



Date: 17 September 2018
Our ref: Executive Scrutiny Panel/Agenda
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EXECUTIVE, POLICY & COMMUNITY SAFETY SCRUTINY PANEL

27 SEPTEMBER 2018

A meeting of the Executive, Policy & Community Safety Scrutiny Panel will be held at **7.00 pm on Thursday, 27 September 2018** in the Council Chamber - Council Offices.

Membership:

Councillor G Coleman-Cooke (Chairman); Councillors: Curran (Vice-Chairman), Bambridge, Campbell, Dixon, L Potts, Rusiecki and Wright

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS**
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached at the back of this agenda. If a Member declares an interest, they should complete that form and hand it to the officer clerking the meeting and then take the prescribed course of action.
3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)
To approve the Minutes of the Executive, Policy & Community Safety Scrutiny Panel meeting held on 31 July 2018, copy attached.
4. **ASSET MANAGEMENT - THANET MUSEUMS** (Pages 5 - 20)
5. **FOOD LAW SERVICE PLAN AND ENFORCEMENT POLICY** (Pages 21 - 68)
6. **REVIEW OF EXECUTIVE SCRUTINY PANEL WORK PROGRAMME FOR 2018/19**
(Pages 69 - 74)
7. **FORWARD PLAN AND EXEMPT CABINET REPORT LIST FOR PERIOD 12 SEPTEMBER 2018 - 28 FEBRUARY 2019** (Pages 75 - 84)

Declaration of Interest form - back of agenda

Item
No

Subject



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EXECUTIVE, POLICY & COMMUNITY SAFETY SCRUTINY PANEL

Minutes of the meeting held on 31 July 2018 at 7.00 pm in the Council Chamber - Council Offices.

Present: Councillor Glenn Coleman-Cooke (Chairman); Councillors Ashbee, Bambridge, Campbell, Curran, Dixon and Rusiecki

In Attendance: Councillor K Coleman-Cooke

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Linda Potts.

8. DECLARATION OF INTERESTS

There were no declarations received at the meeting.

9. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Ashbee seconded and Members agreed the minutes to be a correct record of the meeting that was held on 30 May 2018.

10. MINUTES OF EXTRAORDINARY MEETING

Councillor Bambridge proposed, Councillor Ashbee seconded and Members agreed the minutes to be a correct record of the extraordinary meeting that was held on 11 July 2018.

11. ESTABLISH THE WORK PROGRAMME FOR 2018/19

Members acknowledged that the matter regarding the QEQM Hospital which had been on the previous Panel's watching brief was currently being shadowed by the QEQM Cabinet Advisory Group.

They then requested that Cabinet provide an update to the Panel on progress to date. Mr Hughes, Committee Services Manager agreed to forward the request to the appropriate portfolio holder through senior management.

The Panel also requested that a progress report be presented on the performance of the Public Spaces Protection Order No. 3 (Anti-Social Behaviour) (PSPO) after a six months implementation period. Members requested that the Order be reviewed at the Panel meeting on 31 January 2019.

Mr Hughes advised Members that they would also be consulted by officers on a Policy Framework matter regarding the proposed 'Food Law Service Plan and Enforcement Policy.' The report would be brought to the 27 September meeting, before it is forward to Cabinet and then Council.

The Panel also confirmed that they would consider the report on 'Crime Statistics in Thanet' at the September meeting.

Subject to the additions made as highlighted above, Members agreed the work programme for 2018/19.

12. **FORWARD PLAN AND EXEMPT CABINET REPORT LIST FOR PERIOD 11 JULY 2018 - 31 DECEMBER 2018**

Councillor Campbell proposed, Councillor Rusiecki seconded and the Panel agreed that the report on the 'Asset Management – The Museums;' be presented to the 27 September 2018 meeting of the Panel.

Members further noted the report.

Meeting concluded: 7.10 pm

Asset Strategy - Thanet Museums
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Executive, Policy & Community Safety Scrutiny Panel	27 September 2018
Report Author	Tim Howes, Director of Corporate Governance
Portfolio Holder:	Councillor Gregory, Cabinet Member for Financial Services & Estates:
Status:	For recommendation
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All

Executive Summary:

Museums support society, their collections provide educational and wellbeing benefits set in an environment of culture and heritage. The museum environment should be one where the climate facilitates good custodianship of the collections, be welcoming and safe for people, one which stimulates learning and the experience leaves the visitors feeling positive about the visit, encouraging new and repeat footfall to the area. Done well, museums stimulate economic development and regeneration.

The Council owns and operates two museums (and associated properties). A review of the condition of these museums has identified a significant backlog of repairs and, with a climate of reduced public funding, consideration has to be given to finding alternative ways to continue to support museum provision in the future.

This report provides information about the current situation and asks Cabinet to authorise officers to look for alternative options that will ensure a sustainable museum presence in Margate and Broadstairs.

Recommendation(s):

The Executive, Policy & Community Safety Scrutiny Panel is asked to comment on the proposals and recommendations to Cabinet in the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	The asset team must work with finance to clarify the VAT position and ensure that all costs involved in a transfer are identified as part of the marketing to ensure costs are recovered as part of any transfer. The Medium Term Financial Strategy documents capital and revenue expenditure, this action is required to ensure there are no unplanned costs incurred which may impact the MTFs.
Legal	Legal advice will be provided as part of the transfer.
Corporate	Supporting neighbourhoods and promoting inward investment are drivers behind the need to protect the museums and heritage properties. Without action these will close. There are risks involved in transfer, these risks will

	<p>be managed and mitigated through this process. The Communications team will be actively involved in promoting the opportunities and liaising with members of the public and press throughout the process.</p>								
<p>Equality Act 2010 & Public Sector Equality Duty</p>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (Section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">X</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">X</td> </tr> </table> <p>The changes recommended in this report will protect the values for inclusive museum facilities.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X	Foster good relations between people who share a protected characteristic and people who do not share it.	X
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X								
Foster good relations between people who share a protected characteristic and people who do not share it.	X								

CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	X
Promoting inward investment and job creation	X
Supporting neighbourhoods	X

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	X
Supporting the Workforce	X
Promoting open communications	X

1.0 Introduction and Background

1.1 Local Authority owned museum provision, those not subject to a leasehold interest, remain with the local authority to set the strategy, engage with and/or employ staff to run the museum, finance the operations and invest in the premises and services.

1.2 There is much documented about the importance museums have on supporting different areas of society and this provision should continue wherever possible within Thanet. Thanet Council therefore maintains a commitment to support museums for benefits including:-

- Promotion of cultural cohesion.
- They support learning and local education.
- Promotion of wellbeing benefits, particularly mental health.
- Offer heritage facilities to promote place and a sense of belonging to a community.
- For visitor enjoyment, including yielding tourism benefits.

1.3 Driven by a desire to improve the experience and service to the public, together with a reflection of the current funding constraints and understanding of the technical

expertise required to run a viable museums, Thanet Council has reviewed their owned and operated museums (and associated properties) with a view to understanding how sustainable the current operating models are.

1.4 The review concluded that the current ownership and operating models are no longer sustainable and with reduced resources and funding, there is no option other than to look for alternative models of custodianship and delivery of these museums.

2.0 The Current Situation

2.1 The Council owned and operated museums and associated premises of review are:-

- Dickens House, Broadstairs
- Margate Museum, Margate
- Tudor House, Margate
- Old Town Hall, Margate.

2.2 Thanet Council has been fortunate to have the ongoing support of both staff, volunteers and community organisations who diligently protect and promote the museums, the volunteers often giving their time free of charge to support the museums and to share the heritage of the local area. This support is gratefully received.

2.3 However, a review of the assets themselves has identified substantial capital investment is required if they are to remain open and operational. The premises were surveyed in March 2014 to get an understanding of the condition and identify areas requiring repair. This was a contributing factor in the Old Town Hall being closed due to health and safety concerns. Unfortunately, funding has not been available to undertake the works identified in 2014, and therefore a repeat survey was commissioned towards the end of 2017 to identify the current situation.

2.4 The table below shows the results of the condition surveys (all figures exclude VAT):-

Property	Condition Survey March 2014	Condition Survey November 2017	Approximate Increase in costs in the three year period
Margate Museum and Town Hall	£651,555	£911,400	40%
Tudor House	£164,450	£215,250	31%
Dickens House Museum	£153,710	£210,450	37%

2.5 The asset team have identified the most urgent works to ensure that the properties that are open remain so, although Margate Town Hall has been closed for several years due to the risks associated with significant use.

2.6 This decline in condition of these assets will continue without substantial investment. (Note that the costs identified are baseline costs based on visual inspections, they do not include work for alterations, improvements or contingencies and would be subject to tender).

2.7 Operational budgets for this financial year show that Dickens House has a small surplus of £2160 per annum, Margate Town Hall and Museum a revenue cost of £18,000 per annum and Tudor House £5940 per annum. Sopers Yard has no

revenue budget. The revenue budgets do not have an allowance for the investment required.

- 2.8 Without significant investment, it is likely that the premises will be closed in the medium term. This is not a desirable outcome for anyone.
- 2.9 Closed premises incur costs for the Council, boarded premises attract vandalism and antisocial behaviour and insurers would want assurance that the artefacts and premises were adequately secured which would mean neither the property nor collections would be available for public enjoyment.
- 2.10 The above considers the costs of the fabric of the buildings, it should be remembered that the museums must evolve if they are to remain attractive to all generations, they require sophisticated strategies and operations to remain viable, this expertise is outside of the scope of the local authority resources.
- 2.11 Towards the end of last year a number of strategic reviews of museums were published. These culminated in a widely agreed recognition that funding is a problem, particularly for local authorities and in response to these pressures many local authorities are now looking for alternative ways to provide museums in their areas.
- 2.12 One of these reviews, the Mendoza Review, noted funding challenges and commented:-

“Local Authorities that are no longer able or willing to support their museums should try to find alternative sustainable futures for them, including considering whether they would better fulfil their functions outside the council”

Since this review a £4 million DCMS/Wofson Museums and Galleries Improvement fund has been launched, but local authorities are not able to apply for this funding instead preference is given to established museums and galleries. This seems to confirm the trend for supporting qualifying organisations rather than local authorities.

- 2.13 The Council led review of the museums concluded that Thanet Council is no longer able to financially support the museums and therefore must try to find alternative sustainable futures.
- 2.14 Therefore the suggested way forward is below.

2.15 Margate Museum and Dickens House

- 2.15.1 It is proposed that these two properties are retained primarily as museums (but that there is some scope for ancillary trading activities that support the museum objectives) and advertised as a going concern to be transferred to existing charitable bodies or other appropriate community organisation as defined in the Community Asset Transfer Policy.
- 2.15.2 Note that the volunteers are being consulted at an early stage in this process with a view to retaining their ongoing support at these museums. All those who have had discussions so far with the council are in support of the strategic change.
- 2.15.3 A staff consultation process has begun with the employee of Dickens House to give the assurance that the transfer will be as a going concern.

2.16 Margate Town Hall

- 2.16.1 It is proposed that this premises is marketed for commercial opportunities for the vacant areas of the ground floor, but with interested parties incorporating ideas to accommodate the Charter Trustees on the upper floor. Note that the existing leasehold interest on the lower ground floor will be unaffected by the transfer.

2.17 Tudor House

It is proposed that the Tudor House is marketed for a use that supports investment into the premises, promotes the heritage and ensures it remains used by members of the public.

2.18 Proposed approach

- 2.18.1 A marketing team to include the heritage advisor, will convene to collate information into a data pack which is required for marketing of the sites. Regular updates will be provided to the Portfolio Holder. The proposed process is:-

2.18.2 Stage 1 – pre marketing

Collation of information into data packs, containing key opportunities and constraints including planning, legal, contractual, building fabric potential, user information, staff and volunteer data (only data permissible under employment law and GDPR), artefact information (where relevant) and operational data pulled together for marketing purposes.

2.18.3 Stage 2 – Marketing/Expressions of Interest

Market the opportunity through appropriate channels during the early Spring of 2020. Marketing includes advertising and approaches for support through English Heritage, Heritage Lottery Fund, Arts Council England, Association of Independent Museums and other independent museum trusts.

During this stage there would comprise requests for expressions of Interest, with bidders invited to submit their proposals by a defined date. The detail required from bidders would include identifying the nature of the proposed use, they would be required to provide information demonstrating experience and financial ability to deliver the outcomes within a reasonable timeframe. The purpose is to identify the most realistic and attractive use for the site.

Please note that the properties are being marketed independently from each other. This does not prevent an organisation expressing an interest in more than one opportunity but will allow for greater flexibility for the Council to consider all applications.

2.18.4 Stage 3 - Shortlisted Proposals

Provided a sufficient number of expressions are received a short list of parties would be asked to meet with officers to review their proposals giving both parties the opportunity to ask questions and where relevant they would be requested to submit a final offer.

It is expected that the Portfolio Holder for Estates and Finance, the Lead Director together with officers from Community Services, Heritage, Tourism, Finance and Asset Management will form part of the panel of review of the final offers submitted.

2.18.5 Stage 4 - Contractual Recommendation

With a preferred party chosen for each opportunity a recommendation will be made by the panel, to Cabinet for approval. Should there be no clear credible opportunity to transfer these facilities a summary will also be included in the Cabinet report with a recommendation made on the way forward.

- 2.19 There would be marketing, legal and estates fees involved in completing these changes, at this stage these costs are not known. However, these costs would be expected to be covered by the successful bidder, with their final offer reflecting these outgoings. The costs will be quantified and published as part of the marketing of the opportunity.
- 2.20 The timeframe to bring this back to Cabinet will be at least six months, but this will be confirmed. Whilst the timeframe is fairly lengthy, it is in recognition that there is a considerable amount of work to be done to prepare the marketing and the opportunities must be widely marketed to adhere to property and procurement laws.

3.0 Options

- 3.1 To close the two museums and remove the artefacts loaning them to museums already devolved from the Council. This is not recommended as a first choice for the Council as it would not support the visitor experience of enjoying the collections within the area they were designed to promote.
- 3.2 For the council to consider offering a joint venture with an established museum, but as mentioned earlier in this report there is no expertise available in the council to do this, nor ongoing financial support to bring to the partnership.
- 3.3 The preferred and recommended options is that:
Dickens House, Broadstairs and Margate Museum, Margate - market both opportunities as a going concern (ie the premises, collections, staff and support of the volunteers) through appropriate channels for transfer to independent charities or other appropriate community organisation as defined in the Community Asset Transfer Policy and

Tudor House, Margate – market opportunities to transfer the premises to a use that demonstrates credible investment, will continue to support the heritage of the area and use of the asset by members of the public and

Margate Town Hall - market opportunities for the property including the existing leasehold interests remaining, to a credible use but incorporating ideas for the Margate Charter Trustees to have some space retained for their public functions. The existing leasehold interest on the ground floor will not be affected by the transfer.

4.0 Recommendations to Cabinet for comment by the Panel

That Cabinet authorises officers to:-

- (1) Dickens House, Broadstairs and Margate Museum, Margate - to market both opportunities as a going concern (i.e. the premises, collections and where relevant staff) through appropriate channels for transfer to independent charities or other

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appropriate community organisation as defined in the Community Asset Transfer Policy and

- (2) Tudor House, Margate – market opportunities through appropriate channels to transfer the premises to a use that demonstrates credible investment will be achievable in a reasonable timeframe and the use will continue to support the heritage of the area and use of the asset by members of the public and
- (3) Margate Town Hall, Margate – market opportunities for the property through appropriate channels to transfer to a use that demonstrates credible investment but with the caveat that the Margate Charter Trustees will be granted space for their public functions. The existing leasehold interest on the ground floor will not be affected by the transfer.

Contact Officer:	Edwina Crowley, Head of Asset Management
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	Dickens House - Indicative Plan showing extent of property
Annex 2	OT Hall - Indicative Plan showing extent of property
Annex 3	OT Hall Museum - Indicative Plan showing extent of property
Annex 4	Tudor House Margate - Indicative Plan showing extent of property

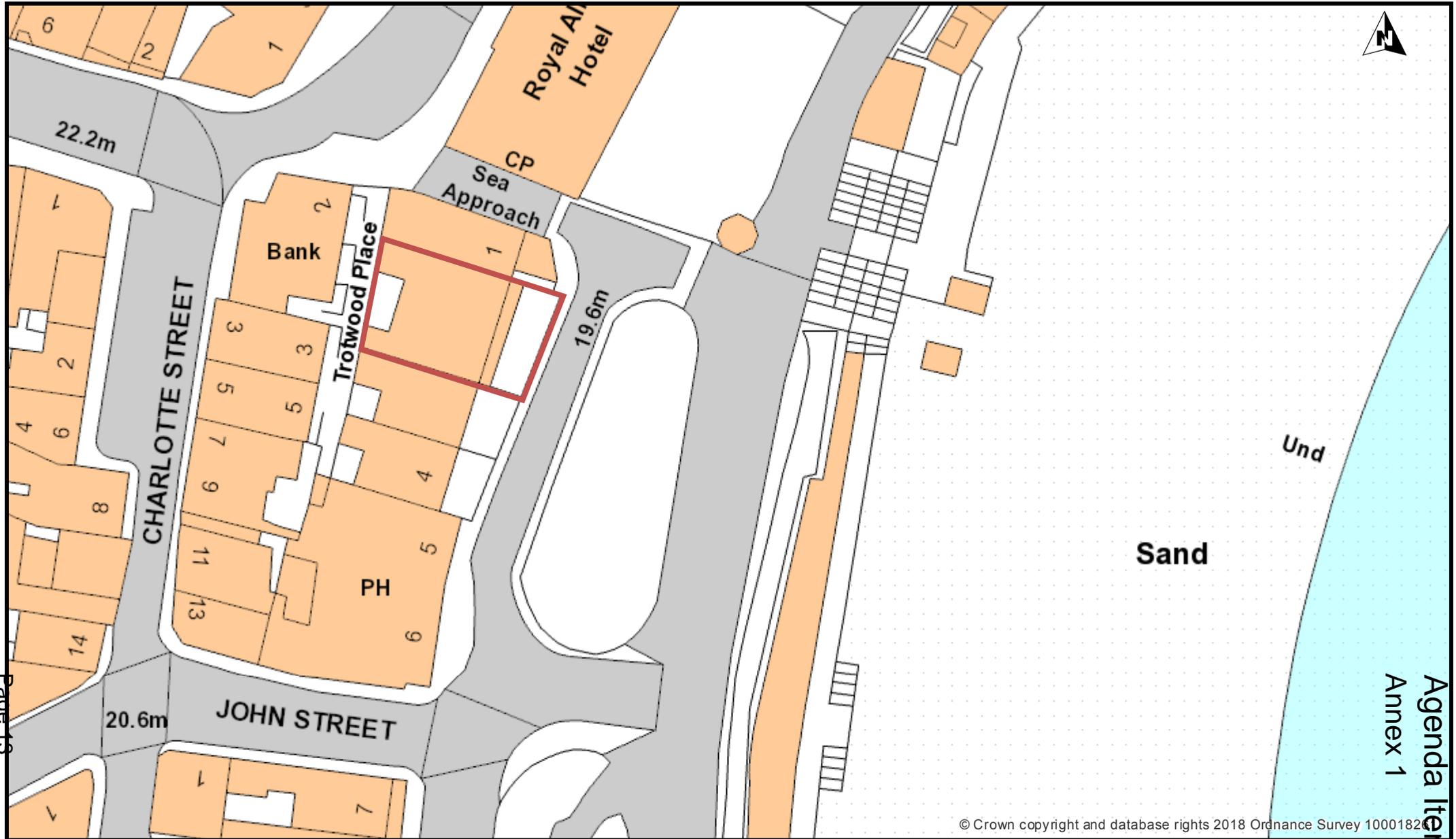
Background Papers

Title	Details of where to access copy
Museum Association, Museum Survey 2018	Museumassociation.org
Mendoza Review, November 2017	www.gov.uk

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Sophia Nartey, Interim Head of Legal Services

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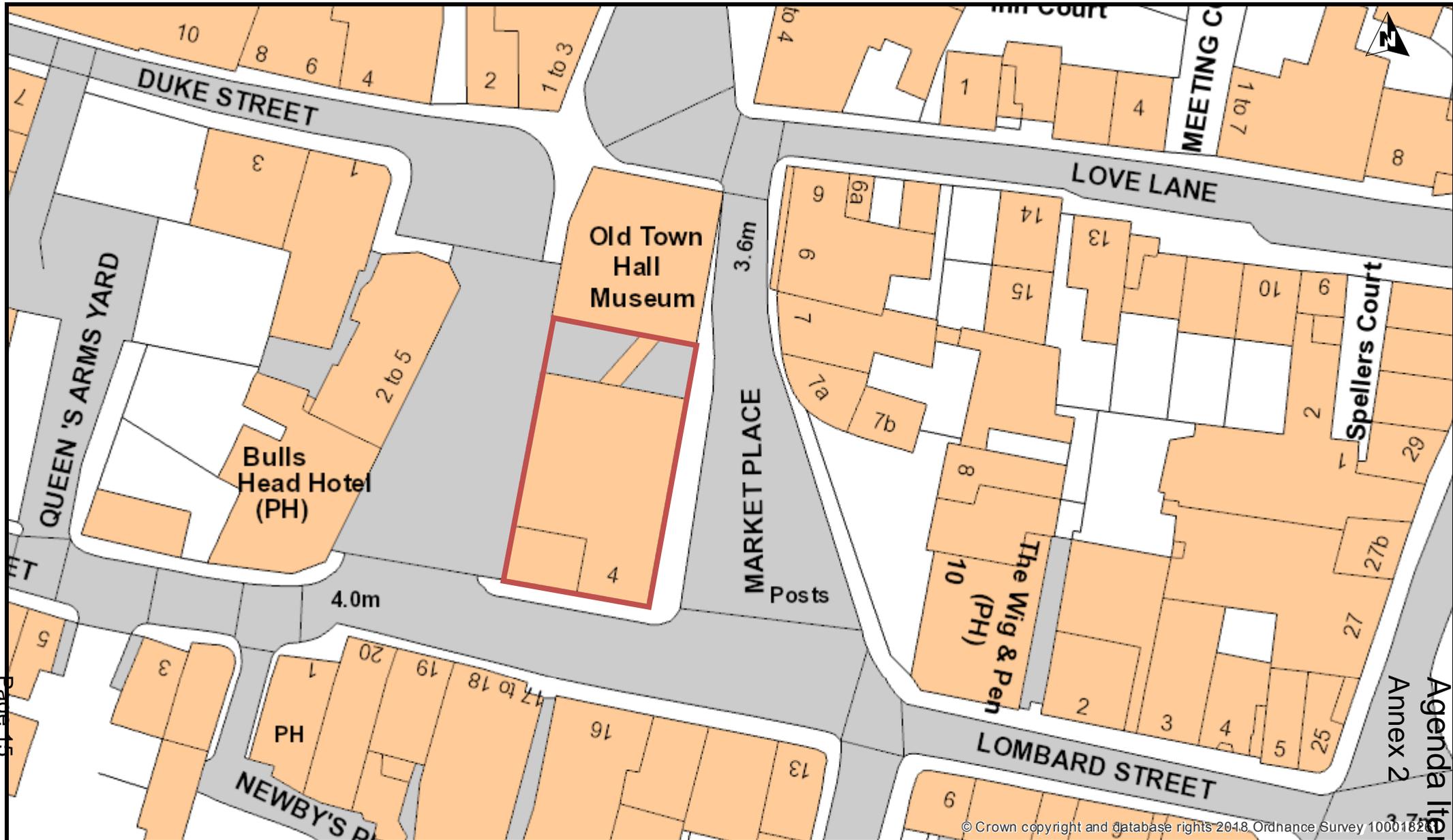
© Crown copyright and database rights 2018 Ordnance Survey 10001826

Title: Dickens House Broadstairs
 Author: Thanet District Council
 Scale 1:500
 Date: 05/09/2018

Thanet District Council
 Cecil Street
 Margate
 Kent
 CT19 1XZ



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Title: Old Town Hall

Author: Thanet District Council

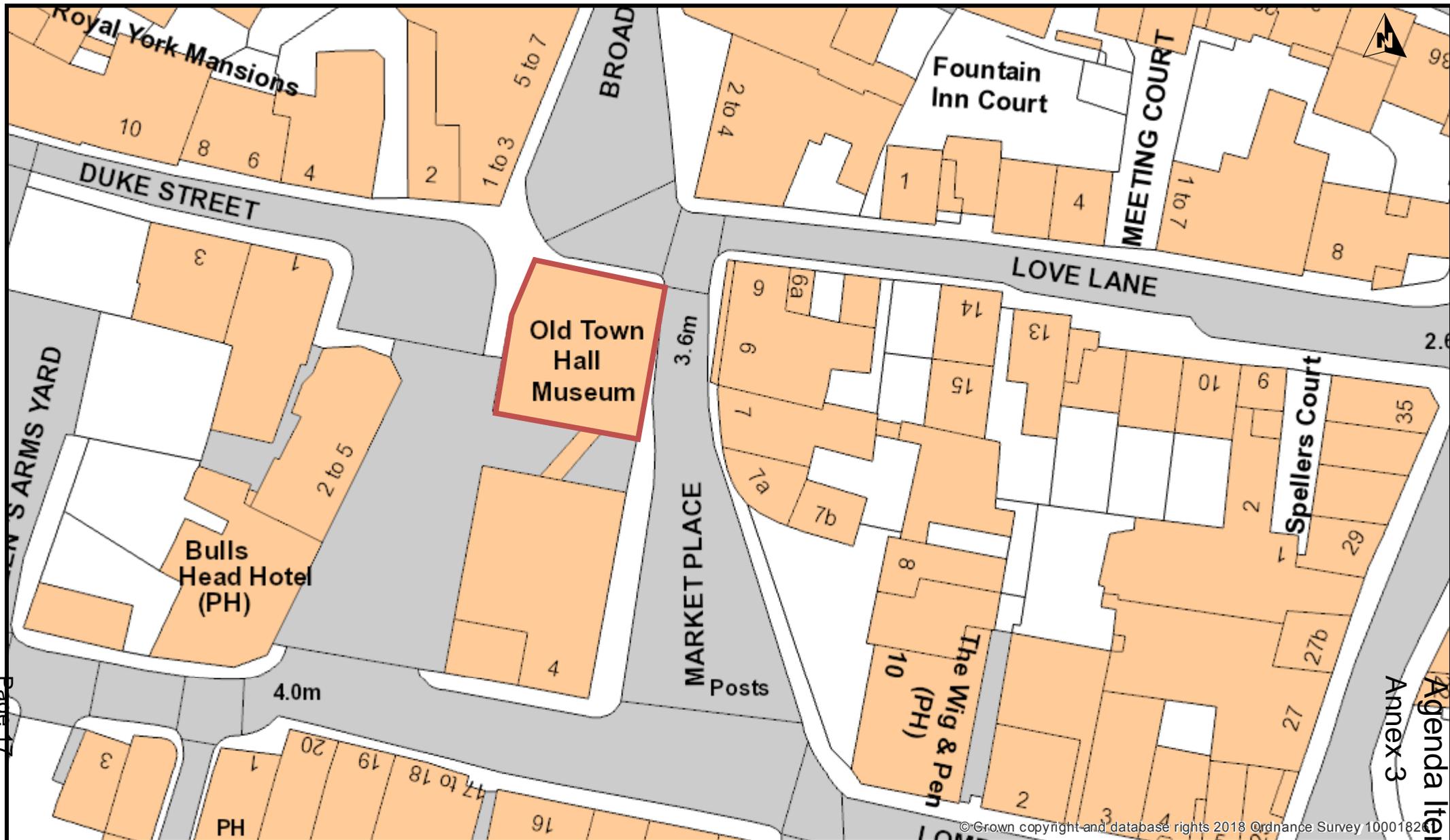
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Date: 05/09/2018

Thanet District Council
 Cecil Street
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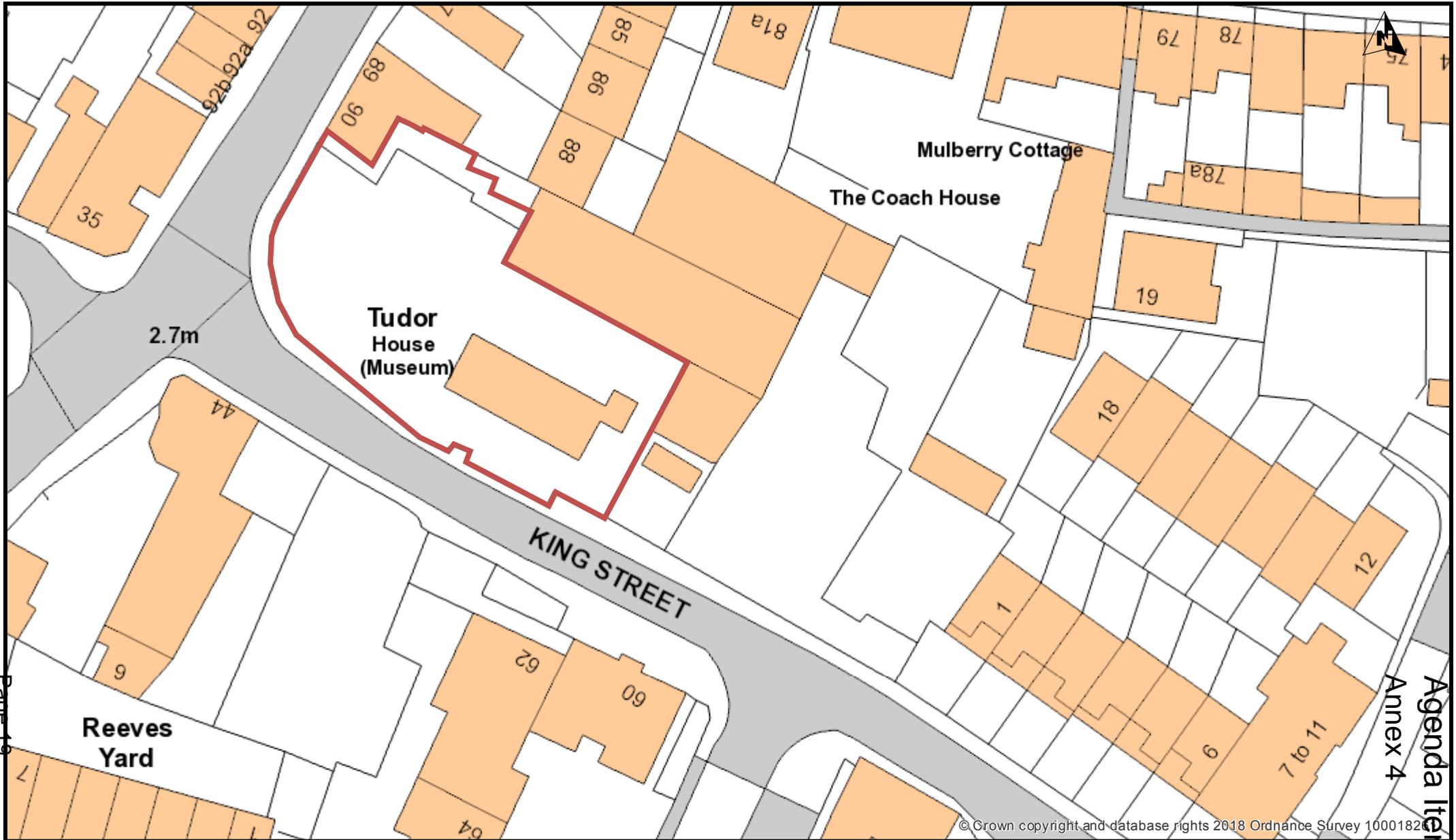


Title: Old Town Hall Museum
 Author: Thanet District Council
 Scale 1:500
 Date: 05/09/2018

Thanet District Council
 Cecil Street
 Margate
 Kent
 CT19 1XZ



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Title: Tudor House Margate
 Author: Thanet District Council
 Scale 1:500
 Date: 05/09/2018

Thanet District Council
 Cecil Street
 Margate
 Kent
 CT19 1XZ



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Food Law Service Plan and Enforcement Policy 2018-2020

Executive Scrutiny Panel	27 September 2018
Report Author	Debbie Huckstep – Public Protection Manager
Portfolio Holder	Cllr Lesley Ann Game – Cabinet Member for Housing & Safer Neighbourhoods
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

The Food Standards Agency requires local authorities to produce a Plan that outlines how we intend to provide an effective food safety service, the TDC Food Law Enforcement Plan and Enforcement Policy sets out how the Public Protection Team will prioritise and manage their work for the next 24 months, taking into consideration the unknown elements of BREXIT and the Food Standards Agency (FSA) ‘Regulating our Future’ which plan to change the UK food safety service delivery with regards to local authorities. The Enforcement Policy is in accordance with the ‘Enforcement Concordat’ agreed by all appropriate UK local authority services on 11th June 1998 and remains in line with best practice and advice/guidance in the Food Law Code of Practice, the latest version being March 2017.

The implications of BREXIT are unknown, particularly with regards to food traceability and imports/exports, we will review this document as we receive information and instruction from the FSA. The Food Standards agency ‘Regulating Our Future’ plan is a controversial strategic plan which will coincide with BREXIT, and lead to major modernisation of the programme of regulatory change, the FSA seeking to modernise comprehensively, the delivery and enforcement of its regulatory regime regarding food businesses. This will affect local authority delivery from March 2019 with central registration of food businesses as discussed in their plan. The FSA are aiming for a graduated and sustainable approach although consultation with local authorities has been limited and details are awaited. The FSA aim to have delivered a new regulatory model for food by 2020.

In the meantime, the service plan has accounted for the statutory/non statutory functions that we currently perform, by carrying out programmed inspections on our 1359 food premises according to the Food Law Code of Practice, as well as health and safety duties, wheel traceability, events work, routine sampling, street auditing, complaints, caravan parks and infectious disease work.

Recommendation(s):

To recommend to Council for approval, the Service Plan and Enforcement Policy.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no additional financial costs associated with the plan, although the financial impact of BREXIT is currently unknown.
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Agenda Item 5

<p>Legal</p>	<p>The statutory duty is imposed on the Council under the Food Safety Act 1990 to ensure the effective implementation of Government Strategy on food safety issues, having regard for the Food Law Code of Practice issued by the Food Standards Agency and guidance issued by the Local Authority Co-Ordinating Body and Regulatory Services (LACORS).</p> <p>The Food Standards Agency are currently implementing their 'Regulating Our Future, why food regulation needs to change and how we are going to do it' plan between now and 2020, full details are not available but those that are have been included within the proposed plan.</p>								
<p>Corporate</p>	<p>Failure to comply with the effective implementation of the Food Safety Act 1990 and the relevant guidance and codes of practice leave the authority open to challenge by the Food Standards Agency. More importantly it leaves our residents and visitors at risk of food poisoning and in worse case death due to poor hygiene standards practiced in food premises.</p>								
<p>Equality Act 2010 & Public Sector Equality Duty</p>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" data-bbox="432 1099 1401 1344"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>It is not felt that the renewal of this service plan and enforcement policy should have any negative impact in respect of protected characteristics and the public sector equality duty.</p> <p>The Service Plan and enforcement policy does not discriminate against any of the protected characteristics in the diverse community that make up our many food businesses which we inspect, visit and give advice to as explained in the service plan. The FSA Codes of Practice and legislation that we follow are neutral to any protected characteristics.</p> <p>Regarding Customer Impact Assessment, there is no change to the service at the current time or cessation of a service. There are no changes regarding the introduction or increases in fees and charges. Staffing remains the same.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it									
Foster good relations between people who share a protected characteristic and people who do not share it.									

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	✓
Promoting open communications	

1.0 Introduction and Background

- 1.1 A statutory duty is imposed on the Council under the Food Safety Act 1990 to ensure the effective implementation of Government Strategy on food safety issues in the UK, they produce the standards and codes of practice that local authorities must follow to ensure that food is safe for people to eat and to prevent food poisoning and disease.

A Food Service Plan and Enforcement Policy is written to ensure that as a local authority we carry out our statutory functions, we adequately resource the statutory services we provide and that the local authority is aware of changes that may occur in the future, it is part of the Constitution that we produce a service plan.

2.0 The Current Situation

In 2015 the FSA announced plans to change food service delivery by 2020, refreshing our plan was delayed in order to incorporate these changes. Delivery of this change has been delayed and we did not expect to still be facing the unknown changes that will occur regarding BREXIT and the Food Standards Agencies 'Regulating our Future' (ROF) plan' so close to the deadlines.

This position is unprecedented and makes the service difficult to plan ahead. The plan produced is an honest, transparent service plan that clarifies the lack of control that the Public Protection Team currently has in planning for the future.

3.0 Options

- 3.1 Recommend to Council approval the Food Law Service Plan and Enforcement Policy 2018-2020.
- 3.2 Make relevant changes to the Food Law Service Plan and Enforcement Policy 2018-2020 and recommend to Council approval of the amended Food Law Service Plan and Enforcement Policy 2018-2020.

Contact Officer:	Debbie Huckstep, Public Protection Manager
Reporting to:	Penny Button, Head of Safer Neighbourhoods

Annex List

Annex 1	Food Law Service Plan and Enforcement Policy 2018-2020
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Background Papers

Title	Details of where to access copy
FSA's Regulating Our Future	www.food.gov.uk/sites/default/files/media/document/rof-paper-july2017.pdf

Corporate Consultation

Finance	Matthew Sanham, Financial Services Manager
Legal	Sophia Nartley, Head of Legal Services

Thanet District Council

Environmental Health
Public Protection Team

FOOD SERVICE PLAN AND ENFORCEMENT POLICY

2018/2020

Prepared July 2018
Review April 2020

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- 3.6 Infectious Diseases control and investigation
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- 3.8 National food hygiene rating scheme
- 3.9 Liaison with other organisations
- 3.10 Promotional work

4. Resources

- 4.1 Financial allocation
- 4.2 Staffing Allocation
- 4.3 Qualifications and competencies
- 4.4 Staff Development plan
- 4.5 Training and Development

5. Quality Assessment and internal monitoring

6. Review process – Reviewed every 12 months

Annexe 1: Food Service Enforcement Policy

Annexe 2: Definitions

Annexe 3: Public Protection Team Organisation Chart

Introduction

This Service Plan sets out how the Council intends to provide an effective food safety service that meets the requirements of the Food Standards Agency (FSA) Framework Agreement. It covers the functions carried out by authorised officers of the Public Protection Team under the provisions of the Food Safety Act 1990, the Food Safety & Hygiene (England) Regulations 2013 and relevant regulations made under the European Communities Act. Duties are statutory unless otherwise stated.

The 2018/20 service plan will be under constant review and will continue to be developed to include improving the use of social media and the internet to maintain an up to date database, and to gather local intelligence. An internal auditing regime continues to be implemented in order to ensure consistency and maintain standards of service delivery and accuracy. The team has made excellent progress and is now a well-functioning and organised unit achieving 100% accuracy of data in the 2016/17 LAEMS return.

Traditional ways of working by the Public Protection Team in the future will be heavily influenced and affected from March 2019 by two main factors, one being 'BREXIT' and the second being the Food Standards Agency's Transformation plan 'REGULATING OUR FUTURE' (ROF).

BREXIT

On 30th March 2019 under Article 50 of the Treaty on European Union the UK will cease to be a member of the EU. The decision by the UK to leave the EU will have implications for the regulatory regime for food safety in the UK.

Food law throughout the current EU members largely consists of directly applicable EU legislation. The Withdrawal Bill will seek to ensure that The FSA has a statute book that works on day one after exit, it is presumed that we will adopt the current EU legislation, although information is not currently available on this.

There are many 'unknowns' at the current time particularly regarding food that after Brexit may be classed as imported from the EU into UK ports and there is a substantial volume of export trade from the UK to EU member states and beyond which may no longer be able to rely on the current EU systems and procedures for traceability, documented evidence trails, customs checks and import duties etc., all statutory functions which may require additional qualified and competent officers, training, resources and accommodation at designated ports in Thanet. Manston airport became a DPE (Designated Point of Entry) in January 2013, but has been closed since May 2014, we currently do not have activities at the airport.

Port health (imported food) and shellfish activities (whelks) through Ramsgate Harbour are included in our duties, the registration of shellfish (whelks) landed through Ramsgate is regulated and monitored by officers and registration documents are recorded onto a database system, currently we are unsure if the EU traceability system for whelks will remain as it is.

Imported food through Ramsgate harbour is not currently active but is monitored on a regular basis through the Harbour office, where we liaise regarding shipping movements where food may be imported.

We do not currently carry out shellfish sampling for cockles/pacific oysters etc., as our beds are not active, but they may become active at any time via CEFAS (Government Centre for Environment Fisheries & Aquaculture Science) and local fishermen, at which time extra resources would be required, we have no information on how commercial fishing will be regulated after Brexit, this may include new duties for local authorities being statutory.

REGULATING OUR FUTURE

The Food Standards Agency (FSA), the regulators for UK food safety, have published a controversial strategic plan for the period 2015-2020 to coincide with Brexit. The plan will lead to a major programme of regulatory change (ROF) through which the FSA is seeking to modernise comprehensively, the delivery and enforcement of its regulatory regime regarding food businesses. The FSA need to move ahead with this programme before March 2019 and are beginning with the central registration of food businesses known as 'Enhanced Registration'.

Following this centralisation of an enhanced registration process, the idea is that in the future the FSA will 'risk assess' businesses according to the details given and then inform the local authorities which need to be inspected, the details of this are not currently clear to local authorities and have been challenged by local authorities as well as the Chartered Institute of Environmental Health.

The registration of food businesses has always been managed at local authority level, with registration forms on the council's website as well as available by post or email. Premises are tracked locally by the Public Protection Team through social media, street auditing, liaison with the planning and licensing departments as well as local intelligence. The FSA have suggested that this role may be expanded by local authorities to include liaising with solicitors, conveyancers, citizens advice etc., but further detail has not yet been made available, so we are unable to predict resource requirements.

According to current codes of practice, all premises must be inspected so that they can be accurately rated and included in the Food Hygiene Rating Scheme (FHRS) and then published on the National database, we are presuming that this will continue to 2020 so resources are predicted on the current food premises register of 1359 food businesses and this plan estimates this to be approx. 50% of officer time.

We have no information regarding new FSA IT systems and their compatibility with local systems regarding ROF, this has been questioned but no clarification has been provided. The FSA system of central registration of food businesses will begin with the development of their online service, testing is taking place from May – September 2018 with further testing September – February 2019 with a view to being launched by March 2019. The suggested system by the FSA has been questioned and challenged at various forums and meetings that the FSA have held but there are still a large number of unknowns.

ROF also plans to change who is able to conduct food safety inspections in the UK in the future, which is also extremely controversial, and there may be a proposal to transfer responsibility for many food safety inspections and audits to private commercial firms by 2020, we have no further details at the current time.

The FSA also intend to step up the regime on Primary Authorities/National Inspection strategies (NIS), this will be published by the FSA, following pathfinding trials with six partnerships to test the concept of NIS in practice. The first version of FSA standards for Primary Authorities (PA) will be published in Summer 2018. These will then be tested in practice and partnerships with LA's in late 2018 and throughout 2019.

Primary Authorities (PA)

Basically this means that any food business or chain of food businesses can apply to have a 'Primary Authority'. Primary Authority is based on legal partnerships between businesses and an individual local authority of their choosing. Primary authorities provide advice to businesses that all other local authorities must respect, they can also produce their own inspection plan. Outside local authorities cannot take enforcement action against businesses who are signed up, registered and paid members of the scheme without extensive consultation, for example Co-Op have a Primary Authority which is Manchester City Council. We are unable to progress enforcement without following stringent time scales and rules.

National Inspection Strategies (NIS)

NIS is a negotiated agreement 'inspection strategy/form' between the PA (local authority) and the business, for example Co-Op. Local authorities are then only allowed to inspect the pre-agreed parts of the business/paperwork etc., whereas Thanet currently conduct full inspections on any high risk businesses in the Thanet area, particularly those with a 'history', the NIS does not take poor history into account or previous enforcement actions. We have no further details or timescales on the issue of NIS.

TDC Public Protection staffing levels

Staffing levels remain at 4 Officers. The Public Protection Manager's (EHO) role involves carrying out all of the duties the team are responsible for and also focuses on the auditing of officers work, ensuring accuracy and consistency leading to an accurate LAEMS return to the FSA, as dictated in the FSA external and internal audits.

Public Protection Auditing

Public Protection Officers work is audited 100% on inspections and this will continue in order to ensure consistency of scoring and to maintain standards of service delivery. Other duties are audited monthly, but as the team have progressed through audit feedback this auditing has been relaxed. All food officer's now have the NEBOSH Health and Safety Diploma and carry out limited health and safety duties.

Food Officer training 2018-2020

In 2016 the baseline qualification for Food Safety Officers was changed by the Food Standards Agency to include 'food standards' and 'food identification' modules which have never been required previously. A conversion course was designed for holders of the Higher Certificate in Food Premises Inspection (our officers have this) by the University of Birmingham. The new qualification is called The Higher Certificate in Food Control. Thanet Public Protection Officers managed to secure three of the very limited places for the first part of the course which was only provided by Birmingham University, they are awaiting the exam results. There is a second part still to be sourced, funded and completed.

Health and Safety at Work Enforcement/RIDDOR

Local authorities are responsible for statutory Health and Safety at Work duties according to the Health and Safety (Enforcing Authority) Regulations 1998, specific duties are divided between local authorities and the Health and Safety Executive.

Public Protection Officers have Health and Safety duties included within their core hours. The Public Protection Manager, as an EHO, is the lead on Health and Safety, in addition one officer spends 20% of their time on Health and Safety and the other two FTE's spend 10% of their time on health and safety complaint work and investigating RIDDOR reports.

Licensing of Caravan Parks

Public Protection Officers duties include health and safety inspections of local caravan sites for licensing purposes. A report has been produced regarding caravan sites in Thanet considering their characterisation/planning consent and comparing that information as to whether they actually meet the criteria as genuinely residential or non-residential sites. Residential site owners are afforded greater protection under The Mobile Homes Act 2013 and the residential sites are subject to fees for inspection by the Housing teams. A number of 'residential sites' have now been passed to the Housing team, but an in depth investigation has shown obvious anomalies, for example 'non residential sites' owners paying council tax. Unfortunately to progress this investigation further is proving difficult because legislation is not clear, or supporting of change or challenge. We will continue to monitor this situation and investigate the correct categories for these sites.

Public Protection intends to produce a Health and Safety Service Plan for 2018 – 2020 but the resources are food team resources and the document is planned to be completed by the end of 2018.

1. Service Aims Objectives & Priorities

1.1 Aims Objectives and Priorities

Aims

- The overall aim of the Food Safety Service is to ensure that food intended for human consumption produced, stored, distributed, handled or purchased within Thanet is without risk to public health and safety of the consumer.
- To encourage good practice amongst those responsible for preparing, handling and cooking food intended for human consumption, and to ensure they comply with their statutory obligations.
- To rate all premises under the Food Hygiene Rating Scheme (FHRS) enabling Thanet consumers to make informed decisions about where they consume food.

Objectives

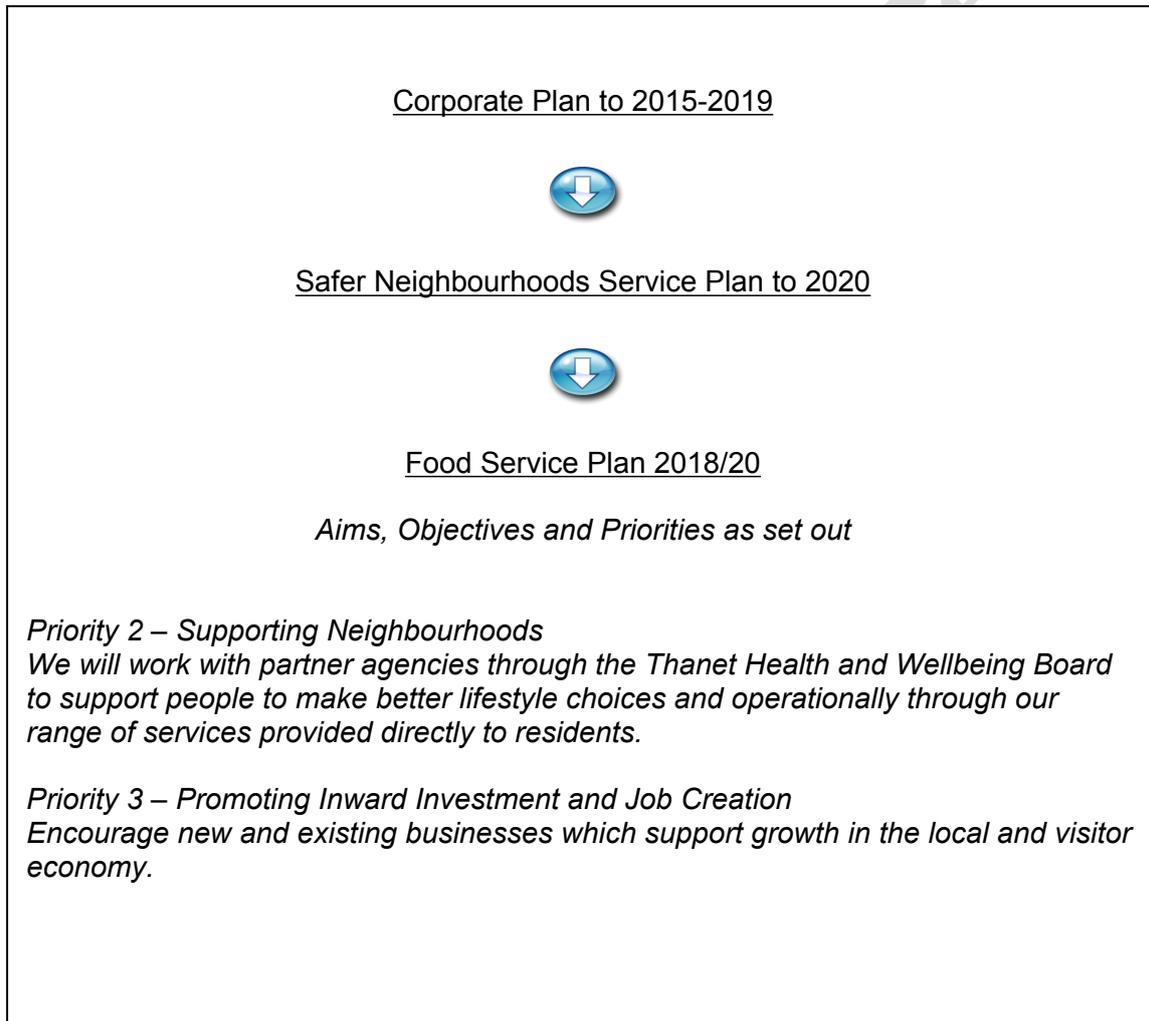
- To fulfil the statutory duty imposed on the Council under the Food Safety Act 1990 as 'The Food Authority' and ensure the effective implementation of Government Strategy on food safety issues, having regard to the most recent Food Law Code of Practice Issued by the Food Standards Agency and other practice guidance issued by government organisations.
- Protect the public as far as reasonably practicable by delivering a complimentary programme of education and enforcement which endeavours to ensure that food businesses are conversant with the law, understand the principles of hygiene and are operated and maintained at a standard that complies with relevant legislation.
- To satisfy statutory requirements and have effective documented and procedural systems to enable accurate returns to the Government, ensuring these are reviewed and updated with key legislative changes.
- To take appropriate enforcement action using an educative approach where appropriate, but closing premises through either voluntary means or Magistrates' Court where an imminent risk to health is found.
- To achieve the above objectives, the following priorities for the two year period 2018 – 2020 have been identified. The Food Service plan will be reviewed annually or more frequently if appropriate.

1.1 Priorities:

Thanet District Council priorities, response work and service improvements are listed below. The consequences of not satisfying statutory obligations can lead to Central Government putting in 'measures' to manage the 'The Food Authority', to enable statutory functions to be carried out and recharging the local authority the costs.

1.2 Links to corporate objectives and priorities:

The service plans in TDC link and support each other as shown below:



1.2.1 Programmed work

- Effectively deliver a comprehensive risk assessed inspection programme for all higher risk premises (Rated A, B and C).
- All food premises are considered as 'approved premises' on routine inspections and effective recording and monitoring system is put in place, both documentary and on the councils computer system for any premises that need approval. We currently have no 'approved premises' that fit the FSA criteria. For example a dairy farm.
- Develop and implement an alternative intervention programme including education, questionnaires and use of intelligence for some lower risk premises (Rated D and E).
- Carry out food hygiene rating re-rating inspections when requested by food business operators who have scored less than 5 at routine inspection.
- Carry out compliance re-visits and follow up visits to premises that have historical and/or ongoing compliance issues found during an intervention.
- Regularly review and update the Food Safety Procedure Manual. Develop and provide officers with guidelines/checklists to enable them to make consistent decisions in the field in line with current Government advice.
- Deliver a food sampling programme in accordance with County or National-wide programmes and sampling priorities.
- Monitor seaports for landing of third country imported foods, and ensure that landings of fish/shellfish are monitored and correctly registered in accordance with EU Legislation.
- Carry out a 100% audit of the inspections/revisits/complaint work carried out by the food team to ensure consistency, accuracy and efficiency.
- Carry out monthly checks of the LAEMS reports to ensure accuracy.
- Routine checks of the FHRS website for accuracy of published scoring and other information shown online compared to current data held.
- Routinely monitor the M3 database entries for local food businesses for accuracy and regularly carry out checks to cross-reference information against tourism websites/yellow pages/internal databases
- Implement the National Food Hygiene Rating Scheme as accurately and consistently as possible and using the Food Standards Agency Brand Standard when carrying out food hygiene rating inspections.

1.2.2 Response work

- Provide an effective response service able to deal proportionately with complaints regarding food hygiene
- Provide an effective service for new business enquiries, to include providing new businesses with written advice and guidance to help achieve compliance and drive up standards in the district.
- Provide an effective response service able to deal proportionately with incidents or outbreaks of food poisoning or other notifiable diseases.
- Ensure all new and emerging food businesses are registered and are assessed and receive a full initial inspection.
- Respond within appropriate timescales to FSA food alerts and withdrawals.
- Provide other advice and information to both the public and businesses within available resource.

1.2.3 Service improvements

- Expand on officer training as appropriate to ensure a consistent approach to food related enforcement within the district.
- Carrying out peer review and consistency exercises with all food team members as required by the Food Standards Agency.
- Put procedures in place to improve the consistency and accuracy of data held on the M3 data base.
- Seek to improve the safe and effective sharing of information within the Council and with external agencies, according to the Data Protection Act 2018 and General Data Protection Regulations 2018.
- Expand the intelligence based checking of food businesses visiting from outside the local authority area and show a presence at small and large scale public events. Share information and intelligence with other local authorities.
- Continue monthly accountability meetings with the Head of Safer Neighbourhoods to improve performance and management of food team activities.
- Ensure that out of hours inspections are up to date and carried out at a frequency stated in the Food Law Code of Practice.

- Take a pro-active approach to any imported food duties and accurately recording those activities for the LAEMS return.
- Promote food safety and monitor food businesses through the use of social media. To improve and make best use of online presence through the new Thanet Council website and using the Food Team Facebook page.

1.2.4 Service Reviews

- Review, update and then maintain officer training programmes, internal e-Learning courses to assist with the competency of Food Enforcement Officers who must achieve a minimum CPD of 20 Hours per annum.
- Review the procedure manual in full during 2018 to ensure that all references to documentation, practice guidance and other material is up to date and accurate.
- Carry out monthly 1:1 meetings as well as team meetings between Public Protection Manager and Public Protection Officers to ensure consistency.
- Review the work required in relation to the Port of Ramsgate for ferry and cargo services ensuring any requirements under the Food Law Code of Practice are met.
- Review the procedures in relation to the principles of Regulatory Delivery and Primary Authority as set out in the Regulatory Enforcement and Sanctions Act 2008 to ensure that requirements are being met.

2. Background

2.1 Profile of Thanet District Council

The District of Thanet comprises a mixture of rural and urban coastal resort communities with a population of approximately 143,941 in an area of 112 km sq. making it the second most densely populated district in Kent. Principal population areas are the resorts of Margate, Ramsgate and Broadstairs alongside a number of smaller villages. Thanet is one of 13 local authorities in Kent sharing some services with Dover and Canterbury Councils and is located on the South East Coast neighbouring the City of Canterbury to the West and the Port of Dover to the South West.

The area is recognised as deprived with low social mobility and an ageing population which is predicted to grow at a higher rate than elsewhere in the County. Six of the ten most deprived wards in Kent are in the Thanet area. This level of deprivation is evident in the significant difference in life expectancy of 11 years between the most affluent wards in Broadstairs and the most deprived ones in Central Margate.

The main industries were Ramsgate New Port, Kent International Airport, Manston, closed since 2014; light industry and tourism. The Port has been largely inoperative since 2013 however it is hoped that some services will resume in the future. There is a retail and food area at Westwood Cross on the borders of Broadstairs and Margate. Due to its history as a resort area, the district has an above average number of food premises; many of them meet the criteria for high risk which presents a challenge for the food safety enforcement function.

The Public Protection Team is based at:

Thanet District Council
P O Box 9
Cecil Street
Margate
Kent
CT9 1XZ

Telephone number: 01843 577000
Environmental health: 01843 577423

E-mail: environmental.health@thanet.gov.uk

Thanet District Council can be contacted via telephone or at the Gateway offices as follows:

Mon – Fri 08:45am – 5:00pm

An out of hours contact is available 24 hours for emergency contact.

2.2 Organisational Structure

The Council operates on a Leader and Cabinet system with lead members delivering specific portfolios as follows:

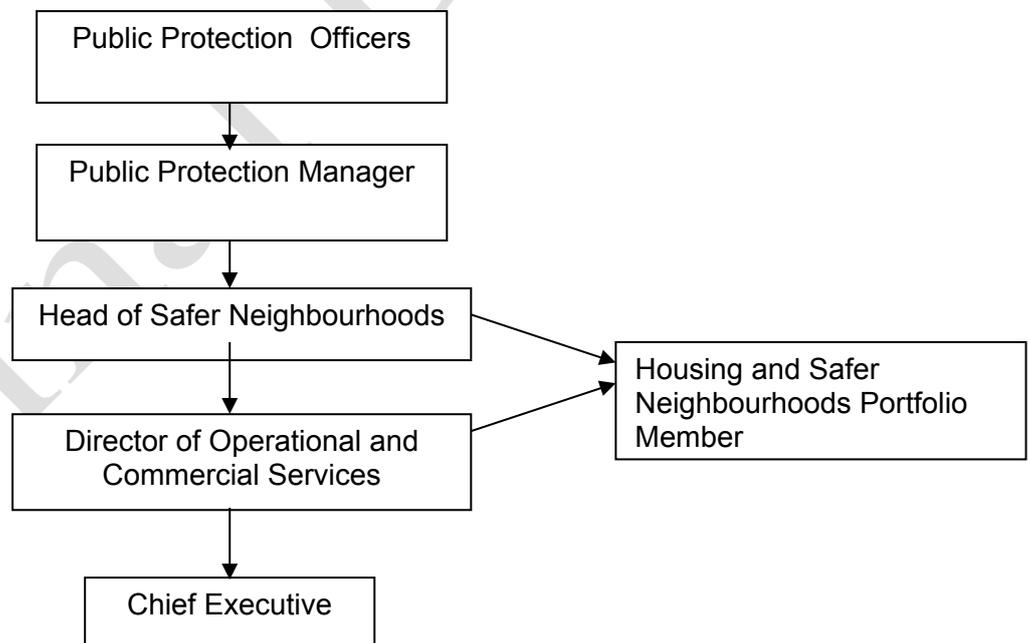
Cllr. Robert W Bayford is Leader of the Council.
Cllr. Jason Savage is Deputy Leader.

The Cabinet posts for the council year 2018 are:

Portfolio	Cabinet Member
Cabinet Member for Housing and Safer Neighbourhoods	Cllr Lesley Ann Game
Cabinet Member for Operational Services	Cllr Jason Savage
Cabinet Member for Financial Services and Estates	Cllr Ian Gregory
Cabinet Member for Corporate Governance and Coastal Development	Cllr Ash Ashbee

The Food functions are considered to be part of Housing & Safer Neighbourhoods portfolio and Cllr Lesley Ann Game is the relevant portfolio member. Her main contact is with Penny Button, Head of Safer Neighbourhoods.

The key reporting lines for the flow of food safety/health and safety issues are:



Specialist appointments

The food team are supported in delivery of their functions by the following specific appointments:

Public Health England Infectious diseases	Directors of HPA	Kent Health Protection Unit Kennington Road Ashford Kent
Public Analyst	General lab	Kent Scientific Services 8 Abbey wood Road Kings Hill West Malling Kent
Food Examiners	Government lab	FW&E Microbiology Lab (Collindale) London, 61 Collindale Avenue London NW9 5 EQ
Food Examiners	Shellfish Port Health samples	CEFAS Lowestoft Laboratory Pakefield Road Lowestoft SUFFOLK
Fish Inspectors	Internal appointments	Debbie Huckstep TDC

2.3 Scope of the Food Law Service Plan

The Public Protection Team are responsible for the following statutory duties:

- Implementing the proactive programme for food hygiene interventions and subsequent revisits for food premises
- Investigating the possibility of premises requiring 'Approval' at the time of inspection.
- Investigating reported cases of food poisoning and potential outbreaks in accordance with Public Health England (PHE) guidance and framework agreement
- Imported Food Controls at Ramsgate Port
- Investigating requests for service (complaints) regarding the hygiene of food premises, or food safety issues relating to foods purchased or produced in Thanet
- Registration of new food premises
- Responding to food alerts from the FSA
- Health and Safety enforcement duties (Health and Safety at Work Act 1974)
- Development and maintenance of partnerships and liaisons to the furtherance of the Food Service
- Providing the Food Standards Agency with statistical returns
- Carrying out enforcement of inland imported food/controls

And non-statutory duties:

- Provision of training, advice and support to existing and prospective food business operators and the users of the service
- Delivering a food sampling programme in line with national and regional programme and priorities
- Implementing projects and campaigns within available resources that promote good food hygiene
- Maintaining the database regarding food premises
- Delivering the National Food Hygiene Rating Scheme

2.4 Demands on the Food Service

As at April 2018 there are 1359 Food Premises in Thanet the District Council area. The following tables provide more detail regarding premises types and risks:

2.4.1 Establishment numbers by Groups (April 2018)

Description (MAFF Code)	No. of premises
Producers (A)	0
Manufacturers/Processors (C)	13
Importers/Exporters (E)	1
Distributors/Transporters (F)	13
Supermarket/Hypermarket (G01)	25
Smaller Retailers (G02)	179
Retailers Others (G03)	62
Restaurant/Canteen (H01)	360
Hotel/Guest House (H02)	46
Pub/Club (H03)	158
Take-away (H04)	135
Caring Establishment (H05)	140
School/College (H06)	71
Mobile Food Unit (H07)	25
Restaurant/Caterer – others (H08)	131
GRAND TOTAL	1359

2.4.2 Establishment numbers by risk groups (April 2018)

Risk Rating	Number of premises
A	2
B	5
C	152
D	763
E	430
F	0
Not categorised	7
TOTAL	1359

2.4.3 Inspection frequency

In accordance with 5.6 of Food Law Code of Practice the food hygiene intervention frequencies are as set out below:

Category	Score	Minimum intervention frequency
A	92 or higher	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 24 months
E	0 to 30	A programme of alternative enforcement strategies or interventions every 3 years

2.4.4 Inspections due per annum

Category	No of premises	Inspections per annum
A	2	4
B	5	5
C	152	101
D	763	382
E	430	143
No Cat	7	7
Total	1359	642

2.4.5 Inspections - Categories A-E

642 planned inspections per annum

(Total working days per year per FTE officer: 216 days; for time available see table 2.4.7)

Allocation of inspections to officers is by way of a rotating bi-annual geographical area, with an average of 165 inspections allocated per officer, per annum, the number of inspections fluctuates per season/per year. Officers split their time between inspections and non-inspection food responsibilities, with Category A and B food inspections being priority. Health and Safety work is split geographically and combined with food inspections where possible.

2.4.6 Non inspection Food Responsibilities:

- Port Health function – monitoring of Ramsgate Port for imported food
- Shellfish monitoring and registration documentation (whelks)
- Monitoring of Thanet events for food traders
- Street auditing for premises changes
- Complaints regarding food premises
- Infectious disease notification work
- Projects and Campaigns
- Reviewing internet/social media sites for intelligence

(Health and Safety duties)

- Health and Safety inspections and complaints
- Attending inquests
- Caravan licensing inspections
- Health and Safety admin
- RIDDOR investigations

2.4.7 Staffing Resource – Public Protection Team

EHO Environmental Health Officer x 0.8 from 1st April 2018
PPO Public Protection Officer x 3 from 1st April 2018

Task	PPM EHO x 80% FTE DH	PPO (Qualified) x 1 FTE MAK	PPO (Qualified) x 1 FTE SH	PPO (Qualified) x 1 FTE EW
Deduction for Statutory Health and Safety Duties	10%	10%	20%	10%
Auditing officers work	25%	-	-	-
HR/Occ health/pay	10%	-	-	-
Allocation and monitoring of workload	20%	-	-	-
Inspections A-E	10%	50%	45%	50%
Ramsgate port – wheel traceability		2.5%	2.5%	2.5%
Events	2.5%	10%	2.5%	2.5%
Routine Sampling				
Street Auditing	2.5%	5%	5%	5%
Complaints	10%	10%	10%	10%
Caravan Parks		5%	5%	10%
Infectious Disease work	5%	2.5%	5%	5%
Training	5%	5%	5%	5%
TOTAL	1 x 100%	1 x 100%	1 x 100%	1 x 100%

2.5 Regulation Policy

The Council adopted the enforcement concordat for all appropriate services on 11th June 1998. The Food Law Enforcement Plan has been developed in line with best practice and advice/guidance from the Food Standards Agency (FSA) and LACORS.

3. Service Delivery

3.1 Food Premises interventions Statement (Statutory Duty)

The interventions programme for food premises on Categories A, B & C premises forms the core activity of the Food Safety Team. The programme of interventions which is detailed in Annexe 2 has been prepared to meet the aims, objectives and priorities summarised in paragraph 1.1 of this document in line with the Food Law Code of Practice (England).

3.1.1 Intervention reports: (FSA Food Law Code of Practice FLCOP)

Checklists and aides-memoire are used at each inspection for consistency purposes, depending on high risk or low risk premises, and are used at the end of the inspection to produce a hand written report of the officer's findings. A copy of the handwritten report is left with the FBO so it is clear what they have to do and within a specified timescale. Where there are a number of serious contraventions, a holding report is left and a typed full inspection report is delivered/emailed/posted.

3.1.2 Types of interventions:

Full inspections/ Partial Inspections/ Audits. (Statutory duty)

The presumption is that enforcement officers in all cases will undertake full inspections of all parts of the premises. However, there are options available for partial inspections and audits. Officers, after researching the previous history of the premises, may decide to carry out a partial inspection. The options are considered in a little more detail below:

Full Inspection: (FLCOP)

This is a check on compliance with legal requirements in accordance with elements set out in the Code. A full inspection will consider all aspects of a food business including structure, food safety management and management arrangements.

Partial Inspection: (FLCOP)

An inspection that covers only certain elements of the inspection as laid down in Section 4.2.2 of the Code. Partial inspections have been tried but do not assist us in scoring for the FHRS, they are rarely appropriate in premises other than multi-nationals, where the documented system is generic, tried and tested.

Planned audits (FLCOP)

An audit may be undertaken instead of a partial or full inspection, where any food business operator, including those providing a high risk business has put in place an acceptable documented food safety management system (addressing Article 5 Regulation 852/2004). Details of the system will be required in advance of the audit so the Officer can plan the appropriate audit, these are rarely appropriate in our District.

The audit may include one or more of the following elements (FLCOP)

- Complete audit of the food safety management system
- Audit of selected elements of the food safety management system where the system is complex
- Partial Audit concentrating on a particular produce

- Operational audit concentrating on certain arrangements such as temperature monitoring.

3.1.3 Revision of intervention rating: (Statutory duty)

On completion of the food inspection, partial inspection or audit the officer will revise the intervention rating of the establishment in accordance with Annexe 5 FLCOP. The FHRS rating is also awarded based on this scoring, records of the inspection are left with the FBO at the conclusion of the inspection, the premises may be scored at the end of the inspection on site or may be scored once the officer has returned to the council offices, in the latter case the food business will be notified on the inspection report.

3.1.4 New premises (FLCOP) (Statutory duty)

TDC responds positively and supportively to new food businesses which approach the authority prior to starting up. In response to initial enquiries they will receive as a minimum verbal advice, usually by telephone along with a registration form and advice on where to find the FSA 'starting up' booklet on the FSA website. The team are part of a Kent wide food group exercise to provide 'information packs' for new businesses. An initial advisory visit may be provided in exceptional circumstances, the preferred method is to visit the premises after a food registration has been received so that the advice given can be recorded on their entry on M3, which may avoid disputes on what was said at the time, if a pre-inspection visit does take place, a written record of what was agreed at the time is left with the FBO. There is an obligation to register the food premises 28 days before any food activities take place.

In all cases, new registrations will be recorded onto the M3 data base once received and then an initial full inspection will take place.

3.1.5 Routine planned inspections – high risk premises (A and B rated) (FLCOP) (Statutory duty)

The preferred method for A and B premises is to carry out a full inspection, unless a partial one or audit has been decided after reviewing the premises history. All such interventions are identified as appropriate by the FLCOP.

3.1.6 Planned interventions medium risk (rated C) (Statutory duty) (FLCOP)

Until an establishment is considered to be 'broadly compliant' an intervention will comprise either a full inspection, partial inspection or audit as defined above at the frequency identified by Annexe 5 FLCOP.

Once it is considered to be broadly compliant, planned interventions may alternate between inspections, partial inspection or audits and other official controls as defined in the Food Law code of practice and listed below and defined in Annexe 3:

- Monitoring
- Surveillance
- Verification
- Audit
- Sampling for analysis (more than just a visit to collect a sample)

Broadly compliant is defined as:

Either an establishment that has an intervention rating score of not more than 10 points under each of the following three parts of Annexe 5:

Part 1 – Hygiene & Safety

Part 2 - Structure

Part 3 - Confidence in Management

3.1.7 Planned interventions low risk premises (rated D) (Statutory duty) (FLCOP)

Interventions can alternate between an official control and an intervention that is not an official control, (for example a questionnaire) the frequency will remain that established by the Food law Code of Practice Annexe 5. Category D establishments that are also rated 30 or 40 for 'type of food and method of handling' must be an inspection, partial inspection or audit. Interventions such as questionnaire, although a useful resource saving method, are often not appropriate because the premises cannot be rated for the FHRS without an inspection.

3.1.8 Planned Interventions low risk premises (rated E) (Statutory duty)

Premises in this category will be subject to alternative interventions at least once every three years in accordance with the Food law code of practice. These are not considered useful methods by TDC because the premises cannot be rated for the FHRS without an inspection

3.1.9 Alternative Enforcement Strategies (Statutory duty) (FLCOP)

Premises in this category (E) can be subject to alternative interventions at least once every three years in accordance with the Food law code of practice, unless the premises is subject to Approval. These are not considered useful methods by TDC because the premises cannot be rated for the FHRS without a full inspection

3.1.10 Large scale public events

To improve the prospects for Thanet, the Council is concentrating on regeneration and bringing in more investment. Alongside this a lot of emphasis is placed on putting on events to bring in tourism. These will range from small and local events to major show case events such as 'Broadstairs Food Festival'. There are between 50 – 100 events planned during the year which will have TDC involvement either because they are on Council land, or are arranged by Parish or Town Councils or have food businesses in attendance.

The Public Protection Team have a system in place to respond to such events and carry out risk based desk top assessments using the information requested from event organisers 28 days before the event take place. Some events are spot checked by food officers on a regular basis to match the desk top data against premises are on site.

3.2 Food complaints (Statutory duty)

All incoming complaints are directed to the Public Protection Manager to audit and passed to the officer who deals with the geographical area if it requires further action. The officer considers following key criteria:

- Implied or actual risk to public health – public health significance
- Justification/seriousness or likely impact of the complaint
- Likely recurrence in the future
- Number of complainants
- Number of people potentially at risk
- History of premises from which food was produced/purchased/consumed etc.
- Last inspection details if relevant
- Date of next scheduled inspection

All complaints will be considered and will have a response within 3 working days, dependant on resources. Anonymous complaints are not accepted. This may comprise a phone call or a letter or email dependant on the nature of the complaint and the outcome of the assessment.

Complaints regarding suspected food poisoning receive a standard letter which explains the onset times and the criteria of sampling through a GP or hospital to confirm food poisoning. The information provided in this letter is very comprehensive and educative.

Complaints are investigated according to risk and the information provided. If a visit is warranted, where possible the next inspection will be brought forward and carried out at the same time as the complaint visit. Complaints are dealt with by officers, and changes to inspection frequency are supervised by the Public Protection Manager. Complaints are part of the PPM's audit.

3.3 Primary Authority Scheme (Mandatory)

We recognise the Better Regulation Delivery Office 'Primary Authority Scheme'. Inspection plans will be followed where required and it is expected that contact will be made with Primary Authorities as explained in the introduction where advice or enforcement action is considered, before action is taken against those premises who have a Primary Authority.

Primary authority partnerships are available to any business that trades across two or more council boundaries, regardless of size. Primary Authority partnerships are legally nominated by the Better Regulation Delivery office and partnerships are automatically recognised by all local regulators.

3.4 Advice to business (mandatory & corporate plan)

The service is committed to ensuring that advice and support is available to all food businesses in the District when requested. The key ways this is provided is through

TDC Website	Reviewed quarterly to ensure accuracy and usefulness of data
Leaflets/ Booklets	Use is made of FSA website, starting up booklet and SFBB booklets
Verbal advice.	This is absorbed into routine work and will take place either in the case of routine official interventions or resulting from business enquiries for new or changed premises
Global advice	TDC and Kent have developed factsheets for businesses which incorporate all of the departments and outside agencies that are involved in starting up a food business and explains their role. Most contact from businesses is regarding starting a new business or changes to an existing business.

3.5 Food sampling

We take part in both the UK National sampling programme and shellfish sampling as appropriate.

Routine samples

Within resources, TDC will take samples to meet the UK and County wide sampling programme based normally on the priorities set by Public Health England and the Food Standards Agency.

Environmental Swabbing

Environmental swabbing of food premises is a proven, cost effective, enforcement tool. Swabs can be tested for *E Coli 0157* and other coliforms. The results can clearly demonstrate serious lapses in cross contamination control, personal hygiene and faecal contamination, all areas that can be difficult and time consuming to evaluate during routine inspections.

Following the FSA Audit in 2011, a sampling programme was said to be 'crucial in protecting public health', and Thanet have now been actively taking part in local and national sampling since January 2014. Procedures are based on the Kent Sampling procedures.

3.6 Infectious Diseases control and investigation (Statutory duty)

Officers investigate food related infectious disease notifications in accordance with the documented procedures, which are reviewed regularly. The primary objective of every investigation is to identify the cause of infection and prevent any further spread. One officer carries out the administration and investigation of notifications.

Response times and the nature of response are all set out in the procedures documented in the 'Public Health England South East Single Case Plan for Kent and Medway Environmental Health Teams and Ashford Health Protection Team'.

Officers liaise with Public Health England, a number of 'Proper Officers' are currently appointed under the Public Health Act 1984 and Section 47 of the National Assistance Act 1948 (as amended).

A GCSX secure mailbox is used to ensure confidentiality of the health information being provided to TDC and is a requirement of the agreement between PHE and Local Authorities.

3.7 Food Alerts/Incidents (Statutory duty)

A food incident is considered to be any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food that could require intervention to protect consumers' interests. TDC received routine reports of Food Alerts which in most circumstances do not require additional input from the enforcement officers; they are dealt with as part of normal duties.

3.8 National Food Hygiene Rating Scheme

In April 2011, the Food Standards Agency made representations to all Local Authorities on the implementation of the National Food Hygiene Rating Scheme. TDC's Corporate Management Team made the decision that Thanet will implement the National Scheme as long as there was minimum cost to the LA.

The Food Hygiene Rating scheme makes it easier for consumers to choose places with good hygiene standards when they're eating out or shopping for food. The food hygiene rating tells them about the hygiene standards by awarding a 'star rating' which is shown by way of standard stickers. The same stickers are used across the whole of the UK, by participating local authorities.

Thanet's scheme was launched in April 2012, alongside most other Kent authorities. The scheme is working well in Thanet with a small number of businesses asking for re-rating visits.

3.9 Liaison with Other Organisations

The team works in partnership with other organisations to deliver services, some examples are given below:

External Partnerships/Liaisons

Customs and Excise (HMRC) & UKBA	Imported Foods and potential Fraud
Association of Port Health Authorities (APHA)	Imported Food, air and sea port
Kent Environmental Health Managers (KEHM) Food Technical Working Group	County-wide liaison group for all food safety issues with representatives from the Health Protection Agency and Trading Standards as well as local Authorities.
CEFAS	Government Laboratories for Shellfish and Imported Food issues
Thames Port (City of London)	Port Health, advice and support
Trading Standards	Food complaints, Port Health
Food Standards Agency	Wide range of advice and support
Public Health England (PHE)	Outbreak control or advice
Food Sampling Group and Labs	Food sampling
Kent Infection Control Committee	Infectious disease investigations
Kent Food Group	Consistency meetings/Policy
Health and Safety Executive	RIDDOR/Gas Safety/Electricity at Work
CIEH	Chartered Institute of Environmental Health

Internal Partnerships

External partnerships and liaisons are good; the sharing of information with internal partners is improving. Particularly important partnerships include the Events team, Licensing Department, Building Control, Estates Team and Planning Department who make the best use of shared intelligence, all within FOI and data protection criteria. Since 2016 partnership work with the Community Safety Unit has increased.

3.10 Promotional Work

The overall resources available to the Public Protection Team have reduced since 2016, all working practices have been frequently reviewed and in turn, this has streamlined activities like promotional work, which is now based on FSA promotions.

4. Resources

4.1 Financial Allocation

Following the March 2018 restructure, the budgets for the Food Safety function are managed by the Head of Safer Neighbourhoods.

4.2 Staffing Allocation

The resources for Food Safety are currently:

Staff resource	Number (FTE)
Public Protection Manager	0.8 FTE
Public Protection Officers	3 FTE
Health and Safety Officer	0
Support (admin)	0
Total	3.8 FTE

4.3 Qualifications and competence

From 6th April 2016 the non-EHO Qualifications and competency for food officers was changed by the FSA. As well as Lead Officers and Authorised officers possessing the baseline qualification (Higher Certificate in Food Premises Inspection) or equivalent Officers must now complete a 'bolt on course' which leads to the new qualification of 'Higher Certificate in Food Control'. In addition Managers must consider the relevant competencies needed for their roles and build that into their personal development and reporting cycle. (Food Law Code of Practice Chapter 4). All Food Officers must also maintain 20 hours a year CPD, which is audited by the Chartered Institute of Environmental Health.

Annexe II of Regulation (EC) 882/2004 outlines the subject matters for the training of staff performing official controls. 10 hours of the core CPD must include at least one of the following elements:

- Different control techniques, such as auditing, sampling and inspection
- Control procedures
- Feed and Food law
- Different stages of production, processing and distribution and the possible risks to human health.
- Assessment for non-compliance
- Hazards in animal, feed and food production
- The evaluation of the application of HACCP procedures
- Management systems such as quality assurance programmes
- Official certification systems
- Contingency arrangements
- Legal proceedings
- Examination of written, documentary material and other records

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- Any other area, including animal health and welfare

The qualifications required for types of establishment within the TDC area require the following officers/qualifications:

Establishment type or Action	Officer/Qualification
All establishments requiring inspection at intervals of 12 months or less (A & B rated)	HCFC/ EHO or Officer with Higher Certificate in Food Premises Inspection with 1 years' experience.
Approved premises – those requiring inspection under Regulation 853/2004	HCFC/EHP or Higher Certificate in Food Premises Inspection And with detailed knowledge of enforcement in approved establishments. If no experience, must be accompanied by experienced officer
Service of Improvement Notices (Reg 6)	HCFC/ EHP or Officer with Higher Certificate in Food Premises Inspection and one year's experience
Service of Prohibition Notice (Regulation 8)	HCFC/ EHP plus 2 years post qualification experience in food (only with PP Manager/Head of Safer Neighbourhoods agreement)
Service of application for closure order to Magistrates Court	EHO Food Safety Specialist with 2 years experience (PPM)

Qualifications – Food Law Code of Practice

Higher Certificate in Food Control (Baseline):

- The Environmental Health registration Board (EHRB)
- The Scottish Food Safety Officers Registration Board (SFSORB)

Baseline Equivalent Qualifications (EHO or Diploma):

- Certificate of Registration of the Environmental Health registration Board (EHRB) or
- Diploma in Environmental Health (or its antecedents) awarded by EHRB or the Royal Environmental Health Institute of Scotland (REHIS)

The Higher Certificate in Food Premises Inspection may be awarded by one of the following:

- The Environmental Health registration Board (EHRB)
- The Scottish Food Safety Officers Registration Board (SFSORB)
- The Institute of Food Science and Technology (IFST)

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The staffing establishment in April 2018 when this document was prepared, included the following officers whose qualifications are indicated in the table below:

Officer	Qualifications	CPD notes
Deborah Huckstep, Public Protection Manager (EHO)	MSc Environmental Health 2009 NEBOSH: General Certificate 2009 FSA Official Fish Inspector March 2006 EHORB Registration 2009	20 hours required p.a. (10 core)
Mark Kennedy Public Protection Officer	Higher Certificate in Food Premises Inspection 1998 NEBOSH: National Certificate 2016 EHORB Registration 1998	20 hours p.a. (10 core)
Simon Hogben Public Protection Officer	Higher Certificate in Food Premises Inspection 2014 NEBOSH: National Certificate 2016 EHORB Registration 2014	20 hours p.a. (10 core)
Emily Whittaker Public Protection Officer	Higher Certificate in Food Premises Inspection 2015 NEBOSH: National Certificate 2017 EHORB Registration 2015	20 hours p.a. (10 core)

4.4 Staff development plan

As at April 2018 the appraisal scheme has been changed and no longer incorporates the pay for contribution element. 3 Objectives are set annually and 1:1 meetings arranged monthly, together with monthly team meetings. The appraisal scheme includes new staff development plans, improved training plans and encourages meeting attendance. Documentation of training qualifications and training courses attended are now recorded and contribute to the issue of authorisations for officers, to consider competence.

4.5 Training and Development

There is no specific training budget for food team officers. Officers have the opportunity to apply for funding for specific courses that would aid their development, as well as ample time off and opportunity to attend FSA food courses. The Food Standards Agency had highlighted this issue and the consideration of a specific budget was considered and not agreed by TDC, the FSA have now withdrawn funding for training courses.

In 2018 Public Protection Officers will attend the University of Birmingham and undertake a conversion course which on successful completion will award them the Higher Certificate in Food Control (the new baseline qualification). This will enable better use of staff resources and allow officers to carry out a wider range of official controls.

Funding has not yet been agreed for the second part of the course.

5. Quality Assessment and internal monitoring

The team is placing considerable emphasis on its effectiveness and accuracy within its available resources. This makes 'getting it right first time' and 'Making every inspection count' particularly important (FSA).

Following the FSA Audit recommendations, an auditing regime based on the FSA document 'Making every inspection count' has been established and has been operational since January 2014. Carrying out the following audits:

- 100% desktop audit of the officers inspections recorded on a control sheet checked against the inspection report, completed inspection checklist, to ensure that the Annexe 5 scores, the FHRs scores and the chosen star rating agree and are correct, as well as the FHRs status and whether the premises should be included in the scheme. Consistency is considered with regards to the scores and compared against other officers scoring. This audit is signed off by the Public Protection Manager before the administration team input any information and scoring onto the database, hence the database scoring and FHRs scoring is correct, and the correct FHRs sticker is sent out, this gives protection to the database, as well as the resulting LAEMS return.
- The PPM's targeted auditing is documented and the results passed to the Head of Safer Neighbourhoods for review (**targeted auditing**) areas are prioritised according to the FSA audit and issues arising from daily activities.

PPM's general audit includes: 100% audit of all inspections within 48 hours of inspection and

- Inspections due and carried out within 28 days (**targeted auditing**)
- Intervention anomalies (**targeted auditing**)
- Complaints anomalies (**targeted auditing**)
- Premises scoring
- Premises risk group categories
- Evening visit arrangements
- Fortightly upload of FHRs scores to FSA website
- Scores randomly checked on FSA website (**targeted auditing**)
- Correct risk ratings
- Contraventions identified correctly
- Written warnings annotated for input
- Port health – any imports (**targeted auditing**)
- Whelk documentation checks carried out (**targeted auditing**)
- Authorisations reviewed (monthly auditing)
- Revocations completed

6. Review Process

The Food Law Enforcement Plan is reviewed once per year but will be reviewed according to changes regarding BREXIT and ROF.

Annexe 1: Food Service Enforcement Policy

Food Law Enforcement Objective

It is council policy to strive to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the district is without risk to the health or safety of the consumer.

The Aim of this Policy

- To ensure a consistent approach to food related enforcement within the district;
- To provide officers with guidelines to enable them to make decisions in the field, consistent with current Government advice;
- To inform the public and food businesses of the principles by which enforcement action is taken.

Enforcement

Purpose of food hygiene inspections

- To establish whether food is being handled and produced hygienically;
- To establish whether food is, or will be having regard to further processing, safe to eat;
- To identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food;
- The identification of breaches in hygiene or processing legislation will be incidental to the above aims.

Factors influencing the enforcement approach

- An authorised officer has a range of options available in seeking to ensure the above aims are met. These range from the giving of advice and verbal warnings, to the service of statutory notices, or prosecution or closure of premises.
- This authority has signed the Enforcement Concordat and has adopted a graduated approach to enforcement as described in that document. As the first step towards securing compliance, an authorised officer will adopt an educative approach and discuss the requirements of the legislation relating to hazard analysis and the supervision and instruction and/or training with the food business operator.
- This authority will have regard to the BRE Regulator Compliance Code of Practice (attached as Appendix 1) in the conduct of its enforcement work.
- The Food Law Code of Practice (England) gives guidance on the appropriate use of the available procedures. This authority strictly follows advice issued by central government departments and authorised officers are required to follow this enforcement policy.
- Departures from this policy must be exceptional and the reasons will be documented.

- Enforcement action will be proportionate to the risk to public health arising from the contraventions identified. Combinations of formal notice and informal advice may be appropriate.
- Decisions on appropriate enforcement action will be taken based primarily on an assessment of risk to food safety and public health, but will also be influenced by the history of compliance by the food business operator with food safety legislation and his willingness to remedy contraventions.
- This authority has regard to the Primary Authority Agreement principle and will consider whether a relevant Primary Authority should be consulted before giving detailed advice or taking enforcement action.
- This authority recognises that some organizations, including voluntary and charitable ones operated by volunteers will need help and guidance to understand food safety requirements and an informal approach will be used where public health is not compromised.
- This authority recognises that many businesses in the District are small and family run on a tight budget. Consideration will always be given to low-cost solutions to contraventions, as long as this does not present a threat to the public health.
- This authority recognises that many businesses are seasonal and operate out of normal office hours and will need inspection and advice during these trading hours.
- This authority recognises that English is not the first language of many traders in its area and will take care to ensure its enforcement actions are clearly understood in an appropriate language wherever possible.
- Where there is a shared or complimentary enforcement role this authority will consult with those other enforcement agencies to ensure that the proposed action is consistent with the policies and actions of that other authority. An example would be consultation with Trading Standards over sampling programmes or the labelling of foodstuffs.
- Enforcement action taken by this authority will take into account the requirements of other departments of the Council and of other teams within the Environmental Services department to ensure consistency of action.
- Before taking action that the authority believes may be inconsistent with that taken by other food authorities, it will first discuss the area of difficulty with those bodies through the Kent Technical Food Group.

Legal Safeguards influencing the Enforcement Approach

- The Regulation of Investigatory Powers Act 2000 as amended by Investigatory Powers Act 2016

Any covert surveillance which is conducted as part of any investigation of any case which falls within this policy, will comply with the Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act 2016, in that covert surveillance falling within RIPA will be authorised and conducted in accordance with the statutory framework and any Code or Codes made there under.

- The Human Rights Act 1998 and the European Convention on Human Rights

The Human Rights Act 1998 (HRA) makes it unlawful for a public authority to act in a way that is incompatible with the European Convention on Human Rights (ECHR). This policy will be implemented taking into account the legal and procedural implications of both the HRA and the ECHR.

Related Documents:

- The Code for Crown Prosecutors (available from: The Crown Prosecution Service, Information Branch, 50 Ludgate Hill, London, EC4M 7EX,
- Criminal Procedure and Investigations Act 1996 (CPIA)
- Police & Criminal Evidence Act 1984 (PACE), and associated Codes
- Internal Procedure and Policy of TDC
- Statutory Code of Practice for Regulators, December 2007: Department of Business Enterprise and Regulatory Reform.

Qualification and Authorisation of Officers

- No officer will carry out food hygiene inspection and enforcement duties unless suitably trained and experienced and authorised in writing by the Head of Safer Neighbourhoods.
- High risk premises (categories A and B), all food manufacturers and processors classified as substantial and premises approved under product specific legislation will only be inspected by qualified Environmental Health Officers, or Food Safety Officers holding the Higher Certificate in Food Premises Inspection/Food Control.
- Officers will be authorised to sign Hygiene Improvement Notices only for premises within the categories for which they are qualified.
- Hygiene Emergency Prohibition Notices and voluntary closure agreements will only be signed by specifically authorised officers, having a minimum of two years post-qualification experience of food safety enforcement and currently involved in

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food safety enforcement. Only officers holding specific food inspection qualifications will be authorised to inspect, detain or seize foodstuffs (EHO).

- Only officers holding specific food inspection qualifications and specific imported foods training will be authorised to inspect, detain or seize imported foodstuffs.
- Newly qualified officers will only be authorised after a minimum of 6 months of structured practical training in enforcement procedures at the appropriate level.
- Continuing professional development training will be provided for all food safety officers to enable them to keep abreast of changes in legislation and good practice and meet the requirements of the Food Law Code of Practice
- Officers will be fully acquainted with the requirements of this Enforcement upon appointment and with any revisions as they arise.

The Informal Approach option

- The existing procedure of giving advice and informing of minor contraventions by informal letters is accepted and understood by Thanet's food businesses. Officers will use this approach as long as they believe that this will achieve compliance with food safety legislation within a time-scale that will protect the public health and ensure safe food production.
- An authorised officer will be prepared to offer advice where this is requested by the operator of an existing or new food business, and will seek to encourage food businesses to adopt good food hygiene practice through this approach.
- This informal approach will be consistent with the Food Law Code of Practice and Practice Guidance.
- Officers will clearly differentiate between legal requirements and recommendations of good hygiene practice in both verbal and written communications.

The Use of Hygiene Improvement Notices

An improvement notice is a legal document issued under the Food Safety and Hygiene (England) Regulations 2013, Reg 6. It details contraventions of the EU Hygiene Regulations, the works required to correct the contraventions and a time-scale for completion. Failure to comply with the notice is an offence.

Improvement notice procedure will be used where major contraventions of food hygiene or food processing regulations are found and where any of the following conditions are satisfied:

- where formal action is proportionate to the risk to public health;
- there is a documented history of non-compliance with food safety legislation;
- an informal approach has been tried but has not been successful, or the authorised officer has reason to believe that informal action will not be successful;
- in the case of new business or requirements, where the authorised officer assesses that the operator is unwilling or unlikely to comply, for whatever reason;
- Where there is a breakdown of controls critical for food safety, or where no such controls exist.

An improvement notice will not be used where:

- the contravention is minor and presents no risk to public health;
- The contravention is a continuing one, e.g. cleanliness or temperature control, and a notice would only secure an improvement at one point in time. (prosecution may be the only option);
- Swift action is required, such as at a one day event where there exists a risk to public health.

Improvement notice procedure will only be implemented after the authorised officer has discussed the need for such action and its requirements with the food business operator informally and considered alternatives. The food business operator will be offered the opportunity for the matter to be referred to the officer's manager in the event of a dispute.

Only suitably qualified and experienced officers will be authorised by the Council to sign improvement notices.

Non-Compliance with Notices

Non-compliance with an improvement notice is a serious offence and will be considered to be grounds for prosecution with the following exceptions:

- Where the remaining contraventions detailed in the notice are minor and do not pose a risk to public health;
- Where the outstanding works are in hand, (confirmation from contractor or supplier required), and an extension of time to complete the works would have been granted, if requested.

Non-compliance with an informal notice will not be considered grounds for prosecution, but the authorised officer will reconsider at this stage the enforcement options available to remedy the contravention using the criteria described above. The failure to respond in the first instance to an informal approach will influence that decision.

The Use of Hygiene Prohibition Orders

A prohibition order may be imposed by the courts following a conviction for a food hygiene offence, if the contravention has not been corrected or there still exists a risk of injury to health. The prohibition order may prohibit the use of a process, the use of premises or equipment, or the participation in a food business by a convicted food business operator.

- An application for a prohibition order will be made if an inspection of premises, prior to a court hearing to consider a food hygiene offence, reveals that the contravention is continuing and there is a risk of injury to health.

The Use of Hygiene Emergency Prohibition Notices

An emergency prohibition notice has the effect of immediately closing a food business or prohibiting the use of equipment or a process where there is an imminent risk of injury to health.

Conditions where prohibition of premises may be appropriate:

- Premises which contravene food safety legislation and have been or are involved in an outbreak of food poisoning or present an imminent risk of one;
- Serious infestation of vermin resulting in actual or imminent risk of contamination of food;
- Poor structural condition and poor equipment and/or poor maintenance of routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in actual or imminent risk of food contamination;
- Serious drainage defects or flooding of the premises leading to actual or imminent risk of food contamination;
- Any combination of the above or any cumulative effect of contraventions which together represent an imminent risk of injury to health.

Additionally, equipment or a process may be prohibited where there is a risk of cross contamination of ready to eat food or where there is a failure to achieve critical control criteria such as minimum cooking or pasteurisation temperatures or the use of a process which is inappropriate.

An emergency prohibition notice will only be signed by a specifically authorised officer being an Environmental Health Officer having a minimum of two years post qualification experience of food enforcement matters and being currently involved in food enforcement. Such actions will, additionally, have to be approved by the Public Protection Manager or other suitably qualified senior officer.

Outside, expert advice will be sought where the process or treatment under consideration requires specialist knowledge or qualifications to establish that the health risk conditions above are met.

Voluntary Closure

- There may be occasion where an authorised officer is satisfied that grounds for Emergency Prohibition exist, but where the food business operator offers to close voluntarily until the health risk is removed.
- Such an offer will only be accepted if the authorised officer is satisfied that there is no likelihood of the premises being used as a food business, or of the use of equipment, or of a process without the express agreement of the food authority.
- Such an offer will only be accepted if the offer to close and its acceptance are fully documented and signed by the food business operator and by a specifically authorised officer, as for an emergency prohibition notice.
- When considering such an offer, great care will be taken to ensure that the food business operator is aware that in closing voluntarily they are relinquishing the rights to compensation for unjustified action contained in formal emergency prohibition notice procedure.

Prosecution

- Prosecution may be considered as an alternative, in addition to, or as a consequence of failure to comply with the above enforcement procedures.
- In considering prosecution action for food safety offences an authorised officer will consider whether that course of action is proportionate to the risk presented to the public health by the contravention, using the principles outlined in the paragraph “Factors influencing the enforcement approach” above.
- Primary authorities will be consulted where prosecutions are planned and due regard will be paid to opinion of that authority. Such authorities will be notified of the outcome of prosecutions taken.
- The recommendation to prosecute will be made by the Public Protection Manager after careful consideration of a written report from the inspecting officer.
- The decision to prosecute will be made by the Principal Solicitor, who will take account of the criteria set out in the Code for Crown Prosecutors, in particular the Evidential Test and the Public Interest Test.

Factors that will be considered before initiating prosecution procedures include:

- The seriousness of the alleged offence;
- The previous compliance history of the food business;
- The likelihood that a *due diligence** defence could be established;
- The ability of any important witness and their willingness to co-operate;
- The willingness of the food business operator to prevent a recurrence of the contravention;
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent;
- Whether other action, such as issuing a formal caution, serving an improvement notice, or imposing a prohibition, would be more appropriate or effective;
- Any explanation offered by the food business.

** due diligence: The Food Safety Act 1990 provides a defence for a person charged with an offence that he took all reasonable precautions and exercised all due diligence to avoid the offence. This requires that, not only are suitable precautions set up, but that these are adequately implemented and monitored to ensure their effectiveness.*

Unfit Food Prosecution

(LACORS Guidance on Food Complaints – second edition)

The decision to prosecute for Food Safety Act 1990 offences relating to the sale of food unfit for human consumption, or not of the quality demanded by the purchaser will be taken at the earliest opportunity to avoid unnecessary and time consuming investigations by both authorised officers and food businesses.

Prosecution will be indicated where:

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- the offence has resulted in a risk to public health;
- there is evidence of negligence in failing to adopt basic food hygiene precautions;
- The food business has failed to respond to an informal approach to prevent a recurrence of the problem.

Particular regard will be paid to the possibility of establishing a *due diligence* defence.

Only officers holding a relevant food inspection qualification will be authorised to consider whether food is fit for human consumption. Independent advice will be sought from the appointed food examiner or public analyst, or other expert, where appropriate.

In all cases where a prosecution is being considered, a report will be requested from the originating food authority as appropriate and particular regard will be paid to that report.

The integrity and co-operation of a complainant in providing witness support is especially important with food complaints. The wishes of the complainant as to whether to proceed to prosecution will be respected, unless it is felt to be in the public interest to proceed independently.

Formal Cautions

The Home Office issued a circular (30/2005) in relation to the cautioning of offender to which reference should be made. Reference should also be made to the Code of Practice under Section 22 of the Legislative and Regulatory Reform Act 2006 and the Code for Crown Prosecutors. Cautions are a non-statutory disposal for adult offenders and Local Authorities may therefore exercise discretion when deciding to use them; as such it is not possible to be definitive about the circumstances in which they are appropriate.

The aims of the simple caution are:

- to deal quickly and simply with less serious offences;
- to divert offenders where appropriate from appearing in the criminal courts;
- to reduce the likelihood of re-offending.

Formal caution will only be considered where there is sufficient evidence to give a realistic expectation of success if the case went to the courts. It will not be seen as an alternative to prosecution where it is felt the prosecution case is weak.

A caution can only be administered where the suspected offender is prepared to admit the offence. Care will be taken to ensure that the suspected offender understands the significance of the caution and is able to give an informed consent to being cautioned.

The decision to offer a formal caution will be taken by the Principal Solicitor upon receiving the report of the Public Protection Manager (PPM). The PPM is authorised as the "Cautioning Officer" for the purpose of implementing the caution.

If the offer of a formal caution is declined, further enforcement action will be considered. This will usually be prosecution, but the option of a written warning will be considered.

Home and originating authorities will be notified of formal cautions issued by this authority where appropriate.

Review of Policy

This Enforcement and Prosecution Policy will be reviewed annually or when changes in legislation or centrally issued guidance make this necessary.

Appendices

1. Notes on BRE Regulators Compliance Code of Practice
2. Guidance on enforcement of Article 5 requirement for documented food safety systems.

Annexe 2: Definitions

BREXIT On 30th March 2019 under Article 50 of the Treaty on European Union the UK will cease to be a member of the EU. The decision by the UK to leave the EU will have implications for the regulatory regime for food safety in the UK.

ROF The FSA, the regulators for UK food safety, have published a controversial strategic plan for the period 2015-2020 to coincide with Brexit. The plan will lead to a major programme of regulatory change (ROF) through which the FSA is seeking to modernise comprehensively, the delivery and enforcement of its regulatory regime regarding food businesses, stating that it sends a sharper focus for the need for the FSA to move ahead with this programme before March 2019 beginning with central registration of food businesses 'Enhanced Registration'.

FLCOP Food Law Code of Practice and Practice Guidance – issued by the Food Standards Agency and mandatory for local authorities to adhere to.

From the FLCOP:

'Inspection' means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules.

'Monitoring' means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules.

'Surveillance' means a careful observation of one or more food businesses, or food business operator or their activities

'Verification' means the checking, by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

'Audit' means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objective.

'Sampling for analysis' means taking feed or food or any other substance (including for the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify thought analysis compliance with feed or food law or animal health rules.

'Intervention' is defined as *Activities that are designed to monitor, support and increase food law compliance within a food establishment. This includes 'official controls'*

'Official controls' are defined as *any form of control for the verification of compliance with food law. This includes:*

- *Inspections*
- *Monitoring*
- *Surveillance*
- *Verification*
- *Audit*
- *Sampling (where analysis is to be carried out by an Official laboratory).*
(These terms are defined in Annexe 3)

'Other interventions' are also defined and can include *'other interventions, i.e. those which do not constitute official controls include:*

- *Targeted education, advice and coaching at food establishment*
- *Information and intelligence gathering (including sampling where analysis is not carried out by an Official laboratory)*

NOTE: *a visit to an establishment for the purpose of obtaining a sample does NOT constitute a planned intervention unless the sampling activity forms a component part of a wider reaching official control that overall provides sufficient information to allow the officer to determine the level of compliance. .*

Full Inspection: This is a check on compliance with legal requirement in accordance with elements set out in the Code. A full inspection will consider all aspects of a food business including structure, food safety management and management arrangements.

Partial Inspection: An inspection that covers only certain elements of the inspection as laid down in the Code.

Where a partial examination is agreed, the reasons for adopting this approach will be documented on the central data base M3 in the agreed format. The scope of the partial inspection will be specified in the inspection report provided to the food business operator.

Planned audits: An audit may be undertaken instead of a partial or full inspection, where any food business operator, including those providing a high risk business has put in place an acceptable documented food safety management system (addressing Article 5 Regulation 852/2004). Details of the system will be required in advance of the audit so the Officer can plan the appropriate audit.

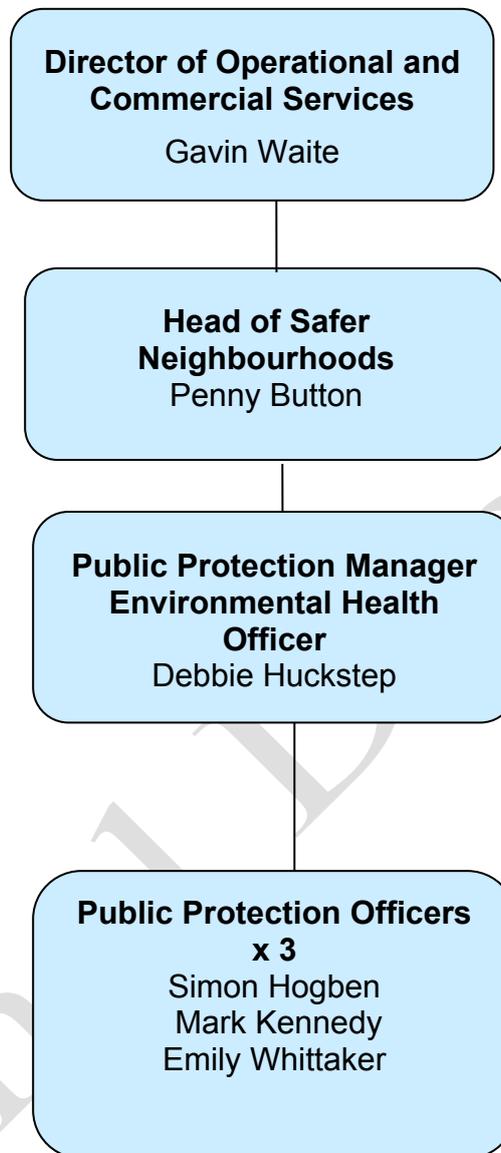
The audit may include one or more of the following elements (FLCOP):

- Complete audit of the food safety management system
- Audit of selected elements of the food safety management system where the system is complex

- Partial Audit concentrating on a particular produce
- Operational audit concentrating on certain arrangements such as temperature monitoring.

Final Draft

Annexe 3: Organisation Chart: Public Protection Team



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**EXECUTIVE, POLICY & COMMUNITY SAFETY SCRUTINY
PANEL WORK PROGRAMME FOR 2018/19**

Executive, Policy & Community
Safety Scrutiny Panel

27 September 2018

Report Author

Charles Hungwe, Senior Democratic Services Officer

Status

For Decision

Classification:

Unrestricted

Key Decision

No

Ward:

Thanet Wide

Executive Summary:

This report updates panel members on the work of the panel and sets out possible activities of the Executive, Policy & Community Safety Scrutiny Panel for 2018/19.

Recommendation(s):

1. Members are invited to comment and note the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising directly from this report but elements of the suggested work programme may have financial and resource implications.
Legal	There are no legal issues arising directly from this report. However a robust scrutiny function that is set up in a positive critical friend environment effective decision making and policy development.
Corporate	The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

<p>Equality Act 2010 & Public Sector Equality Duty</p>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>Please indicate which aim is relevant to the report.</p> <p>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</p> <p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p> <p>Foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.</p> <p>It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.</p>
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 This report allows Members to review the Executive Scrutiny Panel work programme agreed at the Panel meeting on 31 July 2018.
- 1.2 Panel members could provide additional comments during the debate of this item at the meeting. Table 1 in Annex 1, highlights some of the key agenda items for future Executive Scrutiny Panel meetings for 2018/19. The items are largely from the Forward Plan and some of the items are requested by Members during discussions at meetings.

- 1.3 The report would therefore provide the basis for debate by Members on on-going scrutiny activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.
- 1.4 The Executive Scrutiny Panel established its work programme at the meeting on 31 July. The Panel was responsible for reviewing policy proposals developed by Cabinet as part of providing critical friend support to the work of the Executive.
- 1.5 The Panel would also scrutinise the performance of the Community Safety Partnership as well as any proposals that were on the Partnership's annual work programme.

2.0 Current Scrutiny Activities

- 2.1 Members for this Panel agreed to continue to engage Cabinet Members through Cabinet Member presentations at Panel meetings. This of course would be dependent on the availability of the portfolio holders. Democratic Services Officers had canvassed members for presentation topics.
- 2.2 The current work programme for the Panel for 2018/19 is attached as Annex 1 to the Council report. This schedule would be subject to amendments during the course of the year as Members added more items for reviewing. At the previous meeting, Members requested to receive a report on 'Asset Management – The Museums' and the Cabinet Member responsible for that area was invited to be in attendance to discuss the item, as detailed elsewhere in the agenda.
- 2.3 The Panel also requested that a progress report be presented on the performance of the Public Spaces Protection Order No. 3 (Anti-Social Behaviour) (PSPO) after a six months implementation period. Members requested that the Order be reviewed at the Panel meeting on 31 January 2019. This item has therefore been added to the work programme as reflected in Annex 1 to the report and would be reported on as per the agreed timescale.
- 2.4 During the course of the year the Panel would receive reports on Annual Crime & Disorder Partnership Report for 2018/19, Crime Statistics for Thanet and Proposals for Crime & Disorder Partnership Annual Work Programme for 2019/20. The Panel activities are detailed in Annex 1 to the report.

3.0 Call-in of Executive decisions

- 3.1 Under the new scrutiny arrangements, the Executive Scrutiny Panel is responsible for all call-ins of executive decisions. At the time of producing this report, there were no call-ins that had been made the Panel.

4.0 Panel Recommendations to Cabinet - Implementation Monitoring

- 4.1 There were no presentations made to cabinet that were either awaiting final decision or implementation.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 7108

Annex List

Annex 1	Executive, Policy & Community Safety Scrutiny Panel Work Programme 2018/19
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services & Procurement
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer

Table 1

Executive, Policy & Community Safety Scrutiny Panel Work Programme for 2018/19		
Meeting Date	Indicative Agenda Items	Issue Source
27 September 2018	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Asset Management - The Museums	Estates Management
	Food Law Service Plan and Enforcement Policy	Safer Neighbourhoods
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
13 November 2018	Cabinet Member Presentation	Standing Agenda Item
	Crime Statistics for Thanet	Crime & Disorder Partnership (Kent Police)
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
31 January 2019	Cabinet Member Presentation	Standing Agenda Item
	Post decision/implementation review - Public Spaces Protection Order No. 3 (Anti-Social Behaviour) (PSPO)	Safer Neighbourhoods
	Review of Panel the Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

21 February 2019	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Annual Crime & Disorder Partnership Report for 2018/19	Crime & Disorder Partnership (TDC)
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
12 March 2019	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Annual proposals for Crime & Disorder Partnership Work Programme for 2019/20	Crime & Disorder Partnership (TDC)
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

FORWARD PLAN AND EXEMPT CABINET REPORTS LIST

Executive, Policy & Community
Safety Scrutiny Panel

27 September 2018

Report Author

Senior Democratic Services Officer

Portfolio Holder

Councillor Ashbee, Cabinet Member for Corporate Governance & Coastal Development

Status

For Information

Classification:

Unrestricted

Key Decision

No

Ward:

Thanet Wide

Executive Summary:

To update Panel Members on the revised Forward Plan and Exempt Cabinet Reports List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items.

Recommendation(s):

Members' instructions are invited.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising directly from this report.									
Legal	There are no legal implications arising directly from this report.									
Corporate	The Forward Plan is a publication of key decisions, policy framework.									
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 50px;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">✓</td> </tr> </table>		Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	✓
Please indicate which aim is relevant to the report.										
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,										
Advance equality of opportunity between people who share a protected characteristic and people who do not share it										
Foster good relations between people who share a protected characteristic and people who do not share it.	✓									

	There are no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure that policy decisions being made and service delivery to residents match these.
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site www.thanet.gov.uk
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 57186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 57208

Annex List

Annex 1	Forward Plan & Exempt Cabinet Reports List
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer



FORWARD PLAN AND EXEMPT CABINET REPORT LIST

12 SEPTEMBER 2018 TO 28 FEBRUARY 2019

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet's behalf) that is likely:

- a) To result in the Council spending or saving significantly against the Council's budget; or
- b) To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be very significant

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

Type of Decision	Threshold	Key Decision?
(a) Decisions involving expenditure within relevant budget approved by Council.	None.	No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward)
(b) Decisions involving expenditure in excess of relevant budget approved by Council.	Any excess which exceeds the FPR virement rules.	Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as "other".

Agenda Item 7

Annex 1

Reports to be considered in private session

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Committee Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, nicholas.hughes@thanet.gov.uk, telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing committee@thanet.gov.uk.

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Bob Bayford	Leader of the Council
Councillor Jason Savage	Deputy Leader of the Council and Cabinet Member for Operational Services
Councillor Ash Ashbee	Cabinet Member for Corporate Governance and Coastal Development
Councillor Ian Gregory	Cabinet Member for Financial Services and Estates
Councillor Lesley Game	Cabinet Member for Housing and Safer Neighbourhoods

12 September 2018 to 28 February 2019

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
To consider and approve an amended RIPA Policy & Procedures Guidance Note for 2018/19 and to receive the annual report on the use of RIPA in 2017/18	The adopted RIPA Policy requires the Council to receive an annual report on the use made of RIPA powers in the previous year. It was also timely to review the RIPA Policy & Procedures Guidance Note at the same time to reflect any recent practice changes.	1.Cabinet 2.Trevor Kennett, Head of Operational Services	Councillor Jason Savage, Deputy Leader and Cabinet Member for Operational Services	18 Sep 18	Non-Key		Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Food Law Service Plan and Enforcement Policy	That the Public Protection team will continue to ensure that food intended for human consumption is produced, stored, handled or purchased within Thanet is without risk to public health and safety of the consumer.	1.Cabinet Executive, Policy & Community Safety Scrutiny Panel Cabinet Council 2.Debbie Huckstep	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	18 Sep 18 27 Sep 18 18 Oct 18 6 Dec 18	Policy Framework		Cabinet report Executive Scrutiny Panel report 2nd Cabinet report Council report
Q1 Budget Monitoring	Quarter 1 update of the 2018/19 Budget position	1.Cabinet 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	18 Sep 18	Non-Key		Cabinet report
Medium Term Financial Strategy (MTFS)-2019/23	Updating the Cabinet on the MTFS for 2019/23	1.Cabinet 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	18 Sep 18	Non-Key		Cabinet report
Asset Management - The Museums	Consideration of the most appropriate use of council assets in relation to museums and wider asset management objectives.	1.Cabinet 2.Edwina Crowley, Interim Head of Asset Management	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	18 Oct 18	Non-Key		Cabinet report

Annex 1

Agenda Item 7

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Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Asset Management - Disposals	To consider assets recommended for disposal including community asset transfers	1.Cabinet 2.Edwina Crowley, Interim Head of Asset Management	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	18 Oct 18	Non-Key		Cabinet report
Allocations Policy	Agreeing how social homes are allocated in the district.	1.Cabinet Executive, Policy & Community Safety Scrutiny Panel Cabinet 2.Bob Porter, Head of Housing and Planning	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	18 Oct 18 13 Nov 18 15 Jan 19	Key		Cabinet report Executive Scrutiny Panel report 2nd Cabinet report
Budget Strategy 2019-20	To consider the Budget Strategy Report for 2019-20	1.Cabinet 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	15 Nov 18	Non-Key		Cabinet report
Q2 Budget Monitoring	Q2 update of the 2018/19 Budget position	1.Cabinet 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	15 Nov 18	Non-Key		Cabinet report

Annex 1

Agenda Item 7

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Fees and Charges 2019-20	To consider the Fees and Charges report for 2019-20	1.Cabinet Finance, Budget & Performance Scrutiny Panel Council 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	15 Nov 18 20 Nov 18 6 Dec 18	Non-Key		Cabinet report Finance Scrutiny Panel report Council report
Ramsgate Acquisition Programme	This will enable the council to purchase off the shelf developments to expand the Council's rented stock. The funds will be specifically ring fenced to Ramsgate post codes.	1.Cabinet 2.Bob Porter, Head of Housing and Planning	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	15 Nov 18	Key		Cabinet report
Treasury Management Strategy and Annual Investment Strategy – Mid Year Review report 2018-19	To consider the Treasury Management Strategy and Annual Investment Strategy – Mid Year Review report 2018-19	1.Governance and Audit Committee Cabinet Council 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	5 Dec 18 15 Jan 19 7 Feb 19	Non-Key		G&A Committee report Cabinet report Council report

Annex 1

Agenda Item 7

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Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2019-20	To agree the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2019-20	1. Governance and Audit Committee Cabinet Council 2. Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	5 Dec 18 15 Jan 19 7 Feb 19	Non-Key		G&A Committee report Cabinet report Council report
Corporate Risk Management - Quarterly Risk Review	Update on the Corporate Risks	1. Governance and Audit Committee 2. Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	5 Dec 18	Non-Key		G&A Committee report
Council Tax Base 2019-20 Report	To agree the Council Tax Base for 2019-20	1. Cabinet 2. Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	15 Jan 19	Key		Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Budget 2019-20 Report	To consider the Budget report for 2019-20	1.Cabinet Finance, Budget & Performance Scrutiny Panel Council 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	15 Jan 19 24 Jan 19 7 Feb 19	Non-Key		Cabinet report Finance Scrutiny Panel report Council report
Review of Contaminated Land Strategy	The strategy will be updated following installation of new contaminated land system and prioritization exercise.	1.Cabinet 2.Morgan Sproates, Environmental Protection Manager	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	29 Jan 19	Non-Key		Cabinet report
2019-20 Council Tax Resolution	To set the Council Tax for 2019-20, including the precepts.	1.Council 2.Ramesh Prashar, Head of Financial Services	Councillor Ian Gregory, Cabinet Member for Financial Services and Estates	28 Feb 19	Non-Key		Council report

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.