement		
	Inspection and investigation provides the basis for enforcement action to prevent harm, to secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.	Ensuring that adequate arrangements are made for enforcement. Taking proportionate enforcement action in line with HSE's <i>Enforcement Policy Statement</i> (EPS) (www.hse.gov.uk/pubns/hse41.pdf) and <i>Enforcement Management Model</i> (www.hse.gov.uk/enforce/emm.pdf). When taking enforcement action, making it clear to the dutyholder which matters are subject to enforcement, where compliance has not been achieved, what measures are needed to achieve compliance (including timescales) and their right to challenge/appeal. Following up on enforcement action taken to check that the necessary improvements have been made.
<i>Other interventions</i>	Other forms of proactive activity that are distinctly different to the other types of intervention outlined elsewhere on this list. Such interventions should be clearly described and named within your own recording systems to aid any future analysis and to prevent this classification being used as a 'catch-all'.	E.g. Test purchasing of services.

ANNEX D - Recording Local Authority Activity and Enforcement Data (the LAE1)

This annex is aimed at helping LAs, especially managers; ensure data is being reported accurately and correctly. The information from the LAE1 is shared with the Chartered Institute of Public Finance & Accountancy (CIPFA).

Before planning their activity and enforcement and attempting to complete the [LAE1](#) LAs should ensure they are familiar with the contents of this LAC and the following guidance:

- [National LA Enforcement Code](#) 
<http://www.hse.gov.uk/lau/national-la-code.pdf>
- [List of higher risk activities in specific sectors suitable for proactive inspection](#) 
<http://www.hse.gov.uk/lau/activities.pdf>
- [Guidance on Combining H&S and Food Inspections](#) 
<https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/combininginspections.pdf>
- [Blank Version LAE1 Proforma](#) 
<https://ourknowledge.hse.gov.uk/survey/LAE1%20Survey%20Return/default.aspx>

Regulatory interventions - principles and recording practices

Staff resources devoted to health and safety enforcement work

- This section is to capture the number of officers who hold warrants under HSWA and also how much of their time they are spending on HSWA activity.

Proactive Inspections

Principles

- A proactive inspection may be considered as a visit to premises to examine and assess the business' management of occupational health and safety risk. The business is unaware that the visit will take place, has not been offered the opportunity to freely decline the visit and if entry is denied or the visit declined the inspector is prepared to gain entry using their HSWA Section 20 "powers of entry". LAs sometimes refer to such visits under the guise of "local projects", "survey visits", "programmed inspections", or "intelligence gathering for a specific purpose" but they are fundamentally proactive inspections.

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- “No inspection without a reason” – reserve proactive inspections for higher risk activities in the sectors specified by HSE (See List of higher risk activities in specific sectors suitable for proactive inspection), or where there is local intelligence showing that risks are not being effectively managed.
- Risk ratings alone should not be used to determine interventions or intervention frequency.
- Be prepared to explain to the business why a proactive inspection is appropriate. A business may refer to the Independent Regulatory Challenge Panel where they consider that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA.
- Proactive inspection should not be used simply as a means of gathering intelligence [e.g. to maintain currency of a database].

Recording

- Only record proactive inspections where the primary reason the premises was targeted was for occupational health and safety. If the primary purpose was for another reason, (e.g. entertainment licensing purposes, food safety inspection etc.) do not record as a proactive health and safety inspection on the LAE1.
- If premises were targeted for more than one LA regulatory purposes (e.g. food premises identified as a priority for both health and safety and food safety) then combine the inspection visit where possible and record as a proactive inspection on the LAE1.
- Record whether the proactive inspection was undertaken as a result of local or national intelligence in either one of the two columns of the table, but not both.

Non-inspection interventions

Principles

- Make the best use of resources by using the range of other available and permitted risk-based regulatory interventions (See Annex C - Examples of Intervention Types)
- Such interventions are an efficient and effective mechanism to reach a wider population than can be achieved by individual inspection contacts e.g. awareness and education via business seminars, training course etc. reach a much wider audience with the benefit of allowing business to share good practice.
- LA advisory visits, (made at the convenience of the business to provide helpful advice and support especially to new business start-ups and without recourse to section 20 powers of entry).

Recording

- Record other non-inspection interventions as either “other visits/face-to-face contacts” (e.g. talk to trainee hairdressers at college or advisory visit to a new hairdressing business), or “other contact/interventions” (e.g. sending targeted campaign materials to hairdressing salons).

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Do not record non-targeted general newsletters, service magazines or record the number of website hits as "other contact/interventions".

Reactive Visits

Principles

- LAs undertake reactive visits for various reasons e.g. in response to incidents or complaints to investigate cases of actual harm or concern or requests to visit by dutyholders.
- The targeting of reactive visits should be proportionate and risk-based e.g. use incident selection criteria/complaint handling techniques/professional judgement.
- HSE has developed a risk based approach to complaint handling and incident selection criteria (please see guidance available via LAC 22/13) which can help LA's to target interventions effectively.
- Matters of Evident Concern (MECs – those that create a risk of serious injury or ill-health and which are observed (i.e. self-evident or brought to the attention of LA staff)) during an inspection, non-inspection interventions or other regulatory visits should normally be addressed at that time using enforcement powers if necessary.
- If MECs cannot be dealt with during the original visit then consider whether a follow up visit is required.
- MECs provide useful background intelligence on the health and safety performance by a duty holder or for local projects using education/awareness raising or targeted risk based inspections e.g. use of targeted information campaigns to raise awareness and follow this up with targeted risk based inspections to assess standards, effect of campaign and determine next steps.

Recording

- Record the reactive visit as directed by the incident, complaint or service request.
- Do not record MECs dealt with during interventions or visits for other regulatory purposes. Premises targeted for other regulatory purposes should be reported to the relevant regulatory agencies (e.g. Food Standards Agency in relation to food hygiene inspections) and should not be double counted.
- If a further visit is necessary to address a MEC, record this either as a reactive visit to investigate health and safety complaints on the LAE1 or as a proactive inspection if the MEC indicates evidence that the business is not effectively managing its risks.

Peer Review

The National Code requires LAs to undertake inter-authority peer review. Peer review offers LAs the opportunity to discuss, refresh and share working practices, as well as allowing them to verify that key messages have been understood and necessary change has been properly embedded. Undertaken in an effective and open manner it should raise confidence and competence, by reinforcing and promoting good practice by sharing expertise across LA boundaries.

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Comments

This section is voluntary and does not constitute a formal part of the LAE1 return. LA's can use it to share information regarding areas they think LAU and the wider LA community would be interested in hearing about. Some examples of information provided in the past have included new and emerging issues and further information regarding local intelligence lead projects.

20 June 2017

Policy, Projects and Resources Committee

Corporate Health and Safety Performance Report 2016 - 2017

Report of: Mark Stanbury

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Brentwood Borough Council having responsibilities under the Health and Safety at Work etc. Act 1974 and all subordinate legislation has a duty to ensure that it not only protects employee health and safety but anyone else who might be affected by its undertaking. In that respect, it must have demonstrable systems and processes in place which reflect that compliance. This report identifies the standards now in place and the work progressing to improve matters still further.

2. Recommendation

- 2.1 **That the Corporate Health and Safety Annual Report 2016/17 (Appendix A) be approved by Members.**

3. Introduction and Background

- 3.1 This report is submitted to Members via Committee as it is important that the Council fully recognises the need to comply with its legal requirements together with the progress being made throughout the authority to improve standards. This invariably means a continued investment in staff through training as well as the need for informed pecuniary input. A quarterly report on health and safety is already submitted at CLB level, and there is a health and safety committee on which an elected member already sits. It is the Council's continuing intention to comply fully with health and safety law 'so far as it is reasonably practicable' to do so.

4. Issue, Options and Analysis of Options

- 4.1 Member approval is sought as this report can impact significantly upon employees and persons affected by its undertakings (including the public,

residents and other employees). There are no other options available as an alternative to the Council's statutory obligations.

5. Reasons for Recommendation

- 5.1 Members are required to approve this report as it directly affects the Council, its employees and all others who may be affected by its undertaking.

6. Consultation

- 6.1 No consultation is required in advance of submission of this report to Committee.

7. References to Vision for Brentwood 2016-2019

- 7.1 With regard to the priority; 'Community and Health' this report supports businesses by safe-guarding public safety through risk-based regulation as applied in accordance with the 'Regulators Code produced under the Governments' Better Regulation Agenda'.

8. Implications

Legal Implications

Name & Title: Daniel Toohey *Head of Legal Services and Monitoring Officer*

Email daniel.toohey@brentwood.gov.uk

Telephone: 01277312860

- 8.1 The Head of Legal Services and Monitoring Officer has been consulted and is in agreement with the legal information provided in this report.

Financial Implications

Name & Title: John Chance *Finance Director and Section 151 Officer*

Email john.chance@brentwood.gov.uk

Telephone: 01277 312542

- 8.2 The Finance Director and Section 151 Officer has been consulted and states that there are no financial implications arising directly from this report.

Other Implications (*where significant*) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 There are no asset management implications. There are no equality/diversity or risk management implications.

- 9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

- 10. Appendices to this report**

Appendix A – Corporate Health and Safety Performance Report 2016-17

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BRENTWOOD BOROUGH COUNCIL

ENVIRONMENTAL HEALTH SERVICES

**CORPORATE
HEALTH AND SAFETY
PERFORMANCE REPORT
2016 - 2017**

For consideration by the Policy, Projects and Resources Committee 20th June
2017

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INTRODUCTION

This performance report is a review of Brentwood Borough Council's health and safety progress on compliance over the past fiscal year covering the period from 1st April 2016 to 31st March 2017. This is in conjunction with the continued work in progress to improve health and safety standards proactively, particularly within high-risk areas and reactively in a positive manner to learn from mistakes or incidents.

In general, there has been a very positive response to improving the Council's health and safety culture and systems during the past year. This has been demonstrated by the support and progress made by The Chief Executive, the Corporate Leadership Board (CLB) and the Senior Management Team (SMT) in engaging with health and safety along with the respective Departmental areas. This has involved much joint working between the Corporate Health and Safety Advisor and the service areas to review and develop their systems and initiate improvements to increase compliance. Putting health and safety onto a stronger footing and being able to demonstrate compliance provides significant benefits to the Council. In the main these include; reduced sickness absence, improved employee wellbeing and performance, reduced enforcement action as well as reduced insurance claims.

A risk based approach has been the driving force in improving the status and culture of health and safety across the Council. This has involved working with managers and supervisors, to identify the risks within their service and put appropriate controls in place. Considerable work has been undertaken at the Council's Depot with a review of their top-level risks and development of risk assessments and systems to manage the activities that they deliver. Services such as refuse collection, grounds maintenance, street scene, parks and open spaces, and the depot workshop have all seen improvements to their health and safety systems. Additional work with other department areas such as Housing, Planning, Parking Services, Council Tax and Revenues and Corporate Services have also taken place. This has involved reviews of existing health and safety systems to include; the Health and Safety Policy, lone working arrangements and risk assessments, Young Persons work experience with the Council, contractor management, Community Services events and external events within the Borough, fire procedures and First Aid arrangements together with support of the Town Hall remodelling proposals.

It remains the intention of this Council to improve its' health and safety compliance in all significant areas '*so far as is reasonably practicable*' within the personnel and pecuniary resources at its' disposal.

Mark Stanbury
Environmental Health Manager
Environmental Health Services

1.0 HEALTH AND SAFETY ARRANGEMENTS

1.1 Health and Safety Policy

The health and safety policy is a legal requirement and is fundamental to the Council's health and safety management system. It has been reviewed and updated in the past year and the statement of intent signed by the Chief Executive. The review incorporated an update of the council's organisational structure and respective employee responsibilities. It also placed an emphasis on the Council's contractor, machinery and equipment procurement. An alignment with the HSE's new national strategy to help Great Britain (GB) work well was also incorporated. The revised policy was approved by the Policy, Finance and Resources Committee on 31st January 2017.

2.0 HEALTH AND SAFETY STRUCTURE AND REPORTING

2.1 Health and Safety Committee

The Health and Safety Committee continued to meet quarterly in 2016/17 and helps to provide focus and co-ordination to the overarching objectives for improving health and safety within the Council. The committee met on three occasions in the reporting period between July, September and January 2017 respectively. The minutes and actions from these meetings were distributed to committee members and all Health and Safety Co-ordinators in order to feedback key information and actions to employees in their respective service areas. The main principles applied to these meetings was to develop the Council's health and safety system, to enable a greater sharing of information such as policy developments, organisational arrangements and health and safety legislation with committee members, Union representatives and all employees. The Committee aims to understand and improve the organisational risks, and these are communicated through the risk register and through CLB reports periodically. In addition, it empowers the Health and Safety Co-ordinators to support their respective service area and to up skill them. Further training is planned for 2017 on Successful Health and Safety Management and control of substances and chemicals used by the Council. The objective is to assist them in proactively engaging with their service area and raise standards, as well as improving the health and safety culture and compliance.

2.2 Street Scene and Environment Health and Safety Meetings

The Council's Depot services are technical in nature and cover the whole of the Borough. They incorporate high-risk and profile activities such as waste collection services, grounds maintenance, parks and open spaces, burial services, street care operations, arboriculture and tree management, fly tipping, as well as the vehicle workshop. The risks involved with these activities requires significant support and advice to manage the risks and deliver a good quality service to the residents of Brentwood Borough. To enable a proactive approach to the risks, bi-monthly meetings take place, to address the inherent risks and manage the processes to enable good systems to be put in place and develop sustainable working practices. During the reporting year, many high risks have been discussed and taken forward to improve existing operational processes. Some of these discussions have covered working on the highway and litter picking, management and maintenance of our parks and play equipment. Also, working at height, use of substances and chemicals, fire management, traffic management, procurement of equipment and machinery, and contractor management to name a few. Work streams are developed from these meetings to manage the risks proportionately and effectively.

2.3 Safety Advisory Group (SAG)

The Brentwood SAG is co-ordinated by the Local Authority (LA) and made up of representatives from the Council departments, emergency services, other relevant bodies and the event organiser. The purpose of the SAG is to provide a forum for discussing and advising on public safety at an event. The aim is to help the organisers with the planning and management of an event, and to encourage cooperation and coordination between all relevant agencies. The outcome is that events that affect public safety can be well planned and managed for safe and successful activities.

During this reporting year, a significant amount of resource has been provided to enable high profile events in the Borough to be undertaken safely. These have included; the Strawberry Fair, the Brentwood Festival, the Mayor's Fireworks Extravaganza, Remembrance Day Parade, Freedom of the Borough March, Lighting Up Brentwood and Shenfield Christmas Fayre. Other events have also been evaluated to advise the organiser of safe operation and delivery of their events. The benefit of these meetings is to enable a proactive approach to be adopted towards risk management, signposting concerns and encouraging appropriate control measures to be implemented. It also enables the Council's reputational risk to be managed well and reduces the likelihood of civil or criminal prosecution. The economic benefits to the Borough and residents' enjoyment is also recognised.

3.0 HEALTH AND SAFETY STANDARDS

3.1 Brentwood Council Standards

Brentwood Borough Council has a range of Health and Safety Standards to assist managers and employees to implement the legal requirements as defined by law. A review of the current standards on the Health and Safety Microsite has been undertaken to identify which need to be updated. This is usually prompted by one of the following; legislative changes, Health and Safety Executive reviews of Approved Codes of Practice or changes in practice. The Control of Substances Hazardous to Health Standard is currently being updated to improve better management of chemicals. This will also incorporate a revised risk assessment to simplify the recording of chemicals and substances. With the transformation and relocation from the Town Hall being undertaken, a review of the Lone Working standard is in progress. In addition, the Hand and Arm Vibration Standard is being revised to incorporate the latest best practice. The Managers' Health and Safety Handbook is also being updated to include Mental Health Awareness and Wellbeing. Other Standards have been identified for review during the current financial year.

4.0 HEALTH AND SAFETY MICROSITE

4.1 Improving Communication of Health and Safety Information

Several web pages of the Health and Safety Microsite have been updated and refreshed to improve engagement and communicate new information. These include:

- The front page has updated details of latest web pages to support managers and employees.

- The Health and Safety Policy webpage has been improved and updated, to help employees understand the importance of this policy and reflect the revised Corporate Health and Safety Policy 2017 as well as a link to this document.
- The Young Persons at Work webpage has been updated to facilitate the Council's initiative to support Young person through work experience and an apprenticeship scheme.
- The risk assessment webpage has been improved to simplify the information on method statements for more complex work activities with higher risk.
- The Annual Health and Safety Report webpage has also been updated following the approved report at committee from last year.
- The VDU (visual display unit) web page has also been updated to include additional information for portable computers and facilitate the Council's arrangements for better flexible working.
- The Safety in Working Alone web page has also been updated to incorporate people skills to assist staff to interact in a positive manner with customers and be aware of potential signs of escalation.
- The First Aid and Fire Marshal Information web page has been revised and updated to reflect the organisational arrangements.

5.0 RISK ASSESSMENT AND RISK CONTROL

5.1 Health and Safety Risk Assessments

The approach adopted has been to focus on the high-risk activities within the Council in line with the Street Scene and Environment Services. Support has been given to refuse collection and disposal, grounds maintenance, street scene operations, parks and open spaces. Further work has also been undertaken with Housing, Planning, Electoral Services and Asset Management to ensure the significant risks of service delivery are being identified and controlled. Where an incident takes place and it is found that for significant risks there wasn't a risk assessment in place this has been prioritised as part of the investigation and remedial work undertaken to prevent recurrence. Furthermore, when a completed risk assessment has been signed off by the Head of Department, it is then added to the Council's Intranet Health and Safety Microsite Matrix. Following the production of the risk assessments all required controls to manage significant risks from the activity are put in place. In addition to this arrangement, further assessments to support Council activities such as Herbicide applications and tractor mounted operations, Installation and removal of hanging baskets on the highway, 'Litter Picking on Rural Roads', 'Litter Picking on Arterial Roads' including method statements, 'Pest Control on Hartswood Golf Course', revised Lone Working Risk assessment template, Young Persons Work placements, Strawberry Fair, the Mayor's Firework event, Remembrance Day Parade, Lighting up Brentwood, Shenfield Christmas Fayre and Pregnant employees risk assessments have been produced.

With the development of new ways of working and hot desking as a new concept for the Council, Display Screen Equipment (DSE) assessments have also been undertaken; and this work plan continues. As this style of working increases going forward additional assessments will be required to ensure we are managing the risk of mobile, home and hot desking work.

6.0 HEALTH AND SAFETY TRAINING

6.1 General Health and Safety Training

Investment in staff training over the past year has been given to support training of employees to manage the risks inherent within their service and to develop competency. This contributes to a positive health and safety culture, better efficient safe working practices, employee wellbeing, as well as reducing incidents.

Training by type undertaken during the year includes:

- Driver CPC training – 31 trained
- Signing, Lighting and Guarding on the Highway - 16 trained
- Safe use of Refuse Collection Vehicles – 3 trained
- Legionella Awareness training – 6 trained
- First Aid training – 6 trained
- Fire Marshal Training – 1 trained

The health and safety training matrix has seen a significant increase in the number of employees attending training. In the last year, a broad range of service areas have attended training, which includes: Street Scene and Community and Housing Services, as well as Environmental Health. All certificates from training are collated and have been put on the Health and Safety Training Matrix to demonstrate competency. This provides excellent evidence of compliance.

7.0 HEALTH AND WELLBEING

7.1 Employee Wellbeing

To help improve employee wellbeing a health promotion initiative has been agreed during the year to encourage employees to have healthier lifestyles; and to enable staff to participate in activities that supported these initiatives. These were developed and organised to give employees an opportunity to engage with physical, informative and/or relaxing activities to improve their wellbeing. A successful example of improving employee wellbeing involved undertaking blood pressure checks of staff at the Depot.

Following on from the success of these events, some of the activities are being organised to encourage more long-term health benefits from participation in these activities. A few examples of these include: badminton, Pilates sessions at lunchtime, healthy walking and rounders. This work will be built upon in the coming year through a Staff Health and Wellbeing Survey and identification of activities to support improving lifestyle.

In addition to supporting the healthier lifestyles the Council is developing sessions for Mental Health Awareness training for employees and to support managers, to raise awareness of the concerns that can develop in the workplace and through service delivery.

8.0 HEALTH AND SAFETY INSPECTIONS

8.1 Highway working Inspections

During the fiscal year 2016/17, a series of health and safety inspections took place around the Borough to monitor the effectiveness of existing systems for working on the highway, undertaking grounds maintenance work. Where issues were identified, staff would notify their line manager in order to reach a resolution. The inspections supported the overall aim to ensure that work being undertaken was managed and statutory duties fulfilled. Where a shortfall in arrangements occurred, these were resolved quickly and effectively. Further monitoring and inspections of highway working activities is being planned for this year to ensure this high-risk activity is managed safely and successfully.

9.0 HSE ENFORCEMENT AND NOTICES

There were no HSE prosecutions or notices issued to the Council in this reporting period.

10. ACCIDENT / INCIDENT REPORTING

Fig 1: Table of Accidents/Incidents reported by Service Area for 2016/17

This table shows accidents recorded by month and in what location.

Service Area		Corporate Services and Finance	Street Scene & Environment	Environmental Health	Planning & Development	Housing Services	Legal & Governance	Business Transformation	Council Tax & Revenues	TOTAL
Month	Person Type									
Apr 16	Employee	0	1	0	0	0	0	0	0	1
	Non-Employee	0	0	0	0	0	0	0	0	0
May 16	Employee	0	0	0	0	2	0	0	0	2
	Non-Employee	0	0	0	0	0	0	0	0	0
June 16	Employee	1	0	0	1	1	0	0	0	3
	Non-Employee	0	0	0	0	1	0	0	0	1
July 16	Employee	0	0	1	0	0	0	0	0	1
	Non-Employee	0	0	0	0	0	0	0	0	0
Aug 16	Employee	0	0	0	0	2	0	0	0	2
	Non-Employee	0	3	0	0	0	0	0	0	3
Sept 16	Employee	1	1	0	0	1	0	0	0	3
	Non-Employee	0	0	0	0	1	0	0	0	1
Oct 16	Employee	0	3	0	0	0	0	0	0	3
	Non-Employee	0	0	0	0	2	0	0	0	2
Nov 16	Employee	0	0	0	0	0	0	0	0	0
	Non-Employee	1	0	0	0	0	0	0	0	1
Dec 16	Employee	0	1	0	0	0	0	0	0	1

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Service Area		Corporate Services and Finance	Street Scene & Environment	Environmental Health	Planning & Development	Housing Services	Legal & Governance	Business Transformation	Council Tax & Revenues	TOTAL
Month	Person Type									
	Non-Employee	0	0	0	0	0	0	0	0	0
Jan 17	Employee	0	4	0	1	0	0	0	1	6
	Non-Employee	0	0	0	0	0	0	0	0	0
Feb 17	Employee	0	1	0	0	0	0	0	0	1
	Non-Employee	0	0	0	0	0	0	0	0	0
Mar 17	Employee	1	0	0	0	0	0	0	0	1
	Non-Employee	0	0	0	0	2	0	0	0	2
Total by Service Area	Employee	3	11	1	2	6	0	0	1	24
	Non-Employee	1	3	0	0	6	0	0	0	10
Total		4	14	1	2	12	0	0	1	34

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Figure 2: Comparison of Incident data 2015-16 with 2016-17

This table shows the number of accidents/incidents in the previous year.

Service Area		Corporate Services and Finance	Street Scene & Environment	Environmental Health	Planning & Development	Housing Services	Legal & Governance	Business Transformation	Council Tax & Revenues	TOTAL
2015-16	Person Type									
Total by Service Area	Employee	1	15	0	3	8	0	2	0	30
	Non-Employee	0	2	0	0	6	0	0	0	8
Total		1	17	0	3	14	0	2	0	38

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10.1 Incident statistics commentary

With reference to the 'Comparison of Incident data 2015-16 with 2016-17' (figure 2) it is clear that there has been a reduction in the number of reported incidents from 38 to 34 relating to both employees and non-employees. In the first instance, this may be perceived as a positive step forward; however, it is important to recognise that under reporting of incidents in any organisation will take place and that the Council is not immune to this situation. Furthermore, under reporting of incidents could be due to a perceived blame culture amongst employees, for example failure to report for fear of potential consequences. In addition, in some cases it may be considered that the incident was not important however, this could lead to potential issues with identifying trends and the importance of reporting near misses. Since 2014, improvements have been made to encourage reporting but there is still further work to be undertaken to improve this culture. This will be undertaken through the following measures:

- Revision of the Incident Report Form (IRF) to simplify the form to improve ease of reporting
- Raising awareness via the Health and Safety Committee
- Through greater interaction with departmental heads; as well as
- In collaboration with CLB in line with associated reports to encourage further compliance

It is envisaged that through the implementation of these measures that reporting will increase and that the perceived blame culture will be replaced with that of a positive learning environment to further promote and improve health and safety standards.

10.2 Incidents by causation

Comparison of Incident data 2015-16 with 2016-17

Fig 3: Table of causation of incidents

2015-16 Type of Incident	Struck by or Against	Verbal abuse and threatening behavior	Slip/Trip/Fall	Contact with sharp or hot object	Road Traffic Accident	Manual Handling	Spatial Awareness	Near Miss	No Injury Incident	Total
No. of incidents and accidents	4	12	11	3	1	3	1	2	1	38
2016-17 Type of Incident	Struck by or Against	Verbal abuse and threatening behavior	Slip/Trip/Fall	Contact with sharp or hot object	Road Traffic Accident	Manual Handling	Spatial Awareness	Near Miss	No Injury Incident	Total
No. of incidents and accidents	6	5	7	3	1	3	1	1	0	27 (34)*

In line with the 'Comparison of Incident data 2015-16 with 2016-17' (figure 3), it is evident that there has been an overall reduction in the total number of comparable sub-category incidences from 38 to 27. In particular, the figures have illustrated a reduction in the verbal abuse and threatening behaviour incidences in relation to employees. Furthermore, there is now an increase use of the Council's Cautionary Contact Register which records unacceptable behaviour towards employees from members of the public. In addition, there has been a marked reduction in the incident reporting of slip, trips and falls, which highlights the continued work effort to ensure that safety standards are maintained.

With reference to the total number of incidences occurring in 2016/17's data analysis (i.e. 34), it was noted that there were four sub-categories that were not captured as follows: -

- Damage to property (2 incidents)
- Equipment/ mechanical malfunction (2 incidents)
- Mental Ill Health (2 incidents)
- Ill Health (1 incident)

Finally, by including these sub-categories into subsequent data capture, it will enable more effective analysis of incident reporting.

10.3 Incidents by Types of Injury

Fig 3: Table of injury types

2016-17 Type of Injury	Cut/lacerations /puncture wounds	Stress/Anxiety	Muscular Sprain/Strain	Bruise/Graze	Burn/Scald	No Injury	Total
No. of injury and accidents	8	6	9	6	0	5	34

10.4 Incident Trends

Commentary: Corporate Health and Safety have reviewed all these incidents and discussed with the respective line managers where improvements can be made to prevent recurrence. Such improvements are recorded on the individual accident forms as a permanent record of the action taken. The number of accidents shown against Street Scene and Environment as well as Housing Services reflects a range of incidents that have been investigated and where controls have been improved.

More effective reporting of verbal abuse and threatening behaviour by Housing Services, Street Scene and Environment and the Customer Contact Centre is to be commended. This has led to improved analysis of incidents of this type as well as increased use of the Council’s Cautionary Contacts Register.

Statistically, slips, trips and falls are historically known to account for a higher proportion of incidents within most organisations. On average, they cause 40 per cent of all reported major injuries (HSE). In this year's report, this incident type only occurs on seven occasions which statistically is only 25 per cent of total occurrences, which demonstrates a reduction in this type of incident. Most slips, trips and falls resulted in minor bruising and grazes.

Muscular sprains and strains are at a low level due to the significant investment in manual handling training across the organisation. This is to be commended as line managers have sought to proactively promote safe practice and encourage attendance for training.

Cuts are as a result of slips, trips and falls as well as human behaviour when using equipment or carrying out a task incorrectly. This is rectified through proportionate incident investigation.

11.0 RISK ASSESSMENTS ON THE HEALTH AND SAFETY MATRIX

Fig 4: Table of Risk Assessments and Safe System of Work (SSOW) produced by Service Area

Statistic/Name of Service	Corporate Services	Street Scene & Community	Planning & Environmental Health	Housing & Benefits Services	Finance	Customer Services
No. of Risk assessments on the Matrix	6	33	14	4	4	5
No. of additional assessments required	4	12	1	7	0	0
No. of Safe System of Works (SSOW) on the Matrix	0	8	2	1	0	2

11.1 Risk Assessment Development

Commentary: Further work is being undertaken with Street Scene and Community with three assessments out for consultation and a further two assessments currently in production. Housing and Benefits Service are needing at present to produce seven assessments and currently have one

produced which is out for consultation with staff. Other Service areas have been identified for support, such as Corporate Services, Election Services and Civil Enforcement. Included in the Matrix is the current assessment of the required additional assessments that need to be produced by the respective service areas. This will change as time progresses but may well increase to reflect risks from the introduction of new activities or via a review of risks in a service area.

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20 June 2017

Policy, Projects & Resources Committee

Brentwood Economic Strategy Work Plan 2017/18

Report of: *Anne Knight, Economic Development Manager*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 This report presents the Brentwood Economic Strategy Work Plan for 2017/8.

2. Recommendation

- 2.1 That Members approve the Brentwood Economic Strategy Work Plan 2017/8 to support the delivery of the Economic Strategy.**

3. Introduction and Background

- 3.1 This report attaches the 2017/8 Brentwood Economy Strategy Work Plan following the PFR Committee's approval of the refreshed 2017-2020 Brentwood Economic Strategy (also attached).
- 3.2 The Work Plan outlines a range of ED initiatives and projects to drive forward the refreshed Brentwood Economic Strategy to enable economic growth for the Borough and to bring economic benefits to businesses and residents, ultimately supporting an improved quality of life for those who live, work and do business in Brentwood.
- 3.3 It builds on the success of the December 2014 Brentwood Economic Development Strategy and a range of initiatives that have been delivered to address this. It is strategically aligned to economic growth plans at national, regional and county level.
- 3.4 It complements the objectives of the Brentwood Borough Council Corporate Plan and the Brentwood Draft Local Development Plan for economic prosperity.
- 3.5 In particular the Work Plan will drive forward the strategic objectives of the Economic Strategy of:

- business advice and development;
- skills and employability support;
- business workspace, infrastructure and inward investment;
- stronger and more vibrant town centres;
- rural economy and
- place-promotion and support for the visitor economy.

3.6 Brentwood is one of the higher performing local authorities in Greater Essex, with one of the lowest unemployment rates (3.2%) and a greater share of better qualified staff with higher level occupations (33% with NVQ4 – second highest in Essex).

3.7 Brentwood's location makes it part of the fastest growing sub-region in Greater Essex (1% per annum). However to aspire to be of the highest performing regions in the UK and maintain and enhance its economic position this needs to increase to 3% per annum.

3.8 The vision for Brentwood is to be a thriving, attractive and unique destination for people to live, work and visit by protecting and nurturing its existing high quality environment, growing its prosperous economy and fostering sustainable development which is responsive to the local community needs.

3.9 Delivery of the Work Plan will require strong partnership working with shared delivery where possible to achieve a comprehensive approach, economies of scale and to minimize impact on both staff resources and the ED budget. The Work Plan will be reviewed and refreshed annually.

4 Issue, Options and Analysis of Options

4.1 The annual Economic Development Work Plan outlines the key initiatives to drive forward the Economic Strategy and address its strategic objectives. For each initiative different options for delivery will be considered and a recommendation for the preferred option recorded.

5 Reasons for Recommendation

5.1 To approve the Brentwood Economic Strategy Work Plan 2017/8 to support the delivery of the Brentwood Economic Strategy 2017-2010.

6 Consultation

6.1 The Economic Development Strategy successfully underwent public consultation and has been adopted.

- 6.2 Key partners and business groups have been consulted on the refreshed Brentwood Economic Strategy and Work Plan for 2017/8 and engaged with project development and shared delivery where appropriate.

7 References to Corporate Plan

- 7.1 Economic Development is a key priority to support the delivery of the Corporate Plan priorities of sustainable economic development, promoting a mixed economic base across the Borough, maximising opportunities for retail and a balanced night time economy. This includes:

- Facilitating the creation of new businesses
- Assisting in the provision of advice and guidance for local businesses
- Working in partnership with the business community and support agencies
- Seeking inward investment into the Borough
- Assisting the SE LEP and Heart of Essex Partnership to secure projects and funding to benefit the Brentwood Economy

8 Implications

Financial Implications

Name & Title: John Chance, Finance Director

Tel & Email: 01277 312542 / john.chance@brentwood.gov.uk

- 8.1 Economic Development projects from April 2017 to March 2018 will be funded by the 2017/8 ED budget.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

- 8.1 There are no immediate legal implications that arise from this report. Legal Services are available to advise and assist regarding partnerships and other matters as these arise.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.2 None

9 Background Papers (include their location and identify whether any are exempt or protected by copyright)

9.1 None

10 Appendices to this report

Appendix A - Brentwood Economic Strategy Work Plan 2017-18

Appendix B - Brentwood Economic Strategy 2017-2020

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Economic Development Work Plan 2017/8

Strategic Priority 1 – Enable and support business development and growth

Activity	Detailed Actions	Timescale	Funding/Resource
Brentwood Business Showcase 2017	<ul style="list-style-type: none"> • Evaluate 2016 Event • Prepare 2017 Project Plan • Prepare 2017 Project Budget • Identify activities to be led in-house at BBC • Identify activities requiring external support or resource • Draft invitation to tender and commission any external resource • Assess tenders and interview • Commission and contract work • Steer and monitor external contractors • Implement key in-house BBC activities including: <ul style="list-style-type: none"> ○ Scoping and planning event ○ Securing and deciding layout of venue, catering and logistics ○ Identifying and securing keynote speakers and workshop leaders ○ Creating and finalizing event programme and timings ○ Speaker biographies ○ Floor plan for exhibition ○ Exhibitor promotion, packages and fees 	April – November 2017	ED Team time and possible external resource Budget estimated at £8k but may reduce if more sponsorship or paying exhibitors)

	<ul style="list-style-type: none"> ○ Exhibitors biographies ○ Sponsorship packages and securing sponsors, then managing relations ○ Updating Showcase website with 2017 details ○ Creating booking system via Eventbrite and managing this ○ Promotion via PR, business networking, social media and business directory ○ Organising BBC exhibitor stand ○ Briefing BBC staff and securing involvement ○ Event management ○ Evaluation of event and reporting 		
Business Support Workshops	<ul style="list-style-type: none"> ● Liaise with a range of business workshop providers to research available free resource ● Scope a programme of business support workshops with key providers ensuring complimentary ● Secure and organize venue and catering ● Create marketing collateral ● Promote workshops via directory, business groups, PR and social media ● Host workshops and network with businesses, presenting BBC 	<p>3 planned:</p> <ul style="list-style-type: none"> ● 25 April – BEST workshop on Search Engine Optimisation (SEO) ● 16 May – Proactions workshop on Marketing for Growth and an introduction to Social Media ● 23 May – BEST workshop on Presenting and Pitching 	<p>Refreshments provided from central BBC resource</p> <p>BBC Committee Rooms as venue</p> <p>ED Team time</p>

	<p>ED function</p> <ul style="list-style-type: none"> Evaluate workshops and continue to improve for the future 		
Business e-newsletter	<ul style="list-style-type: none"> Prepare, write and produce regular Brentwood Business Newsletters Issue via Business Directory and I-mail, Chamber and other business networks. Utilise as a communication and engagement tool at business events. 	Monthly	ED Team Time BBC Print room cost
Maintain up to date BBC Website and Discover Brentwood Business pages and Advice	<ul style="list-style-type: none"> Watching brief on existing and new business support opportunities Maintain and update business pages of both BBC Website and Discover Brentwood 	On-going	ED Team time
Maximise benefits from evolving Essex Growth Hub	<ul style="list-style-type: none"> Assist Hub by organizing free business advice and training sessions at the Town Hall and promoting these Secure free BEST one-to-one business advice sessions at Showcase event 	On-going	ED Team time
Business Directory maintenance and updating	<ul style="list-style-type: none"> Supervise graduate intern to undertake data cleansing and to undertake telephone call exercise to increase number of businesses with email on the directory Review options for the ongoing maintenance of the directory 	May-June 2017	Graduate intern time ED Team time
Promote Superfast Broadband	<ul style="list-style-type: none"> Attend County meetings to 	On-going	ED Team Time

	maintain watching brief <ul style="list-style-type: none"> • Roll-out and promote phase 2 		
Promote LoCASE (Low Carbon Grants)	<ul style="list-style-type: none"> • Work with Thurrock Council to promote and secure grants to Brentwood businesses • Attend PR opportunities 	On-going	ED Team Time
Work with Invest Essex to package and promote our employment site and commercial offer and promote this to investors and potential tenants	<ul style="list-style-type: none"> • Raise external awareness of Brentwood Enterprise Park as future key employment site – via networking, social media, blogs, PR. • Work with commercial agents and hold familiarisation trips to understand the vacant employment sites and commercial buildings, identifying the offer and promote to potential tenants. 	April 2017 onwards	ED Team Time
Work with Universities to research possible roll out of Knowledge Transfer Partnerships to businesses	<ul style="list-style-type: none"> • Meet with University of Essex and Anglia Ruskin to understand KTP offers • Promote to businesses including BFG 	May 2017 onwards	ED Team time

Strategic Priority 2 – Facilitate and deliver skills and employability support

Activity	Detailed Action	Timescale	Funding/Resource
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BBC Apprenticeship Programme	<ul style="list-style-type: none"> • Implement and promote take-up of wage subsidy grant for apprenticeship opportunities with businesses • Implement and monitor grant to Third Sector to appoint apprentices – Brentwood Theatre and Fitness In Mind (Royal Coach Foundation) 	May 2017 onwards	£18k (separate budget to ED, but managed by ED)
Promote County's Skills Hub, Enterprise Advisors and other skills programmes to businesses	<ul style="list-style-type: none"> • Promote schemes to businesses in borough via directory, business for and comms. • Identifying other opportunities with ECC for the Brentwood area 	On-going	County programme Officer time
Watching brief of Essex Employability and Skills Board and maximize any opportunities arising	<ul style="list-style-type: none"> • Read ESB newsletter and maintain up to date on activities and opportunities and support refresh of area profiles 	On-going	Officer time
ED Internship	<ul style="list-style-type: none"> • Secure external resources for ED intern with Uni of Essex • Recruit candidate • Induction and supervision of intern • Management and development of intern 	December 2017 January 2018 onwards	ED Team time

Activity	Detailed Action	Timescale	Funding/Resource
Brentwood Enterprise Park – work with land owner, St Modwens (developer), Invest Essex and BBC Planning Team to look to bring forward site for development	<ul style="list-style-type: none"> • Maintain relationships with land owner and St Modwens (developer) and ensure regular status update on site • Maximise opportunities site brings for ED – look to work with developer to prepare a skills and employment package 	May 2017 onwards	ED Team Time
Understand smaller existing and proposed employment sites and their offer and how can they be marketed together with Invest Essex support	<ul style="list-style-type: none"> • Visit key employment sites with Invest Essex • Identify and promote offer 	May 2017 onwards	ED Team Time
Brentwood Town Centre Re-development	<ul style="list-style-type: none"> • Assist with business engagement and liaison during the master planning process. • Ensure complimentarity of Renaissance Group with the Town Centre Development process 	On-going	ED Team Time

Activity	Detailed Action	Timescale	Funding/Resource
Appointment of RG Chair	<ul style="list-style-type: none"> • Liaise with existing Chair to help appoint a successor and ensure a successful handover and support for new Chair 	By April 2017	ED Team Time
Brentwood new Cluster Formation	<ul style="list-style-type: none"> • Development of new West and East End clusters. 	On-going	ED Team Time
Promotion of RG website	<ul style="list-style-type: none"> • Provide news, events, initiatives and PR to LE. • Arrange regular review meetings with LE. • Manage payments for 3 year contract and ensure contractual agreements fulfilled. • Review introduction of further social media packages. Answer information requests via website. • Link and promote events on Discover Brentwood Website 	On-going	RG funding ED Team Time
RG project assessment	<ul style="list-style-type: none"> • Assess and put forward recommendations for project bid funding applications. Ensure they meet funding criteria and are within overall or cluster budget. • Issue letters confirming receipt of bid applications. Verify costs and request supporting information by liaising with bid applicants. 	On-going	ED Team Time
RG project approval	<ul style="list-style-type: none"> • Issue letters of acceptance, rejection or reduced funds 	On-going	ED Team Time

	<p>agreed, or if deferred.</p> <ul style="list-style-type: none"> Request revised bid if necessary. 		
RG project implementation	<ul style="list-style-type: none"> Oversee and monitor projects to ensure timescales, budgets and promotions are adhered to and objectives achieved. 	On-going	ED Team Time
RG project monitoring/evaluation	<ul style="list-style-type: none"> Monitor agreed project budget, timescales, support, resources and publicity. Ensure Project Final & Evaluation Reports are completed by project leads and feedback to RG. Include project de-briefs and reviews in meetings. Liaise with Community Events team re community events, joint working, sponsorship and attend event de-brief meetings where RG involvement. 	On-going	ED Team Time
RG future project development	<ul style="list-style-type: none"> Meet with cluster leaders and management team to plan and instigate new projects for retail, business, the public realm and visitor economy within budget limitations and maximize use of PR and social media to ensure cost effective. 	On-going	ED Team Time
RG budget management	<ul style="list-style-type: none"> Manage and monitor RG budget. Support Chair with annual 	Monthly monitoring	ED Team Time

	<p>budget request.</p> <ul style="list-style-type: none"> • Plan detailed budget at project and cluster level in liaison with management team. • Meet monthly with key accountant. • Manage bid funding applications, invoicing and payments. • Ensure business self funding is in place for bids and increases for each financial year also through encouraging more private sponsorship and access to Brentwood for Growth contacts 		
RG meetings	<ul style="list-style-type: none"> • Lead Officer for RG meetings. Agree dates, set agenda, draft minutes and carry out actions. • Partnership working with RG members and arrange guest speakers. 	<p>Every 6 weeks</p> <p>On-going</p>	ED Team Time
RG management meetings	<ul style="list-style-type: none"> • Arrange regular management meetings, set agenda and issue notes/minutes. 	Every 6 weeks	ED Team Time
PR	<ul style="list-style-type: none"> • Ensure maximum publicity for RG, its objectives, bid funding access, events, projects, news, business support through website LE, Discover Brentwood and BBC comms. Utilise local and regional press, trade press, social media and radio. 	On-going	ED Team Time

Liaison with Community Events Team and support for cultural/heritage event planning	<ul style="list-style-type: none"> • Work with Community Events to ensure RG support and presence at events, business sponsorship and cluster projects as part of these events. 	On-going	ED Team Time
Market liaison management	<ul style="list-style-type: none"> • Lead Officer for Brentwood Markets. • Manage the tender process for the market provider, public consultations, market promotions, Love Your Local Market Day. • Arrange regular meetings with EFM. • Assist in resolving complaints and ensure good relationships with retailers and shoppers. • Work with licensing to ensure the BBC Street Trading and Market Policy is adhered to, reviewed and updated through Licensing Committee, as necessary 	On-going	ED Team Time
Developing new markets	<ul style="list-style-type: none"> • Support business trade clusters with sourcing and hosting alternative markets including continental markets in Crown Street. • Help Mike Allen of EFM to establish a Teenagers market with the support of local secondary schools. 	On-going	ED Team Time
Committee reports	<ul style="list-style-type: none"> • Prepare and submit 	On-going	ED Team Time

	Renaissance Group Update Report and Budget Workplan and present as required to FPR Committee		
Strengthen strategic linkages with ATCM, Towns Alive. Network with town centre managers re: shared practice/opportunities for collaborative working	<ul style="list-style-type: none"> • Explore funding for ATCM membership and collaborative working with TC managers through SM. • Visit trade events such as Love Your Local High Street Campaign roadshow and future High Street Summit, subject to agreed funding. • Attend Tourism Officers Meeting as appropriate. 	On-going	ED Team Time
Business Support	<ul style="list-style-type: none"> • Secure RG sponsorship funding to facilitate events. • Arrange venue hire and marketing of events with event provider and AK, SA 	On-going	ED Team Time

Strategic Priority 5 – Develop and support the borough’s rural economy

Activity	Detailed Action	Timescale	Funding/Resource
Active member of Essex Rivers LAG	Member of LAG – attend meetings and ensure benefits of LEADER programme to Brentwood	On-going	ED Team Time
Promote programme in borough Identify key businesses and business groupings in borough and raise their awareness of	Work with Essex RCC to devise PR plan and implement for borough	April/May 2017	ED Team Time

programme			
Leading and championing programme within BBC	Communicate opportunity and be key officer at BBC for programme	On-going	ED Team Time
Identify possible projects to be developed and submitted to programme	Identify and encourage projects to be developed and to apply for LEADER funding.	April 2017 onwards	ED Team Time
Assist with project development	Enabling role with colleagues and partners (meetings, working groups)	On-going	ED Team Time

Strategic Priority 6 – Promote Brentwood borough as a place to visit and invest, encouraging the visitor economy

Activity	Detailed Action	Timescale	Funding/Resource
Launch, promote and utilize the new Discover Brentwood website	<ul style="list-style-type: none"> Organise and hold formal launch event for Discover Brentwood working with Visit Essex Develop marketing plan for DB with Visit Essex Promote and utilize Discover Brentwood as a tool for place-promotion and attracting increased investment 	<p>8 June 2017</p> <p>June 2017</p> <p>On-going</p>	<p>Estimated £3,000 (of which £2,500 is Visit Essex Membership)</p> <p>ED Team Time</p>
Specific promotions with Visit Essex e.g. night time economy, love local, rural etc	<ul style="list-style-type: none"> Identify key promotions to be involved with via Visit Essex and roll out as appropriate 	July 2017 onwards	ED Team time Estimated campaign costs £4,000
Facilitate joint working with our attractions – joined up offers	<ul style="list-style-type: none"> Meet with attractions, understand existing collaborative offers and identify any additional 	July 2017 onwards	ED Team time

	opportunities we can enable		
Investigate business start-up and training support for our attractions from Visit Essex to improve quality of offer	<ul style="list-style-type: none"> Meet with Visit Essex to investigate training support available for businesses and consider how we could help promote this 	July 2017	ED Team time

Other ED Work

Activity	Detailed Action	Timescale	Funding/Resource
SE LEP	Maintain watching brief on national and EU funding opportunities and identify suitable projects in borough that may benefit Develop projects with County support so that they are "investment ready" for when funding opportunities arise	On-going	ED Team Time
Essex County Council	Quarterly Economic Working Group Integrated Growth Forum Contribute to Strategy refresh ED Team liaison officer working	On-going Quarterly and monthly meetings	ED Team Time
Sub-regional Partnership	Joint initiatives and events Regular Partnership meetings	TBC	ED Team Time
Refresh of ED Strategy	Refresh and promote Strategy and monitor	February – June 2017	ED Team Time
Report to FPR Committee	Prepare ED work plan and other reports for consideration Attend and present reports at Committee meetings	March 2017 On-going	ED Team Time
ED Budget Management and	Manage and monitor ED budget	Monthly	ED Team Time

Planning	Monthly meetings with finance		
Team Line Management	Keep in touch meetings Work planning and objective setting, line management	Weekly meetings, staff reviews	ED Team Time



**BRENTWOOD
BOROUGH COUNCIL**

B R E N T W O O D

E C O N O M I C S T R A T E G Y

2 0 1 7 - 2 0 2 0

A shared Vision and Framework to steer Brentwood Borough Council and partner organisations deliver economic growth for the Borough



GIVE WAY

Antiques & Collectors Fair

the vanilla room

BRENTWOOD

STONEMAN

Designer Dining, Sofas and Suites Upholstery by...



FOREWORD

Brentwood Borough offers the best of both worlds – excellent access to jobs and services through our transport connections on the edge of London, whilst never being far away from the picturesque surrounding countryside. Brentwood is a borough of villages with a unique character and links to Brentwood market town at its centre. It's no wonder that we are such an attractive place to live, work and visit.

Brentwood Borough Council is committed to enhancing our thriving local economy and reacting to a changing economic landscape. To help achieve these aims we have prepared this Economic Strategy for the Borough.

This strategy provides a framework to direct economic development and growth for Brentwood Borough and to bring economic benefits to businesses and residents, ultimately supporting an improved quality of life for those who live, work and do business in Brentwood.

It complements the objectives of the Council's Corporate Plan and the Draft Local Development Plan for economic prosperity.

In particular it will drive forward the objectives of business advice and development; skills and employability support; facilitate business workspace, infrastructure and inward investment; stronger and more vibrant town centres; the rural economy; place-promotion and support for the visitor economy.

A range of initiatives to deliver these priorities will be implemented where possible via shared delivery and working with other public, private and voluntary sector partners.

I commend this strategy to you and look forward to us driving forward the economic growth and prosperity of the Borough together.

Cllr Louise McKinlay
Leader of Brentwood Borough Council



EXECUTIVE SUMMARY

This Brentwood Economic Strategy sets out a shared vision and framework to direct both economic development and growth for the Borough, bringing economic benefits to businesses and residents.

It builds on the success of the December 2014 Brentwood Economic Development Strategy and a range of initiatives that have been delivered. It is strategically aligned to economic growth plans at national, regional and county level.

Brentwood is one of the higher performing local authorities in Greater Essex, with one of the lowest unemployment rates (3.2%) and a greater share of better qualified staff with higher level occupations (33% with NVQ4 – second highest in Essex).

Brentwood is located within the Heart of Essex sub-region (with Maldon district and Chelmsford), the fastest growing sub-region in Greater Essex (1% per annum). However, to aspire to be of the highest performing regions in the UK and maintain and enhance its economic position this needs to increase to 3% per annum.

The vision for Brentwood is to be a thriving, attractive and unique destination for people to live, work and visit by protecting and nurturing its existing high quality environment, growing its prosperous economy and fostering sustainable development which is responsive to local community needs.

The key economic Aims of the vision are to:

- A1. Promote a mixed economic base and a discerning and sustainable approach to economic growth;
- A2. Encourage high value, diverse, employment uses that will provide a significant number of skilled and high quality jobs;
- A3. Encourage better utilisation, upgrading and redevelopment of existing land and buildings; and
- A4. Enable the growth of existing business, the creation of new enterprises and encourage inward investment.

The Priorities to enable these aims are to:

- P1. Support business development and growth;
- P2. Facilitate and deliver skills and employability support;
- P3. Facilitate and encourage business workspace, infrastructure and inward investment;
- P4. Facilitate and support stronger and more vibrant town & village centres;
- P5. Develop and support the Borough's rural economy; and
- P6. Promote Brentwood Borough as a place to visit and invest, encouraging the visitor economy.

An annual Economic Development Work Plan will be produced outlining the key initiatives to drive forward the Strategy and address its aims and priorities. Progress towards these will be evaluated annually with success measured against target outputs and outcomes set for each initiative. Delivery of the Strategy will require strong partnership working with shared delivery where possible to achieve a comprehensive approach, economies of scale and to minimise impact on both staff resources and the Council's budget. The Strategy will be reviewed every three years or when appropriate due to changing external factors that require this.

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BACKGROUND

This strategy builds on the existing Brentwood Economic Development Strategy (December 2014) and a range of successful economic development initiatives that have been delivered by Brentwood Borough Council over the last two years.

These initiatives have included:

- A range of business support projects such as the first ever Brentwood Business Showcase;
- A series of business taster workshops;
- Business speed-networking event;
- Development and use of business directory;
- Business support and advice campaigns;
- Business newsletter;
- Apprenticeship wage subsidy programme;
- Opportunity Brentwood (careers event);

- Development of Discover Brentwood website as a place-making and business information tool;
- Growth and development of the Brentwood Borough Renaissance Group;
- Support for the retail sector
- A range of town centre events and public realm improvements;
- Re-engaging with the Brentwood for Growth business group;
- Incubation hub feasibility study;
- Successful EU LEADER rural funding;
- Sponsorship for business events;
- Low carbon grant funding; and
- Three Economic Development graduate internships funded by University of Essex.



ECONOMIC CONTEXT

The Brentwood Economic Strategy is aligned to a number of national, regional and local strategies including:

Building Our Industrial Strategy - Green Paper

(January 2017)

HM Government Green Paper, “Building our Industrial Strategy” aims to improve living standards and economic growth by increasing productivity and driving growth across the whole country. It sets out three challenges including building on our strengths and extending excellence particularly within the education and research sector; closing the gaps between our best performing companies, industries, places and people and those which are less productive; and making the UK one of the most competitive places in the world to start or grow a business.

There are ten pillars to drive forward the industrial strategy including:

1. Investing in science, research and innovation
2. Developing skills
3. Upgrading infrastructure
4. Supporting businesses to start and grow
5. Improving procurement
6. Encouraging trade and inward investment
7. Delivering affordable energy and clean growth
8. Cultivating world-leading sectors
9. Driving growth across the whole country
10. Creating the right institutions to bring together sectors and places

The key focus is to address the productivity gap with other leading countries in order to get sustainably higher wages and increased Gross Domestic Product (GDP). To do this the productivity gap between different parts of the UK need to be reduced.

South East Local Enterprise Partnership

The South East Local Enterprise Partnership (SELEP) was created in April 2011 to provide vision and strategic leadership to drive sustainable private sector-led growth and job creation in South East England. The Partnership includes public and private sector organisations and is responsible for managing the Local Growth Fund and European Union Structural and Investment Funds. The SELEP Strategic Economic Plan sets out the economic growth ambition and investment priorities for the area.

Economic Plan for Essex

(April 2014)

The Economic Plan for Essex (EPfE) provides Essex County Council’s input to the SELEP Strategic Economic Plan. It articulates the challenges facing the Essex economy and the issues that need to be addressed to secure sustainable growth which include: improving skills across the Essex workforce; delivering a pipeline of infrastructure projects; enhancing productivity and key sectoral support.

Vision for Brentwood 2016-2019

(November 2015)

Brentwood Borough Council's Vision for Brentwood document forms the Council's Corporate Plan with objectives split by key themes up to 2019. Economic Development is one of the plan's five key priorities, aiming to drive forward the agenda by:

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Supporting economic growth and sustainable development;

Utilising Council assets to enable this;

- Working in partnership to promote Essex for shared economic gain;
- Promoting a mixed economy, maximising retail and commercial opportunities; and
- Developing the conditions for job creation and helping people get back to work.

Brentwood Local Development Plan

2013-2033

The Council's emerging Local Development Plan (LDP) will set objectives and planning policies to shape future development in the Borough, including locations for new homes and jobs as well as transport and infrastructure provision. The latest consultation version, Draft Local Plan (January 2016), sets out a range of strategic objectives. Those focused on achieving economic prosperity are to:

- Foster a prosperous, vibrant and diverse local economy by attracting new commercial investment in order to maintain high and stable levels of economic and employment growth;
- Expand and enhance Brentwood Town Centre's retail offer in particular opportunities for high quality niche shopping;

- Promote and encourage the continued success of Brentwood Town Centre and local centres to provide a high quality public realm and mixed use developments
- Optimise the social and economic benefits that arise from Crossrail for the benefit of residents, businesses and visitors to the Borough; and
- Promote and support a prosperous rural economy.

Proposals allocate over 94 hectares of employment land in the borough. From this just over 46 hectares is currently allocated, over 15 hectares is existing employment land but not previously allocated, and just under 33 hectares is new allocations. This has the potential to create approximately 5,000 jobs.

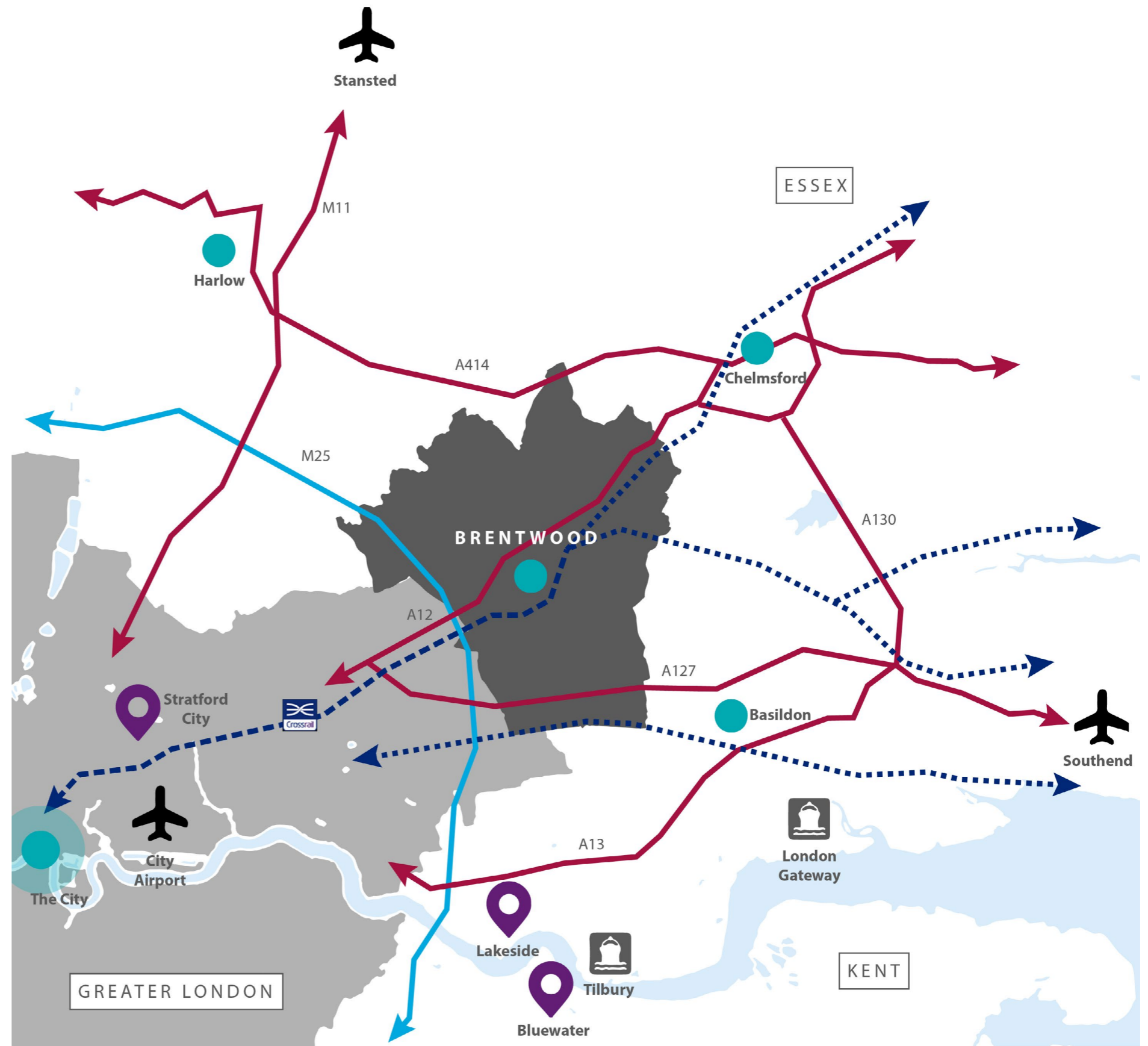


BRENTWOOD ECONOMY

Brentwood Borough is situated in South West Essex, immediately east of Greater London and entirely within the Metropolitan Green Belt. Brentwood is a pleasant, busy market town with close proximity to both London and surrounding countryside. Rail and road links include the M25, A12 and A127, Crossrail and fast rail links into London and Stansted, City, Southend, Gatwick and Heathrow airports.

The Borough has a unique local character – a borough of villages all connecting to Brentwood market town at its heart. Within the Brentwood urban area are a range of local centres, such as Brentwood Town Centre and Shenfield District Centre. Villages with a rail station include Ingatestone to the north-east of Brentwood and West Horndon in the south of the borough.

The Borough's population is 76,100 (Census 2011), 70% of which live in the Brentwood urban area. It is a relatively affluent borough with residents able to enjoy a high quality environment, good accessibility to shops and services and job opportunities in London.



The majority of service sector business and employment is located in Brentwood Town Centre, with other business clusters nearby around Brentwood Station and Warley Business Park. Major employers include Ford Motor Company, BT, IFDS, Countryside Properties, Liverpool Victoria, Canon and McColls. The Borough has a strong predominance of businesses in the professional, scientific, technical and construction sectors (31%) as well as business administration and support services and ICT (16%) and retail (9%). More than half of total employment (39,300 jobs 2014) is provided by small businesses of up to 49 employees.

Brentwood is one of the higher performing Local Authorities in Greater Essex, with one of the lowest unemployment rates (3.2%) and a greater share of better qualified staff with higher level occupations (33% with NVQ4 – second highest in Essex).

Brentwood is located within the Heart of Essex sub-region (with Maldon district and Chelmsford); the fastest growing sub-region in Greater Essex (1% per annum). However, to aspire to be one of the

highest performing regions in the UK and maintain and enhance its economic position this needs to increase to 3% per annum. To enable this there is a need to:

- Further improve the economic productivity of the area (and Gross Value Added (GVA)) and strive for innovation and excellence;
- Focus on the Borough's high value added sectors including ICT, professional, scientific and technical services, financial services as well as the larger employers and businesses;
- Increase the number of business start-ups and improve their survival rates (currently the one year survival rate for Brentwood is the lowest in Essex - 89% survived one year and 39% at least 5 years compared to national figures of 90.8% and 41.7% respectively);
- Provide start-up and grow-on business workspace of good quality;
- Increase the number of apprenticeships (Brentwood has the lowest share in Essex – 0.59% of the population);

- Improve strategic transport infrastructure to support the economy – A12, A127, M25, Lower Thames Crossing, Crossrail stations and surrounding public realm;
- Attract inward investment and new businesses to the Borough and increase the number of local job opportunities (38,500 jobs in 2011), reducing the reliance on out-commuting (currently 55% of residents) and improve sustainability; and
- Increase the number of commercial premises in Brentwood Borough with access to superfast broadband (currently 65% compared to 76% in Essex and 83% for the UK).



VISION

That Brentwood Borough will continue to be a thriving, attractive and unique destination for people to live, work and visit by protecting and nurturing its existing high quality environment, growing its prosperous economy and fostering sustainable development which is responsive to local community needs.

AIMS

- A1. Promote a mixed economic base and a discerning and sustainable approach to economic growth;**
- A2. Encourage high value, diverse employment uses that will provide a significant number of skilled and high quality jobs;**
- A3. Encourage better utilisation, upgrading and redevelopment of existing land and buildings; and**
- A4. Enable the growth of existing business, the creation of new enterprises and encourage inward investment.**

PRIORITIES

- P1. Enable and support business development and growth;**
- P2. Facilitate and deliver skills and employability support;**
- P3. Facilitate and encourage business workspace, infrastructure and inward investment;**
- P4. Facilitate and support stronger and more vibrant town and village centres;**
- P5. Develop and support the Borough's rural economy; and**
- P6. Promote Brentwood Borough as a place to visit and invest, encouraging the visitor economy.**

• Moores Place →

Quest Printing
Début Beauty & Tanning
Café A'Moore
Blondes Hair Salon
Angle's Café Pie & Mash

Priority 1: Business development, growth & networking

Brentwood Borough Council will work with partners to develop a local enterprise culture and increased productivity, supporting local businesses and seeking to engender a sense of civic pride amongst the business community.

Future Interventions

1. Deliver a range of business support, networking and advice initiatives including an annual Brentwood Business Showcase and a programme of free business advice workshops and training sessions;
2. Promote and broker the current range of partner business support initiatives, for example BEST Growth Hub business advice, Brentwood Chamber of Commerce events, LoCASE low carbon grants;
3. Develop initiatives to support start-up businesses and their longevity;
4. Manage and maintain the Brentwood Business Directory and a range of online business campaigns;
5. Produce and promote the Brentwood Business News;
6. To secure sponsorship from the private sector for key initiatives; and
7. Promote the business support available and the Economic Development Strategy at partner and business events.

Priority 2: Skills and employability support

Brentwood Borough Council will work with partners on key initiatives to strengthen the skills base of the Borough and support local businesses by encouraging a highly qualified work force, brokering job opportunities with business demand.

Future Interventions

1. Identify and maximise benefits of any County-led skills initiatives for Brentwood, e.g. Enterprise Advisor scheme, Apprenticeship Brokerage project, recruitment events and sector specific initiatives such as STEM;
2. Facilitate partnership working between local businesses, schools and training providers to identify and address skills gaps and broker job opportunities, e.g. Opportunity Brentwood;
3. Work with Essex County Council and training providers to deliver initiatives that enable businesses to support apprenticeship opportunities e.g. Brentwood Borough Council wage subsidy scheme;
4. Work with the University of Essex and Anglia Ruskin University to accommodate graduate internships and investigate the potential of knowledge transfer partnership opportunities for local businesses; and
5. Support people with mental health issues to enable them to gain employment, for example apprenticeship subsidy for third sector partners, e.g. Brentwood Community Print, Fitness in Mind.



Priority 3: Business Workspace, inward investment and infrastructure

Brentwood Borough Council will work in partnership to secure economic growth and investment in the Borough; facilitate the right conditions to attract and assist businesses in growth sectors; support economic diversification and identify and promote sufficient employment land and premises to accommodate growth and enable comprehensive infrastructure such as Superfast Broadband and road and rail connections.

Future Interventions

1. Work with Invest Essex, UK Trade and Investment and agents to develop and promote the existing and planned commercial site portfolio;
2. Support and promote infrastructure improvements such as key roads (A12 and A127); M25 improvements and the Lower Thames Crossing project; and Crossrail – enabling local businesses to maximise benefits of greater linkages, access to suppliers and wider markets, and to encourage new investors to locate to the Borough;
3. Work with developers of new employment sites including Brentwood Enterprise Park to ensure a comprehensive socio-economic package of benefits from the developments and quality added value business inward investment;
4. Work with partners to research and facilitate options for business incubation space within the borough; and
5. To support and enable the provision and take-up of Superfast Broadband by Brentwood businesses.

Priority 4: Stronger and more vibrant town and village centres

Brentwood Borough Council will promote a mixed economy in the Borough's town and village centres to meet the needs of those who live, work, shop and spend leisure time there. We will work with business partners to improve the vibrancy of our centres and support place-promotion.

Future Interventions

1. Work with public and private sector partners to support redevelopment opportunities in Brentwood Town Centre and create a distinctive offer with a high quality shopping environment, 'niche' independent shops and a variety of leisure and evening entertainment;
2. Support business engagement and consultation when planning for development in our town and village centres;
3. Facilitate and support the Brentwood Borough Renaissance Group to develop, grow and promote the offer in the Borough's centres including public realm initiatives and promotional events;
4. Broker business support and advice to town centre businesses, supporting their growth and increased productivity;
5. Facilitate further development of the active business trade clusters in town and village centres and stimulate their support and ownership of improvement schemes and promotional activities;
6. Develop initiatives to support the markets, digital and healthy high streets agendas; and
7. Secure sponsorship from the private sector for key initiatives.



Priority 5: Support for the Rural Economy

Brentwood Borough Council will work with partners and local rural businesses to support diversification, redevelopment of redundant buildings and initiatives to support the sustainable development of the rural economy.

Future Interventions

1. Continue to promote the Essex Rivers LAG LEADER European Grant Programme to businesses, encouraging them to make applications to support diversification, job creation and increased productivity;
2. Promote the range of business support and advice initiatives to encourage rural businesses start-ups and growth;
3. Promote enabling infrastructure such as Superfast Broadband, encouraging businesses to subscribe;
4. Maintain a watching brief on future funding opportunities and work in partnership to secure these; and
5. Work with the Council's Community Services Team to support rural business services such as pubs, post offices and village shops.

Priority 6: Place-promotion and support for the visitor economy

Brentwood Borough Council will promote Brentwood as a great place to live, visit and do business in order to attract increased spend (currently £160m) and investment into the Borough.

Future Interventions

1. Work with partners and businesses to promote the new Discover Brentwood website as a key tool for highlighting the Brentwood offer to both businesses and visitors;
2. Work with businesses and partners to improve the range and quality of the visitor offer to ensure a first class welcome and experience – improving identified gateways into the Borough and Town Centre to deliver this;
3. Facilitate opportunities to increase the level and quality of visitor accommodation;
4. Build on and maximise the TOWIE effect and widen the Brentwood brand, making Brentwood a key destination to visit and stay;
5. Maximise our benefits of membership with Visit Essex, the County Destination Management organisation; and
6. Promote the visitor economy and maximise public relation opportunities to develop and promote cultural events and initiatives.

DISCOVER
BRENTWOOD

A great place to visit, work and do business...

DISCOVERBRENTWOOD.CO.UK



DELIVERY & REVIEW

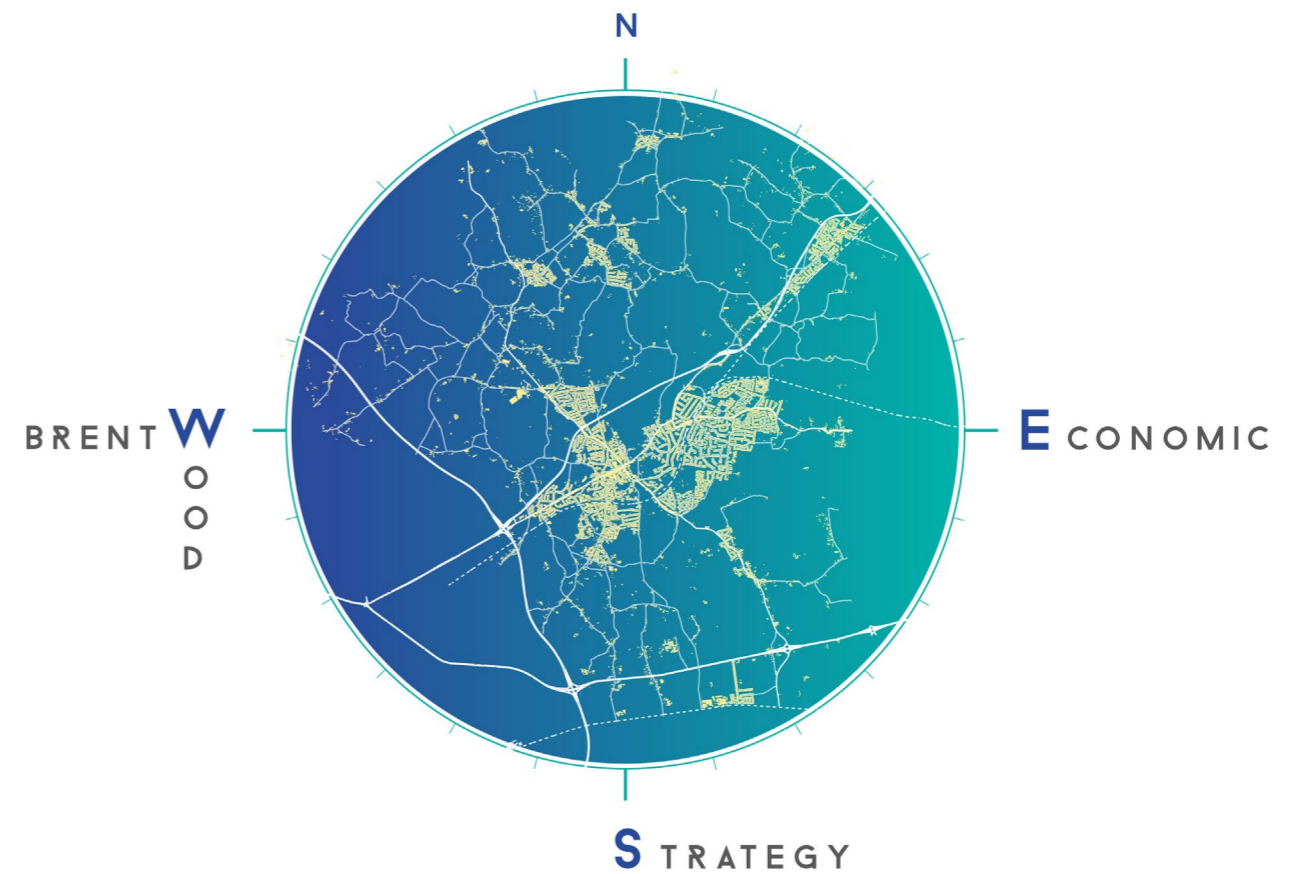
An annual Economic Development Work Plan will be produced outlining the key initiatives to drive forward the Strategy and address its aims and priorities.

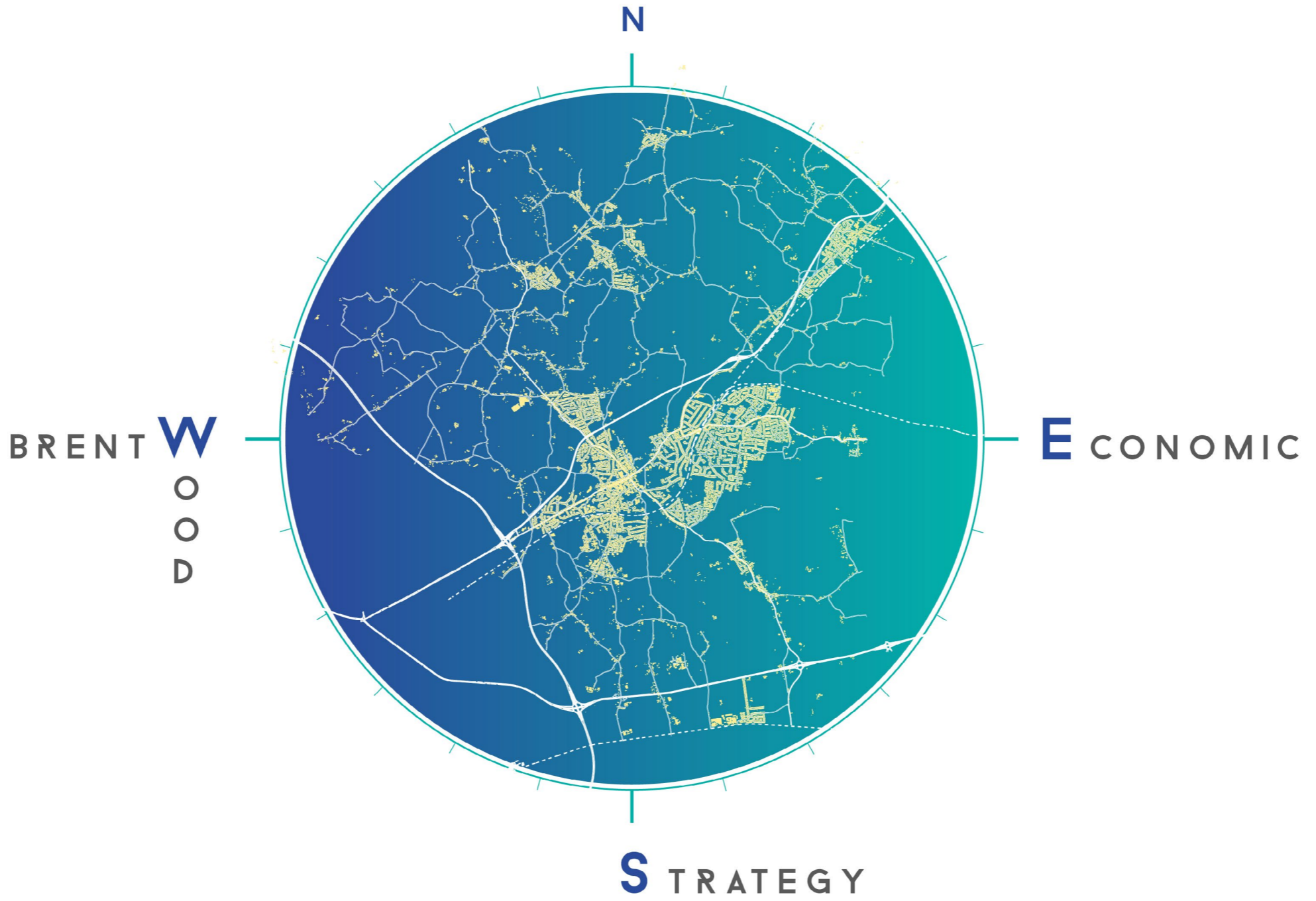
Progress towards these will be evaluated annually, with success measured against target outputs and outcomes set for each initiative.

Delivery of the Strategy will require strong partnership working with shared delivery where possible to achieve a comprehensive approach, economies of scale and to minimise impact on both staff resources and the Council's budget.

The Strategy will be reviewed every three years or when appropriate due to changing external factors that require this.

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Published June 2017 by Brentwood Borough Council
Economic Development Team, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY
Please contact us to obtain a copy of this information in an alternative format.

20 June 2017

Policy, Projects & Resources Committee

14 Ongar Road Brentwood – Letting of Shop and Premises

Report of: Russell Clinker (Senior Asset Manager)

Wards Affected: Brentwood North

This report is: Public

1. Executive Summary

- 1.1 This report considers the letting of 14 Ongar Road Brentwood following an offer received by the Council.

2. Recommendation(s)

- 2.1 **That a new lease be granted in accordance with the terms set out in Heads of Terms attached at Appendix A (exempt).**

3. Introduction and Background



- 3.1 14 Ongar Road has been vacant since the previous tenant Brentwood Mind (a mental health charity) moved into Brentwood Town Hall in July 2016.
- 3.2 There are substantial maintenance and repairs required at the property and the Council are seeking a tenant who is able to put and keep the property in repair.
- 3.3 We have received various interest in the property although the one from the adjacent dental practice is of particular interest as it provides a good quality covenant who has the funds to meet the proposed leasehold commitment, the long term vision to put and keep the property in good repair and to provide a much needed service for the Community.
- 3.4 The dental surgery has indicated that it is looking to expand in any event, in order to accommodate a new sterilization area, without taking away space presently used by surgery/treatment rooms, thereby retaining current levels of dental patient registrations and employment numbers.
- 3.5 Details of comparable rental levels are commercially sensitive and are included in Appendix B (exempt).
- 3.6 The subject property is approx 185 sq m/2,000 sq ft (split approx 92.90 sq m - /1,000 sq ft on the ground floor and 92.90/1,000 sq ft on the first floor) net internal area. If the first floor is taken at 1/10 i.e. valued as ancillary to the ground floor, the retail 'In terms of Zone A' shop and first floor area totals 79.92 sq m (808 sq ft).

*Zoning is a standard method of measuring retail premises to calculate and compare their value.

Shop or retail premises are divided into a number of zones each of a depth of 6.1 metres - or 20 feet.

Zone A closest to the window is most valuable with the value decreasing with distance from the frontage: Zone B is the next 6.1 metres, then Zone C until the entire depth of the retail area is allocated to a zone - anything after Zone C is usually defined as the remainder.

In crude terms the established valuation convention is to halve back from Zone A, with

Zone B assessed as a half the value of Zone A, Zone C half the value of Zone B and so on.

When a rent is quoted in terms of 'rate per sq m/ ft Zone A' this has been arrived at by dividing the rent by the reduced area arrived at by the Zoning method.

4. Issue, Options and Analysis of Options

In view of the above, the recommendation is to therefore let 14 Ongar Road to the Dental Surgery next door to provide a secure income and ensure that the property is put and kept in good repair.

5. Reasons for Recommendation

5.1 The Council wish to ensure the property is put and kept in good repair and for it to generate income.

6. Consultation

6.1 No formal external consultation has been undertaken regarding the proposal

7. References to Corporate Plan

7.1 Value for Money: policies that invest in key services to create opportunity for all, provide better value for Brentwood's taxpayers and enhance the Borough's infrastructure whilst modernising and transforming Brentwood Borough Council. We will re-prioritise and focus our resources and be innovative in our approach.

7.2 Our Borough: Policies which promote our environment, support sustainable growth, and safeguard our high quality environment including heritage and countryside. We will provide responsive, accessible and forward thinking services for vulnerable residents, supporting people back into work and providing good quality housing making Brentwood our residents' Borough of Choice.

8. Implications

8.1 Financial Implications

Name & Title: John Chance, Finance Director

Tel & Email: 01277 312 542 john.chance@brentwood.gov.uk

The rental income will generate revenue for the Council

8.2 Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312 860 daniel.toohey@brentwood.gov.uk

None

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

9. Background Papers

9.1 See Appendices (Exempt)

10. Appendices to this report

Appendix A (Exempt) - Heads of Terms.

Appendix B (Exempt) – Comparable evidence of rental levels.

Report Author Contact Details:

Name: Russell Clinker (Senior Asset Manager)

Telephone: 01277 312931

E-mail: russell.clinker@brentwood.gov.uk

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Appendix A

Policy, Projects and Resources Committee 20 June 2017

Item 9 – 14 Ongar Road, Brentwood - Letting of shop and Premises

Appendix A - Exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, by virtue of the likely disclosure of information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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Appendix B

Policy, Projects and Resources Committee 20 June 2017

Item 9 – 14 Ongar Road, Brentwood - Letting of shop and Premises

Appendix B - Exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, by virtue of the likely disclosure of information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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20 June 2017

Policy, Projects and Resources Committee

The development of two semi-detached properties - King Edward Road

Report of: *Adrian J Tidbury Estate & Valuation Surveyor*

Wards Affected: *Brentwood South*

This report is: *This report is public*

1. Executive Summary

- 1.1 This report considers the construction of two semi-detached properties on vacant land in the council's ownership situated King Edward Road Brentwood.

2. Recommendation(s)

- 2.1 **That subject to planning approval being granted, that delegated authority is given to the Head of Paid Service and, Section 151 officer acting in consultation with the Chair of Policy, Projects & Resources Committee to seek tenders for construction of two semi-detached properties on land at 1 King Edward Road Brentwood.**
- 2.2 **That delegated authority is given to the Head of Paid Service and, Section 151 officer acting in consultation with the Chair of Policy, Projects & Resources Committee to select and award the contract to the successful bidder, and to agree the inclusion in the 2017/18 Capital Programme, to be funded from unallocated capital receipts.**
- 2.3 **That delegated authority is given to the Head of Paid Service and, Section 151 officer acting in consultation with the Chair of Policy, Projects & Resources Committee to enter into a 3 year lease of the two properties to an intermediary company who will then let the properties on assured short hold tenancies.**

3. Introduction and Background

- 3.1 Members will be aware that the Council has ownership in title of significant amounts of land within the Borough. The majority of that land is

subject to restrictions such as green belt issues or it functions as amenity land in some form.

- 3.2 The land at 1 King Edward Road came into the Council's ownership on 3rd November 1989 together with an existing lease between Laurenstall Ltd and RCO Contract Services.
- 3.3 RCO are no longer using the site and were approached in June 2015 to surrender the lease, to which they agreed by email on 8th July 2015. The Deed of Surrender is dated 2nd February 2017.
- 3.4 The Council has investigated the feasibility of developing a residential property and initial discussions with Planning and the architect has indicated that a satisfactory development of a pair of two bedroom semi-detached properties with parking provision can be accommodated on the site.
- 3.5 The Council's lawyers have investigated all existing rights across the land and have determined that there is an existing right to light and air for 'Rainham Steel'. However, legal advice has deemed that the right will be unaffected by the proposed development.
- 3.6 The appendix shows the proposed development and the arrangement of the parking and accommodation that can be achieved.
- 3.7 Planning Consent has been applied for and determination is due before 3rd July 2017.

4. Issue, Options and Analysis of Options

- 4.1 Architects have been appointed to undertake a feasibility study leading to full planning permission being granted. Initial discussions with Planning has established that in principle they do not foresee any objections to the proposal.
- 4.2 The expected resale value of the properties on completion of the build is estimated at £430,000 for each of the properties.
- 4.3 Expected rental from the properties should they be let is expected to be in the region of £1,200 to £1,400 per calendar month raising an annual income of £28,800 to £33,600
- 4.4 The Council is of course unable to let properties for residential use outside the Housing Revenue Account and so the properties would be leased to

an intermediary company who will then let the properties on assured short hold tenancies.

- 4.5 The Council has instructed Mass & Co to provide a Development Appraisal which is included in the appendix.

5. Reasons for Recommendation

- 5.1 To develop unused land in the ownership of the Council providing needed additional residential accommodation within the Borough and generating additional income to the Council through rental or Capital receipt.

6. Consultation

- 6.1 No formal consultations have been undertaken.

7. References to Corporate Plan

- 7.1 Economic Development – Support economic growth and sustainable development.

8. Implications

Financial Implications

Name & Title: John Chance, Finance Director

Tel & Email: 01277 312542 / john.chance@brentwood.gov.uk

- 8.1 There are sufficient resources within the unallocated capital receipts account to fund this project.
- 8.2 The vision for this project is positive as the assets will be worth more than the construction costs, are expected to appreciate in value and will be a valuable addition to the Councils property portfolio.
- 8.3 In the short to medium term, the recommendation to enter into a lease agreement to give rise to a revenue income stream would represent a sound course of action.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email: 01277 312860 / daniel.toohey@brentwood.gov.uk

- 8.4 In seeking tenders for works services and supplies contracts the Council must ensure compliance with EU procurement regulations and

requirements set out in its Constitution. Legal Services are on hand to advise and assist on the process going forward.

9. Appendices

Appendix A - King Edward Road Feasibility - Pair of two-bedroom semi - detached properties

Report Author Contact Details:

Name: Adrian J Tidbury

Telephone: 01277 312678

E-mail: adrian.tidbury@brentwood.gov.uk



Mr A Tidbury
Brentwood Borough Council
c/o Mr Pedro Gomes
Traer Clark Shepherd Angelo Ltd
57 Crown Street
Brentwood
Essex
CM14 4BD

Date: 9 May 2017

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

Dear Sir / Madam

DEVELOPMENT: Construction of two x 2 bedroomed semi-detached dwellings
ADDRESS: Land Adjacent 3 King Edward Road Brentwood Essex
APPLICATION NO.: 17/00682/FUL
CASE OFFICER: Mr Mike Ovenden

I acknowledge receipt of the above application, validated on 8th May 2017.

The description of development set out above may have been altered from that specified on the submitted application forms. If you consider that this does not accurately describe what is being applied for, then please contact the case officer immediately.

The date by which I aim to determine the application is 3rd July 2017. If you have not been given your decision in writing by that date, or notified that your application is otherwise invalid, you can appeal to the Secretary of State under the Town and Country Planning Act 1990 within 6 months from that date. Appeals must be made on a form obtainable from The Planning Inspectorate, Room 3/15, Eagle, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Every endeavour will be made to deal with your application by the above mentioned date, but where this is not possible the Council will issue a Decision Notice at the earliest opportunity.

You can track the progress of the application by using public access at <http://publicaccess.brentwood.gov.uk/online-applications/> otherwise I will not contact you with any general updates during the assessment period of the application.

Please see overleaf for information on our Building Control Service.

Yours faithfully

Mr Mike Ovenden

Consultant Principal Planner

BRENTWOOD BOROUGH COUNCIL
Building Control
Team Leader:
Gary E Price MRICS; MIFireE



**BRENTWOOD
BOROUGH COUNCIL**

BUILDING CONTROL

Do your proposals need Building Regulation approval?

If you are not sure then please contact us.

If they do require approval, then I would like to draw your attention to our Building Control Service.

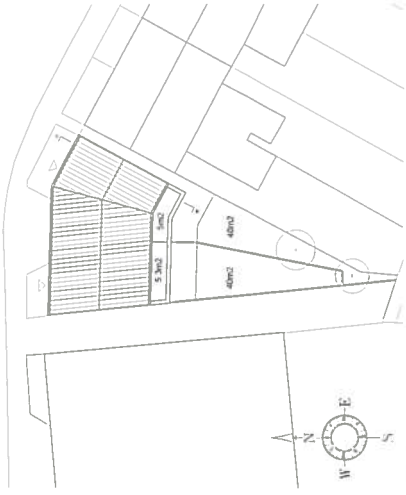
We provide a high quality and economic service by offering -

- Pre-application meetings
- Value for money – we are non-profit making so only charge for what we do
- A minimal waiting period following submission of your application - **Once your application is accepted, you can start work within two working days**
- A 'same-day' site inspection service – we believe that a strong and responsive inspection regime greatly assists in ensuring a high quality finished product
- A prompt and efficient plan checking service
- Availability face-to-face, by e-mail or by phone
- A locally based service offering local knowledge and quick response times from professionally experienced team members with extensive technical expertise
- Advice on other related matters e.g. accessibility for all people, means of escape from fire (see also **LABC Consult** below).

For more information on our Building Control service please see our website
<http://www.brentwood.gov.uk>

E-mail: buildingsurveying@brentwood.gov.uk or phone 01277 312500

	<p>LABC Consult is a multi-disciplinary service that enables you to easily access all aspects of the development management process under one roof</p> <p>Individual services include, Fire Engineering, LABC Acoustics, SAP and LABC Warranty</p> <p>http://www.labc.uk.com/consult Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY</p>
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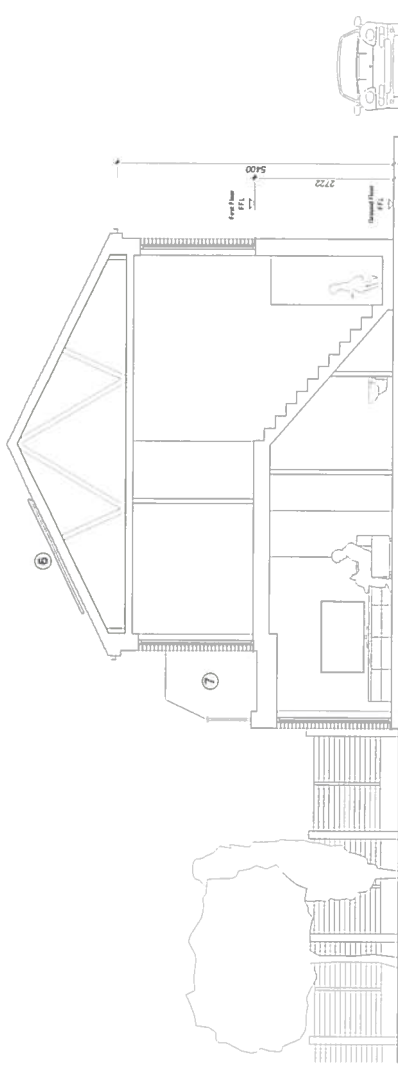


Site Plan 1 200

- ① Render Panel
- ② Filing Brickwork to match surroundings
- ③ Slate Roof Tiles
- ④ UPVC Windows
- ⑤ UPVC Door
- ⑥ Solar Panel
- ⑦ Privacy Screen



Rear Elevation 1 100



Section A-A 1 50



Street Scene 1 100



First Floor Plan 1 100



Ground Floor Plan 1 100



Example Image 01

Example Image 02

Example Image 03

By	Checked	Approved

King Edward Road

PRELIMINARY

Brentwood Borough Council

Feasibility Study

1:00 @ A1 July 2018

1401 : 012

P1

CHARTERED ARCHITECTS

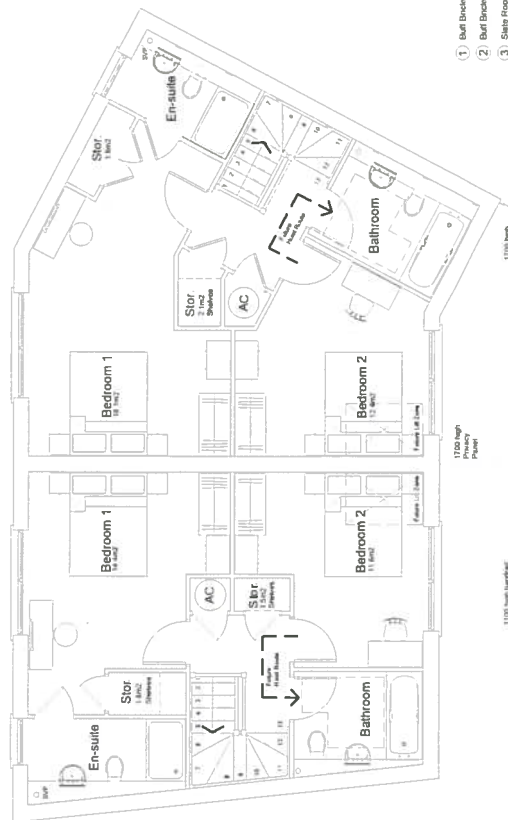
TRAEER CLARK



Front Elevation 1 100

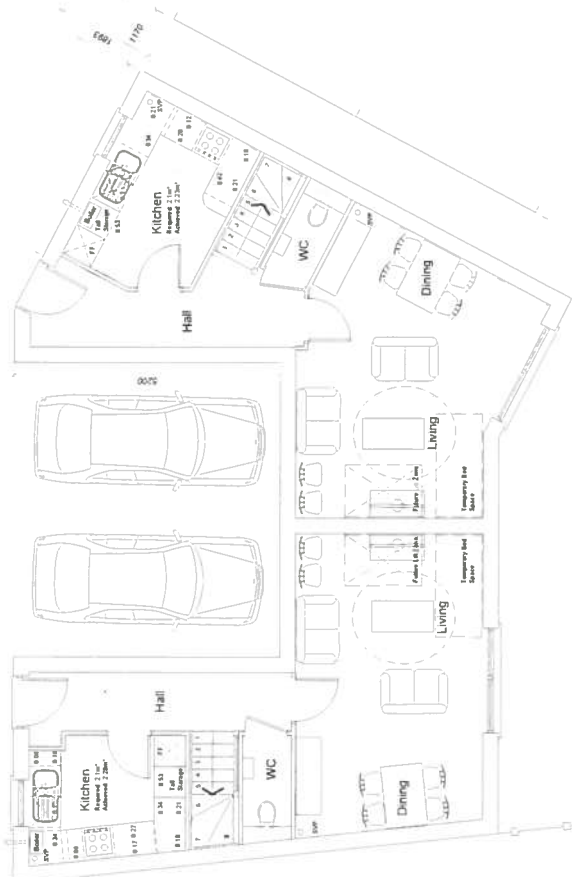


Rear Elevation 1 100

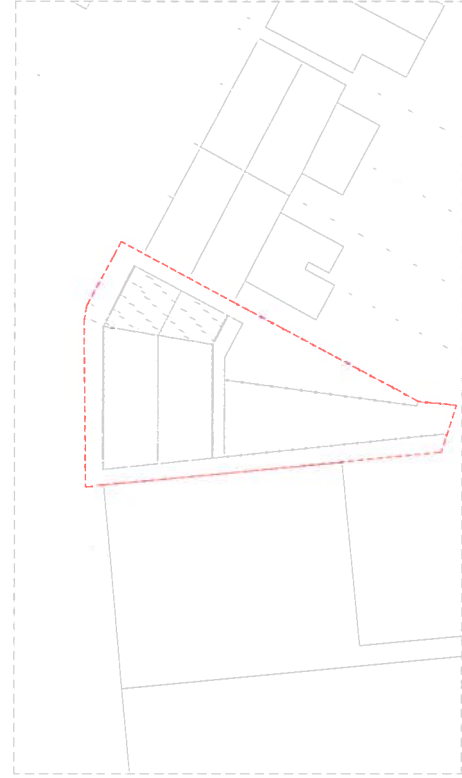


First Floor Plan 1 50

- 1 Buff Brickwork Panel
- 2 Buff Brickwork
- 3 Slate Roof Tiles
- 4 Dark Grey Aluminium Window
- 5 Dark Grey Aluminium Door
- 6 Privacy Screen



Ground Floor Plan 1 50



Site Plan 1 200

PLOT 1	
Gross Internal Area (to inside face of linework)	94.6m ² (1018sqft)
Net Internal Area (to face of plasterboard excluding SVFPs)	92.1m ² (991sqft)

PLOT 2	
Gross Internal Area (to inside face of linework)	85.8m ² (923sqft)
Net Internal Area (to face of plasterboard including SVFPs)	84.3m ² (907sqft)

External Wall Section 1 20

PRELIMINARY

Client: **Brentwood Borough Council**

Drawn: **TRAVIS CLARK**

Checked: **ADZ** Date: **15/07/2018** Project: **1401_010**

Scale: **1:50** Date: **15/07/2018** Project: **1401_010**

Revision: **PI**

King Edward Road

20th June 2017

Policy, Projects & Resources Committee

Corporate Projects

Report of: Philip Ruck - Chief Executive

Wards Affected: All

This report is: Public

1. Executive Summary

- 1.1 Members will be aware of the key Corporate Projects that have been reported regularly to the appropriate committee of the council.
- 1.2 At Annual Council it was agreed that the introduction of the Corporate Projects Scrutiny Committee would focus and scrutinise these key projects to ensure transparency, delivery and lessons learnt.
- 1.3 Set out at Item No. 11 of this agenda is the proposed approach for the Leisure Strategy.
- 1.4 This report includes the approach for the review of the Leisure Strategy and other Corporate Projects by the Corporate Projects Scrutiny Committee.

2. Recommendation

- 2.1 **That Members agree the list of Corporate Projects including scoping and timescales, as set out in Appendix A, are put forward for scrutiny.**
- 2.2 **That the Corporate Projects Scrutiny Committee are requested to consider the Corporate Projects as set in Appendix A and report back to the appropriate committee.**

3. Introduction and Background

- 3.1 The key corporate projects have previously been reported to the appropriate committee on their progress of the projects to date and upcoming actions.

- 3.2 The projects as set out in Appendix A are required to be scrutinised to ensure they meet the needs and objectives of the Corporate Plan.
- 3.3 The projects will have interdependencies with other council projects and strategies that could have an effect on proposed timelines. In addition proposed timelines may alter as a results of options and decisions taken.

4. Reasons for Recommendation

- 4.1 To ensure that the Corporate Plan 2016-2019 is supported by projects that deliver the necessary change.

5. Consultation

- 5.1 Not appropriate at this stage

6. References to Corporate Plan

- 6.1 A Modern Council transforming its services to improve efficiencies and economies through new ways of working.

7. Implications

Financial Implications

Name & Title: John Chance, Section 151 Officer

Tel & Email john.chance@brentwood.gov.uk Tel 01277 312712

- 7.1 These will be fully evaluated as part of the business case process

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer

Tel & Email daniel.toohey@brentwood.gov.uk Tel 01277 312860

- 7.2 The legal implications in respect of service level agreements etc. will need to be considered in detail should this option be progressed.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 7.3 These will all be addressed should the option be progressed.

8. Background Papers

- 8.1 None at this stage

9. Appendices to this report
Appendix A

Report Author Contact Details:

Name: Phil Ruck

Telephone: 01277 312569

E-mail: philip.ruck@brentwood.gov.uk

Corporate Projects	
Project	Leisure Strategy
Validation	Will identify the future leisure provision required in Brentwood to meet the needs of the residents.
Scope	<ol style="list-style-type: none"> 1. Review the three-phased approach to the delivery of the Leisure Strategy. 2. Review the outcome of the consultation with residents and visitors on options of new activities for King George's Playing Fields.
Timelines	<ol style="list-style-type: none"> 1. Phase 1 – King Georges Playing Fields and Warley Playing Fields Review and Options: June 2017 to September 2017 Implementation: October 2017 to September 2018 2. Phase 2 – Play areas and options for ongoing maintenance and halls management Review and Options: October 2017 to March 2018 Implementation: April 2018 to March 2019 3. Phase 3 – Brentwood Centre and provision for sport across the borough Decision: June 2018 to December 2018 Implementation: January 2019 to December 2020

Project	Town Hall Redevelopment
Validation	Will support the transformation of service delivery, provide modern and effective customer services as well as increased utilisation of existing assets for the Council and partner organisations.
Scope	<ol style="list-style-type: none"> 1. Review of Customer Services delivery during redevelopment of the Town Hall. 2. Review of Members request system and process.
Timelines	<p>Review and Options: June 2017 to September 2017</p> <p>Implementation: October 2017</p>

Project	Town Centre Redevelopment
Validation	Will promote the use of Council assets to help provide sustainable development in Brentwood Town Centre, in a cohesive way that supports the changing local economy.
Scope	To be agreed at a further Policy, Projects and Resources Committee.
Timelines	To be agreed at a further Policy, Projects and Resources Committee.

Project	Local Development Plan (LDP)
Validation	Will broaden the range of housing in the Borough and guide infrastructure delivery to meet the needs of our population now and in the future.
Scope	To be agreed at a further Policy, Projects and Resources Committee.
Timelines	To be agreed at a further Policy, Projects and Resources Committee.

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20 June 2017

Policy, Projects and Resources Committee

2016/17 Provisional Outturn and Annual Treasury Management Report

Report of: *John Chance, Finance Director*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

1.1 This report deals with the 2016/17 provisional outturn for:

- The General Fund - paragraph 3.
- Housing Revenue Account - paragraph 4.
- The Capital Programme - paragraph 5.

1.2 The report also considers the reserves and working balance levels.

1.3 The Council is also required by regulations issued under the Local Government Act 2003 to produce an Annual Treasury Management review of activities and the actual prudential and treasury indicators for 2016/17. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) - paragraph 6.

2. Recommendations

2.1 That the provisional outturn information for 2016/17 for the General Fund, shows a break-even position, and the HRA shows a surplus contained within this report, is approved.

2.2 That the capital programme carry forwards requested in Table 7 are approved.

2.3 That the Treasury Management activity and information for 2016/17 be noted.

3. General Fund - Provisional Outturn 2016/17

- 3.1 The General Fund provisional outturn shows a break-even position at year end for 2016/17.
- 3.2 The estimated outturn for the General Fund (as reported to Council in March 2017) was an over spend of £285k as at 31 March 2017, representing a draw down from the general fund working balance. Table 1 provides a summary of the actual spend for the General Fund compared to the estimated outturn.

Table 1 - 2016/17 General Fund Outturn

	2016/17 Estimated Outturn £'000	2016/17 Actual £'000	2016/17 Variance £'000
Vision for Brentwood Expenditure:			
Environment & Housing Management	2,972	2,856	(116)
Community & Health	3,055	2,978	(76)
Economic Development	(397)	(620)	(224)
Planning & Licensing	1,329	1,414	85
Transformation	2,437	2,568	131
Total Spend on Vision for Brentwood	9,396	9,196	(200)
Operating and Financing Charges	764	735	(29)
Appropriations	485	352	(133)
TOTAL SPENDING REQUIREMENT	10,645	10,283	(362)
Funding:			
Council Tax	(5,893)	(5,893)	0
Government Formula Grant	(710)	(710)	0
Business Rates Income	(1,431)	(1,223)	208
Collection Fund (Surplus)/Deficit	(432)	(432)	0
New Homes Bonus Grant	(1,622)	(1,625)	(4)
Other Government Grants	(273)	(400)	(127)
TOTAL COUNCIL FUNDING	(10,360)	(10,283)	77
Deficit / (Surplus) for the year	285	0	285

- 3.3 Table 2 outlines key variances within Vision for Brentwood service areas:

Table 2 - 2016/17 General Fund Key Variances

Budget	Over/ (Under spend) £'000	Explanation
Salaries Related	(90)	Vacant posts – mainly due to the Management Team
Premises Related	(60)	Under spends on Council Buildings due to the remodeling of the Town Hall.
Transport Related	(41)	Under spends on Fuel and Tyres
Supplies & Services - Purchases	(29)	Under spends on Bins and Sacks purchases
Supplies & Services - Equipment	(17)	Less maintenance on tools required at depot.
Supplies & Services - Professional Fees	80	Higher then estimated costs for Legal, Bailiff and Court Fees.
Supplies & Services - General	27	Higher costs anticipated for bank charges and disposal of waste
Supplies & Services - B&B Net costs	26	Net overspend on B&B charges for homelessness prevention.
Supplies & Services - Postage	(16)	Partnership of services have led to an additional saving in postage costs.
Supplies & Services - Communications	(64)	Under spends predominately from ICT services.
Supplies & Services - Subscriptions	(18)	Fewer subscriptions required this year mainly in Planning services.
Supplies & Services - Contracted Services	(44)	Mainly due to reduction in contract for internal audit for the prior year.
Fees & Charges - Planning	88	Income not reached Estimated position. but still favorable position from Budget
Fees & Charges - Building Control	(31)	Income higher than anticipated.
Fees & Charges - General	(27)	Income higher than anticipated. Mainly due to Cemeteries.
Fees & Charges - Special Collections	(12)	Income higher than anticipated.
Fees & Charges - Community Alarms	12	Income not reached estimated outturn.
General sales Income	12	Income not reached estimated outturn.
Misc – Minor Overspends	4	Few minor overspends from estimated outturn.
TOTAL VARIANCE on Vision for Brentwood	(200)	

General Fund Working Balance

- 3.4 The estimated working balance as at 31 March 2017 is £3.74 million which is £362k more than the anticipated level reported in March 2017.
- 3.5 This is due the General Fund funding gap of £285k reducing to a breakeven position, and the need to Earmark funds from working balances.
- 3.6 The financial position statement presented to members on 1 March 2017 has been revised to show 2016/17 outturn position and the closing working balances, which is shown in Appendix B.
- 3.7 The General Fund balance must continue to be managed so that it provides the flexibility to manage unexpected demands and pressures without destabilising the Council's overall financial position. The level of the working balance should provide a reasonable allowance for unquantifiable risks or one off exceptional items of expenditure that are not covered within existing budgets.
- 3.8 General guidance and practice amongst other authorities varies. Options include a percentage of Gross Operating Costs and a percentage of Net Spending Requirement to be maintained as a minimum. A minimum reserve level of £2.2 million was agreed at the March 2017 Council meeting. This figure was calculated on the risk assessment which was carried out by the Finance Department.
- 3.9 As part of the year end procedures the Council must review its Earmarked Reserves. These Reserves are required in order to comply with proper accounting practice, whilst others have been created to earmark resources for known or predicted liabilities.
- 3.10 The total value of General Fund Earmarked Reserves after any adjustments is around £5 million. A schedule of the Earmarked Reserves is attached as Appendix A to this report.

4 Housing Revenue Account (HRA) – Provisional Outturn 2016/17

4.1 The HRA outturn figure shows a projected surplus of £183k. The estimated forecast for the HRA (as reported to Council in March 2017) was a potential surplus of around £293k as at 31 March 2017. The variance reflects the conscious decision to investment in the Council's housing stock and a continuing commitment to increase the 'Council Dwellings Investment Fund' by £1 million.

4.2 Table 3 provides a summary of the actual spend on the Housing Revenue Account compared to the estimated outturn.

Table 3 – 2016/17 HRA Outturn

	2016/17 Estimated Outturn £'000	2016/17 Actual £'000	2016/17 Variance £'000
Expenditure:			
Repairs and Maintenance	2,317	2,048	(269)
Supervision and Management	2,764	2,785	21
Rents, Rates, Taxes and Other Charges	196	196	0
Share of Corporate Costs	433	419	(14)
Depreciation and Impairment	2,535	2,538	3
Movement in the Allowance for Bad Debts	84	40	(44)
TOTAL EXPENDITURE	8,329	8,026	(303)
Income:			
Dwelling Income	(12,188)	(11,993)	195
Non Dwelling Income	(533)	(484)	49
Charges for Services and Facilities	(859)	(856)	3
Contribution towards Expenditure	(240)	(213)	27
TOTAL INCOME	(13,820)	(13,546)	274
Net Cost of HRA Services	(5,491)	(5,520)	(29)
Interest and Debt Management	2,062	2,062	0
Interest & Investment Income	(35)	(63)	(28)
Other Operating and Financing Charges	1,990	2,341	351
Net Cost of HRA Services inc Operating Charges	(1,474)	(1,180)	294
Appropriations	1,181	997	(184)
Deficit / (Surplus) for HRA Services	(293)	(183)	110

- 4.3 Table 4 outlines the key variances for net cost of HRA services including operating charges:

Table 4 – HRA VARIANCES

Budget	(Under)/Over Spend £'000	Explanation
Repairs & Maintenance	(269)	Variations to contractual works.
Supervision & Management	20	Mainly due to CCTV SLA
Revenue Contributions to Capital	236	Contribution to fund capital spend, which was higher than expected.
Dwelling Income	245	Impact from RTB sales and also some properties were void for longer.
Contribution towards Expenditure	25	Reduction in Supporting people funding and insurance claim for work already carried out.
Increase to bad debt provision	(44)	Rent arrears on HRA properties have decreased. Therefore the provision against these arrears not being settled has been decreased.
Investment Interest	(28)	Return on cash invested at a higher rate than budgeted.
Payment to the Pension Fund	115	Actuary report contributions exceeded estimated outturn.
Other minor over/under spends	(6)	Various budgets, but mainly due to depreciation because of reconciliation of fixed assets within the year.
TOTAL VARIANCE	294	

HRA Working Balance

- 4.4 The impact of the provisional outturn means that the estimated working balance as at 31 March 2017 is around £1.4million.
- 4.5 The HRA working balance must continue to be managed so that it provides the flexibility to manage unexpected demands and pressures without destabilising the Council's overall financial position. The level of the working balance should provide a reasonable allowance for unquantifiable risks or one off exceptional items of expenditure that are not covered within existing budgets. The working balance can also be used to act as a source of pump priming investment and/or to deliver "invest to save" projects.

- 4.6 General guidance and practice amongst other authorities varies. Options include a percentage of total income, and a set value per Council Dwelling. However, individual risk assessments undertaken at a local level are considered best practice.

HRA Earmarked Reserves

- 4.7 In addition to the Working Balance, the HRA has reduced to 2 earmarked reserves. The total value of HRA Reserves is around £3 million. A schedule of the Earmarked Reserves is attached as Appendix A to this report.

5 Capital Programme – Provisional Outturn 2016/17

5.1 The projected forecast spend on the Capital Programme for 2016/17 is £5.790 million, compared to the budgeted capital programme of £12.404 million.

5.2 Table 5 shows details of the actual spend compared to the estimated outturn (as reported to Council in March 2017) and the current budget for the capital programme.

Table 5 – 2016/17 Capital Outturn

	2016/17 Current Budget	2016/17 Estimated Outturn	2016/17 Actual	2016/17 Variance
	£'000	£'000	£'000	£'000
Details of Expenditure:				
Environment & Housing Management	8,309	4,397	4,123	(4,186)
Community & Health	288	210	196	(92)
Economic Development	1,718	185	244	(1,474)
Transformation	2,088	1,216	1,227	(861)
TOTAL EXPENDITURE FOR VISION FOR BRENTWOOD	12,404	6,008	5,790	(6,614)
Funded by:				
Capital Receipts	5,468	2,745	2,409	(3,059)
Government Grants	120	106	184	(64)
Housing Revenue Account Business Plan	2,318	2,527	2,158	(160)
Contributions from Revenue	3,852	390	644	(3,208)
Section 106	0	84	127	127
Retained HRA Receipts	646	156	268	(378)
TOTAL FUNDING	12,404	6,008	5,790	(6,614)

5.3 The Capital Programme for 2016/17 has been fully funded without the need for additional borrowing.

5.4 Table 6 outlines the variance for each individual capital scheme and an analysis to whether it should be carried forward into 2017/18.

Table 6 – 2016/17 Capital Scheme Variances

Capital Scheme	2016/17 Variance £'000	Explanation of variance
Environment & Housing:		
HRA Decent Homes Schemes	(2,505)	Ongoing works and part will be required to carry forward to 17/18
New Homes Build (HRA)	(1,259)	Ongoing works and will be required to carry forward to 17/18
Home Repair Assistance Grant	(30)	Fewer number of repairs and facilities required. Project based on demand.
Disabled Facilities Grant	(66)	Fewer number of repairs and facilities required. Project based on demand.
Vehicle & Plant Replacement Programme	(319)	Under spend required for waste transfer station (now waste holding facility) as per committee agreement.
Cemetery Headstones	(12)	Delays in contractors meant that the full provision could not be met, but will be resolved in 2017/18
Parking Bays at Woodman Road Cemetery	0	Project Complete
Unauthorised Caravan Defences	(21)	Project Complete
Fairfield Development	28	Project funded by Section 106 monies
Economic Development:		
Parking Scheme at Brentwood & Shenfield	(546)	On hold due to parking strategy. Any further funding or decisions to go back to committee. Carry forward not required.
MSCP	(851)	On hold due to parking strategy. Any further funding or decisions to go back to committee. Carry forward not required.
Car Park Improvements	(38)	Budget not fully required. Ongoing provision already available in 2017/18
Renaissance Group	(39)	No budget available for 2017/18. So carry forward required for new year.
Community & Health:		
CCTV System Upgrade	8	Cost of cameras exceeded budget. Slight overspend was expected.
Play Area Refurbishments	(70)	Refurbishments on hold for all play provisions. Carry forward required.
Irritation to Golf Course	(30)	Tender exercise has been carried out. Evaluation and instruction still required to complete project
Mascals Park	99	Project funded by Section 106 monies
Leisure Strategy	(100)	On hold. Any further funding or decisions to go back to committee. No carry forward required.

Transformation:		
Town Hall Remodelling	(724)	Ongoing project for 2017/18.
Asset Improvements	(84)	Budget not fully required. Ongoing provision already available in 2017/18
ICT Strategy	(13)	Existing Budget available for 2017/18
CRM Project	(42)	Project not yet complete as approved late in 2016/17
PCI Compliance	(10)	Project not yet complete as approved late in 2016/17
GF Acquisitions	0	Properties purchased. Project complete.
Software Licences	10	Cost of licences not originally budgeted for in the capital program.
TOTAL VARIANCE FOR VISION FOR BRENTWOOD	6,614	

5.5 Due to the under spends on some of the variances above, budget holders have requested various schemes to be carried forward into 2017/18. Senior officers have reviewed these requests along with the above variances and have made decisions on which schemes should be carried forward.

5.6 Table 7 shows a complete summary of the capital schemes that have been started and are not yet complete and are therefore requested to be carried forward to 2017/18.

Table 7 – 2016/17 Capital Scheme Carry Forwards into 2017/18

Scheme	Amount to carry forward £'000
Garage site development	1,259
HRA Decent Homes	969
Play Area Refurbishments	70
Irrigation to Golf Course	30
Cemetery Headstones	13
Vehicle Replacement Programme	319
CRM Project	41
PCI compliance Project	10
Town Hall Remodeling	724
Renaissance Group	39
TOTAL AMOUNT TO CARRY FORWARD	3,474

6. Annual Treasury Management Report 2016/17

- 6.1 On 2 March 2016 Council approved the Annual Treasury Strategy for 2016/17. This report compares the treasury activity for 2016/17 against the annual strategy.

Introduction and Background

- 6.2 The regulatory environment places responsibility to Members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 6.3 The Council confirms that it has complied with the requirement under the Code to give prior scrutiny to the treasury management reports by the Policy, Finance and Resources Committee before they are reported to Full Council.
- 6.4 This report summarises:
- Capital activity during the year;
 - Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
 - Reporting of the required prudential and treasury indicators;
 - Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
 - Detailed debt activity; and
 - Detailed investment activity.

The Council's Capital Expenditure and Financing 2016/17

- 6.5 The Council undertakes capital expenditure on long-term assets. These activities may either be:
- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc), which has no resultant impact on the Council's borrowing need;
Or
 - If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.
- 6.6 The actual capital expenditure for the year is one of the prudential indicators that the Council is required to report. This requirement is met by Table 5, which shows the actual capital expenditure and how this was financed.

The Council's Overall Borrowing Need

- 6.7 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's debt position. It represents 2016/17 and prior year's capital expenditure which has not yet been paid for by revenue or other resources.
- 6.8 Under treasury management arrangements, actual debt can be borrowed or repaid at any time within the confines of the annual treasury strategy. However, the Council is required to make an annual revenue charge to reduce the General Fund element of the CFR. There is no statutory requirement to reduce the HRA element of the CFR.
- 6.9 This statutory revenue charge is called the Minimum Revenue Provision (MRP). The total CFR can also be reduced by:
- The application of additional capital resources (such as unapplied capital receipts);
Or
 - Charging more than the statutory revenue charge (MRP amount) each year through an additional Voluntary Revenue Provision (VRP) from either the HRA or General Fund.

- 6.10 The Council's CFR at the year end is shown in Table 8, and represents a key prudential indicator.

Table 8: Capital Financing Requirement

	31-Mar-16 Actual £'000	31-Mar-17 Forecast £'000	31-Mar-17 Actual £'000
CFR – General Fund	7,923	7,923	11,166
CFR – HRA	66,847	65,347	62,091
Total CFR	74,770	73,270	73,257

- 6.11 Borrowing activity is constrained by prudential indicators for gross borrowing and the CFR, and by the authorised limit, as set out later in this report.

The Council's Treasury Position at the Year End

- 6.12 The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities.

- 6.13 The treasury position as at 31 March 2017 compared with the previous year is shown in Table 9:

Table 9: Year End Treasury Position

	31 March 2016		31 March 2017	
	Principal £000	Average Rate	Principal £000	Average Rate
Fixed Interest Rate Debt	2,000	7.54%	2,000	7.54%
HRA Subsidy Reform	64,166	2.82%	59,166	3.10%
Short Term Borrowing	0		3,000	0.30%
Total External Debt	66,166		64,166	
CFR – General Fund	7,923		11,166	
CFR – HRA	66,847		62,091	
Total Capital Financing Requirement	74,770		73,257	
Under Borrowing	(8,604)		(9,091)	
Investments				
Short-term deposits with banks & building societies	9,300	0.60%	17,000	0.39%
Total Investments	9,300		17,000	
Net Borrowing Position	56,866		47,166	

Debt decisions taken during 2016/17

- 6.14 Table 10 summarises the long term loans held at 31 March 2017. No additional long term borrowing was taken out during the year. These loans are all maturity, fixed interest rates.

Table 10: Schedule Of Outstanding Loans at 31 March 2017

Repayment Date	Period of Loan (Years)	Interest Rate	Amount Outstanding £000
28/03/2022	10	2.40%	5,000
28/03/2027	15	3.01%	10,000
08/01/2028	25	4.88%	400
28/03/2032	20	3.30%	15,000
28/03/2037	25	3.44%	15,000
28/03/2042	30	3.50%	14,166
24/02/2055	60	8.88%	800
30/04/2055	60	8.88%	800
Total			61,166

- 6.15 **Short Term Borrowing** – the £3.000m short-term borrowing was borrowed on 31 March and repaid on 3 April 2017. The lender was Uttlesford District Council.
- 6.16 **Debt Re-scheduling** – all of the Council's long term borrowing is with the Public Works Loans Board (PWLB). Due to changes made by the PWLB in the way in which it calculates the premiums and discounts on premature loan repayments, it has become more expensive to undertake any debt rescheduling. Consequently no debt rescheduling opportunities were undertaken during the year.

Investment decisions taken during 2016/17

- 6.17 **Investment Policy** – the Council's Treasury Management Strategy Statement was approved by Full Council on 1 March 2016. The investment activity during the year conformed to the approved strategy.
- 6.18 **Major Transactions** – the Council did not undertake any long term investments during 2016/17.

- 6.19 **Investments held by the Council** – Table 11 details the investments held by the Council at 31 March 2017.

Table 11: Schedule Of Outstanding Investments at 31 March 2017

Start date	Maturity date	Invested with	Interest Rate	Amount £000
<u>Call accounts</u>				
		Lloyds Bank plc	0.15%	1,500
		Santander UK Plc	0.65%	1,500
<u>Fixed term deposits</u>				
03/10/2016	03/04/2017	Thurrock Council	0.26%	1,000
04/04/2016	04/04/2017	Lloyds Bank plc	0.97%	1,000
06/01/2017	06/04/2017	Leeds City Council	0.27%	1,000
13/01/2017	13/04/2017	Dumfries & Galloway Council	0.25%	1,000
18/10/2016	18/04/2017	Highland Council	0.27%	1,000
04/10/2016	04/05/2017	Thurrock Council	0.27%	1,000
14/10/2016	01/06/2017	Leeds City Council	0.27%	1,000
03/01/2017	09/06/2017	Santander	0.41%	1,000
01/12/2016	16/06/2017	Salford City Council	0.30%	1,000
04/01/2017	04/07/2017	Nationwide Building Society	0.42%	2,000
04/01/2017	14/07/2017	Lloyds Bank	0.60%	1,000
05/12/2016	05/09/2017	Leeds City Council	0.34%	1,000
21/12/2016	20/12/2017	Salford City Council	0.42%	1,000
Total				17,000

Prudential Indicators and Compliance Issues

- 6.20 The Council is required by the Prudential Code to report the actual prudential indicators after the year end. These indicators provide either an overview or a limit on treasury activity.
- 6.21 **The Capital Financing Requirement (CFR)** – shows the Council's underlying need to borrow for capital purposes and should only increase in relation to capital expenditure that is not met from the Council's own resources, i.e. it is unfinanced. External borrowing should not exceed the CFR except in the short term under exceptional circumstances. Any

borrowing in excess of the CFR would be deemed to be for revenue purpose, which is not allowed. This indicator aims to show that gross borrowing does not exceed the CFR. The gross borrowing position is the sum of external debt and finance lease liabilities. Table 12 demonstrates that the Council has complied with this requirement.

Table 12: Gross Borrowing and CFR Position

	31 March 2016	31 March 2017
	Actual	Actual
	£000	£000
Gross borrowing position	66,166	64,166
Capital Financing Requirement	74,770	73,257

The Authorised Limit – this is the “affordable borrowing limit” required by Section 3 of the Local Government Act 2003. This represents a limit beyond which external debt is prohibited. The limit is set or revised by the Full Council. The table below demonstrates that during 2016/17 the Council has maintained gross borrowing within this limit.

- 6.22 **The Operational Boundary** – this is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.
- 6.23 **Actual financing costs as a proportion of net revenue stream** – this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

Table 13: Other Prudential Indicators

	2015/16
	£000
Authorised limit for external debt	78,271
Operational boundary for external debt	75,271
HRA Debt Limit	72,587
Financing costs as a proportion of net revenue stream:	
Non- HRA	1.07%
HRA	15.22%

- 6.24 The Council has complied with all of the above relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for

Treasury Management means that its capital expenditure is prudent, affordable and sustainable, and its treasury practices demonstrate a low risk approach.

- 6.25 The Council is aware of the risks of passive management of the treasury portfolio (reduced investment income, counterparty risk etc) and, with the support of Capita Asset Services the Council's Treasury Management Advisers, has proactively managed the debt and investments over the year by continually reviewing market conditions, appraising investment and debt rescheduling opportunities and assessing their effects on the Council's balance sheet.
- 6.26 There is little risk of volatility of costs in the current debt portfolio as the interest rates are fixed, utilising long-term loans.
- 6.27 Shorter-term variable rates and likely future movements in these rates predominantly determine the Council's investment return. These returns can therefore be volatile and, whilst the risk of loss of principal is minimised through the annual investment strategy, accurately forecasting future returns can be difficult and will continue to impact on the revenue accounts.

5 References to Corporate Plan

- 5.4 Good financial management underpins all priorities within the Corporate Plan.

6 Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Financial Services Manager
Tel & Email 01277 312829 / Jacqueline.Van.Mellaerts@brentwood.gov.uk

- 6.4 The financial implications are set out in the report.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer
Tel & Email 01277 312860 / Daniel.toohey@brentwood.gov.uk

- 6.5 The Council is obliged under Section 151 of the Local Government Act 1972 to make proper arrangements for the management of its financial affairs.

7 Background Papers

7.1 1 March 2017 Council – Medium Term Financial Plan 2017/18 – 2019/20

8 Appendices to this report

8.1 Appendix A – Earmarked Reserves
Appendix B – Position Tables

Report Author Contact Details:

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Appendix A

Earmarked Reserves at 31 March 2017

	Balance at 31 March 2016 £'000	Transferred In/(Out) £'000	Balance at 31 March 2017 £'000
<i>General Fund</i>			
Asset Management	118	47	165
Brentwood Community Fund	9	-	9
Brentwood Community Hospital	45	-	45
Building Control	74	9	83
Civic Dinner	2	-	2
Community Alarms	291	-	291
Community Rights	46	(8)	38
Duchess Of Kent/Nightingale	338	(4)	334
Dunton Hills Development	0	229	229
Economic Development	25	15	40
Electoral Registration	43	-	43
Funding Volatility	462	260	722
Health & Wellbeing	0	26	26
Housing Benefit Subsidy Clawback	0	150	150
Land at Hanover House	16	-	16
Neighbourhood Plan	26	-	26
New Burdens Grant	12	(12)	0
Organisational Transformation	775	879	1,654
Pension Fund	0	177	177
Planning Delivery Grant	208	19	227
Preventing Homelessness	38	-	38
Public Consultation	5	-	5
Waste Management	0	636	636
TOTAL – GENERAL FUND	2,533	2,423	4,957
<i>Housing Revenue Account</i>			
Council Dwellings Investment Fund	1,500	1,000	2,500
Repairs & Maintenance Reserve	400	-	400
Resident Involvement Training Expenses	3	(3)	0
TOTAL – HOUSING REVENUE ACCOUNT	1,903	997	2,900

Financial Position Statement

Table 1A – Summary of funding position reported 4 March 2015.

	2015/16	2016/17	2017/18	2018/19	2019/20
	£'000	£'000	£'000	£'000	£'000
Funding Gap	697	878	1,164	-	-
Working Balance c/fwd	3,447	1,919	755	-	-

Table 1B – Summary of funding position reported 2 March 2016.

	2015/16 Estimated Outturn £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000
Funding Gap	200	1,291	2,323	3,391	-
Working Balance c/fwd	3,961	2,370	(303)	(3,694)	-

Table 1C – Summary of funding position for 2016/17 Outturn.

	2015/16 Outturn £'000	2016/17 Outturn £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000
Funding Gap	194	0	283	1,537	2,044
Earmarked spend on Balances	292	223	468	71	-
Working Balance c/fwd	3,965	3,742	2,991	1,383	(661)

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Policy

To undertake and discharge any functions in relation to strategic policies including periodic reviews of the policy framework adopted by full Council from time to time except where required by law to be undertaken elsewhere.

Finance

- 1) Financial Services
- 2) Contracts, commissioning, procurement
- 3) Legal services
- 4) Health and safety at work (in so far as it relates to the Council as an employer)
- 5) Corporate communications and media protocols
- 6) Corporate and Democratic services
- 7) Member Development
- 8) Data quality
- 9) Human resources
- 10) Information Communication Technology
- 11) Revenues and Benefits
- 12) Customer Services
- 13) Assets (strategically)

2. Overall responsibility for monitoring Council performance
3. To formulate and develop relevant corporate policy documents and strategies including the Corporate Plan.
4. To formulate the budget proposals in accordance with the Budget and Policy Framework, including capital and revenue spending, and the Housing Revenue Account Business Plan (including rent setting for Council homes), in accordance with the Council's priorities and make recommendations to Council for approval.
5. To formulate the Council's Borrowing and Investment Strategy and make recommendations to Council for approval.
6. To take decisions on spending within the annual budget to ensure delivery of the Council's priorities.
7. To approve the making of a virement or payment from the Council's reserves with a maximum value of £200,000.
8. To approve the write off of any outstanding debt owed to the Council above the delegated limit of £5,000.
9. To determine capital grant applications.
10. To make recommendations on the allocation and use of resources to achieve the council's priorities.
11. To manage and monitor the Council approved budgets.
12. To provide the lead on partnership working including the joint delivery of services.
13. To consider any staffing matters that are not delegated to Officers, such as proposals that are not contained within existing budgetary provision.
14. To strategically manage any lands or property of the council and provide strategic property advice relating to the council's Housing Stock and without prejudice to the generality of this, to specifically undertake the following.

The Council's Asset Management Plan

- (a) The acquisition and disposal of land and property and taking of leases, licenses, dedications and easements.
- (b) The granting variation renewal review management and termination of leases, licenses, dedications and easements.

- (c) Promoting the use of Council owned assets by the local community and other interested parties.
 - (d) To manage any lands or property of the Council;
 - (e) To include properties within the council's Asset Management Portfolio including Halls etc.
 - (f) To take a strategic approach to asset management, ensuring that the use of all of the Council's Property assets achieves Value for Money and supports the achievement of the Council's corporate priorities.
 - (g) To review the corporate Asset Management Plan annually.
 - (h) The acquisition of land in advance of requirements for the benefit, improvement or development of the Borough.
 - (i) Disposal of land surplus to the requirements of a committee.
 - (j) Appropriation of land surplus to the requirements of a committee.
 - (k) Promote the use of Council owned assets by the local community and other interested parties where appropriate.
 - (l) Property and asset management, including acquisitions and disposals not included in the approved Asset Management Plan.
 - (m) To take a strategic approach to commercial activity, both existing and new, ensuring the Council realises revenue generation opportunities and supports the achievement of the Council's corporate priorities.
 - (n) Promoting a culture of entrepreneurialism and building the required skills and capacity.
 - (o) To consider and approve business cases and commercial business plans for commercial activity.
15. To consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

Economic Development

- (a) To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countryside or regional economic development initiatives.

- (b) To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- (c) To develop climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- (d) To encourage the growth of existing businesses in the borough and access to the skills and training necessary to support them.
- (e) To develop and deliver a Borough wide initiative on apprenticeships.
- (f) To consider and determine matters relating to the promotion, maintenance and enhancement of the vitality and viability of shopping centres within the Borough.
- (g) To consult with the Chamber of Commerce, Federation of Small Businesses, residents and other interested third parties.
- (h) To maintain a special interest in promoting employment in the Borough.
- (i) To promote and encourage tourism and heritage.
- (j) Parking (off street parking provision in Council owned/leased off-street parking places).
- (k) Crossrail
- 16. To review and facilitate the transformation of delivery of services.

Transformation

- (a) To approve and facilitate the transformation of delivery of services.

Projects

- (a) To identify, monitor and oversee the implementation of major Corporate projects.
- (b) To advise the Corporate Projects Scrutiny Committee of the major Corporate projects that require scrutiny in 2017/18.