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To: MEMBERS OF THE COMMUNITY SERVICES COMMITTEE
Councillors Wren (Chair), Swann (Vice-Chair), Allen, Bilton, G.Black, Caulcott, S.Farr, Lee, North, O'Driscoll, Pinard and Shiner

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Substitute Councillors: Hammond, Montgomery, Moore and Robinson

C.C. All Other Members of the Council

2 November 2022

Dear Sir/Madam

COMMUNITY SERVICES COMMITTEE THURSDAY, 10TH NOVEMBER, 2022 AT 7.30 PM

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,

David Ford
Chief Executive

AGENDA

- 1. Apologies for absence (if any)**
- 2. Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

- 3. Minutes of the meeting held on 18th October 2022 (Pages 3 - 8)**
To confirm as a correct record.
- 4. To deal with any questions submitted under Standing Order 30**

5. Food Hygiene Rating Scores – Proposals for Introduction of a Fee for Re-Inspection
(Pages 9 - 20)

6. Quarter 2 2022/23 Budget Monitoring - Community Services Committee (Pages 21 - 30)

7. Any urgent business

To consider any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency – Local Government Act 1972, Section 100B(4)(b).

8. To consider passing the following resolution to exclude the press and public

That members of the press and public be excluded from the meeting for agenda item 9 under Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) it involves the likely disclosure of exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12A of the Act; and
- ii) for the items the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9. Contract Discussion (To Follow)

TANDRIDGE DISTRICT COUNCIL

COMMUNITY SERVICES COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 18th October 2022 at 7:30pm.

PRESENT: Councillors Wren (Chair), Swann (Vice-Chair), Bilton, G.Black, Caulcott, S.Farr, Lee, North, O'Driscoll, Pinard, Shiner and Moore (Substitute) (In place of Allen)

ALSO PRESENT: Councillors C.Farr, Sayer and N.White

APOLOGIES FOR ABSENCE: Councillors Allen

143. MINUTES OF THE MEETING HELD ON 16TH JUNE 2022

These minutes were confirmed and signed as a correct record.

144. QUESTION SUBMITTED UNDER STANDING ORDER 30

The Executive Head of Communities responded to a question from Councillor O'Driscoll, details of which are provided at Appendix A.

145. OVERVIEW OF GRANT ALLOCATIONS AND SUPPORT FOR THE VOLUNTARY SECTOR

A report was presented in connection with the Committee's budget for allocating grants to voluntary sector organisations, including:

- details of the grants currently provided and updates from some of the organisations concerned
- the question of whether the current arrangements remain appropriate and whether an element of the budget should be utilised to cover relevant management and administration costs
- a suggestion that a scoring matrix be introduced for assessing the suitability of future grant allocations.

The Committee raised a number of questions about the funding provided to organisations in 2022/23. Members explained that the organisations provided useful services to residents and there may be a knock on effect to the Council in terms of increasing service provision if these organisations were not able to deliver their services. It was important that the Council received information from these organisations as part of the grant award process, but the information required must not place unnecessary burdens on the organisations. The process should consider if the right organisations received funding, and that they have planned sufficiently for inflationary increases.

Councillor Swann, seconded by Councillor S. Farr, proposed, in place of recommendation C, that: *“authority be delegated to the Executive Head of Communities, in consultation with the Chair and Vice-Chair of the Committee, to establish a Member/Officer Panel to consider the management and administration of the Committee's community grants budget.”* Upon being put to the vote, this motion was carried.

Councillor O'Driscoll, seconded by Councillor Lee, proposed that, recommendation D be amended to: *“a scoring matrix for future grants to assess suitability of the grants and allow transparency, similar to the rental grant subsidy policy which was agreed at the Strategy and Resources Committee in January 2022, be introduced.”* Upon being put to the vote, this motion was carried.

RESOLVED – that:

- A. the current levels of funding allocations for 2022/23 be noted;
- B. the level of future funding be reviewed as part of the budget setting process for 2023/24;
- C. authority be delegated to the Executive Head of Communities, in consultation with the Chair and Vice-Chair of the Committee, to establish a Member/Officer panel to consider the management and administration of the Committee's community grants budget; and
- D. a scoring matrix for future grants to assess suitability of the grants and allow transparency, similar to the rental grant subsidy policy which was agreed at the Strategy and Resources Committee in January 2022, be introduced.

146. REVIEW OF THE HACKNEY CARRIAGE (TAXI) MAXIMUM TABLE OF FARES

The local taxi trade representative group had requested an increase in the maximum table of fares for Hackney Carriages licensed by the Council to operate from ranks within the District. This request was in light of increasing fuel prices and the cost of living in general.

The report before the Committee set out both the current and proposed fare tables. Members were informed that Hackney Carriage drivers licensed by the Council had been consulted and 96% were in favour of the proposed fees. The last revision of the maximum far had been in 2018.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 required taxi licensing authorities to give public notice of proposed variations to the table of maximum Hackney Carriage fares.

In response to questions from Members, it was confirmed that:

- The Council did not set a maximum number of taxis that were licenced. However, there were rigorous tests applicants had to undertaken prior to a licence being issued.
- Discussions between officers had taken place about moving licensing functions, currently the responsibility of the Committee, to the Licensing Committee. A report would be presented at a future meeting of the Committee.

RESOLVED – that

- A. the proposed variation to the Hackney Carriage table of maximum fares, as put forward by the taxi trade representative group as set out in section 3 of the report, be approved in principle;
- B. arising from A above, the variation be advertised in the local press allowing 14 days for comments to be submitted to the Council; and
- C. subject to no objections being received during the consultation period, the variation will come into effect on 11th November 2022.

In accordance with Standing Order 25(3), Councillor O’Driscoll wished it recorded that he abstained from voting on the resolutions.

147. QUARTER 1 2022/23 BUDGET MONITORING - COMMUNITY SERVICES COMMITTEE

A budget monitoring report for the first quarter of the current financial year (i.e. to 30th June 2022) was presented. This concerned expenditure against the Committee’s 2022/23 revenue (£4,051k) and capital (£672k) budgets. Officers explained the budget monitoring position would be reported to the four policy committees on a quarterly basis.

As far as revenue was concerned, the key headline was a projected £200k overspend on the waste management contract due to the impact of inflation. It was explained that when the budget was set, inflation was estimated at c.4% but was now approaching 10%. The projected overspend contributed to a total Council overspend forecast of £573k. Strategy and Resources Committee had agreed to mitigations and contingencies that would cover the project overspend. It would, however, remain important and necessary for the Committee to consider mitigations within its remit.

The savings target for the Committee budget was £177k. £157k was considered to be achievable, with £20k in relation to the mechanical sweep considered to be at risk. Officers were working to realise this saving.

At this stage, the capital programme (c.22% of which had been spent at Q1) was considered to be deliverable.

There were two revenue risks relating to the waste contract and the trees programme budget.

In response to comments from Members, it was confirmed that:

- There was no external grant funding available for tree works, but the Council would be considering applications for funding for a woodland management plan. The budget pressure for dealing with ash dieback had been identified for the 2023/24 budget.
- There was the potential to release provisions set aside as corporate contingencies to mitigate against the projected £200k waste contract overspend. However, mitigations based on in year spending was preferable and officers were negotiating with the waste contractor. Inflationary pressures were being factored into the 2023/24 budget.

RESOLVED – that the Committee’s forecast revenue and capital budget positions as at quarter 1 / M3 (June) 2022 be noted.

148. COMMUNITY SERVICES COMMITTEE – FUTURE TANDRIDGE PROGRAMME UPDATE - SEPTEMBER 2022

As part of the Future Tandridge Programme ('FTP'), each service had undergone a review process to consider opportunities for improvements, different delivery models and savings needed to address the Council's significant budget gap in 2023/24.

A report was considered regarding progress to date for the services within the scope of the Community Services Committee. Waste collection and Operational Services (including 'Locality') had been the subject of a single consolidated review, an outline business case for which was presented.

The recommendations from the service reviews were to initiate an internal improvement programme and to undertake a market readiness assessment. The assessment would inform a future recommendation to the Committee regarding future service delivery.

Members discussed the need to ensure unintended consequences of changes to service delivery were considered, and officers had the necessary skills in relation to relationship, contract and performance management.

In response to questions from Members, it was confirmed that:

- The Council was continuing to support the Westway Centre, particularly in relation to lease arrangements.
- The RAG rating for the operational activities to deliver internal savings would be given an amber status.
- Additional resource had been brought in to identify meaningful data which inform decision the direction of travel. A Council wide resource had also been approved at Strategy and Resources Committees on 29 September for a Finance Business Analyst post to support the identifying of financial information and data to enable full benchmarking. Officers would look at requesting detailed invoices from contractors.
- The vehicle maintenance service supported a range of functions, and the operating structure would be updated to reflect that.
- Soft market testing would be undertaken before the Committee were asked to consider service delivery models.
- Work on the grounds maintenance dataset was progressing, and that specific examples of savings would be provided to Members as soon as available.
- Officers would consider adapting the residents survey in order to capture data on anti-social behaviour.

RESOLVED – that:

- A. the direction of travel for Operational Services, including the twin track approach as set out below, be approved:
 - (i) Internal Improvement Programme - to initiate a programme to deliver better service outcomes, achieve savings and mitigate operational risks and issues – this will include the redesign of Operational Services, the development of service specifications and associated performance metrics, improvement in technology and an interim restructure of services
 - (ii) Market Readiness Preparation – to undertake early market engagement to assess the market readiness and appetite to deliver Operational Services, in whole or in part;
- B. it be noted that the additional resources required to deliver the above activities had been approved by the Strategy & Resources Committee on 29th September;
- C. the savings opportunities, risks and key planned milestones included within the outline business case for Operational Services and the service review summaries for Regulatory Services and Community Partnerships (contained within Appendix 2 to the report and which are subject to further detailed analysis as part of budget considerations for 2023/24) be noted; and
- D. it be noted that a recommendation for decision on the future direction of Operational Services will be presented to the Community Services Committee on either 10th November 2022 or 23rd January 2023.

Rising 9.04 pm

Question submitted under Standing Order 30 by Councillor O'Driscoll

There were several instances of large events causing inconsiderate parking across the District over the summer. Attendees of a music festival in Newchapel parked dangerously in the middle of the carriageway on the A22 between Newchapel and Blindley Heath caused the road to be closed by police for several hours.

Another incident saw attendees of a car festival on Kenley Aerodrome parked inconsiderately on neighbouring roads in Caterham on the Hill, causing traffic around Buxton Lane and Ninehams Road. My residents are concerned that if measures to counter this aren't taken, we could see a repeat of these incidents elsewhere in Tandridge.

What steps can this Council take to work with our parking enforcement contractor to reduce these instances of inconsiderate parking across our District and will this Council consider funding a number of wardens to start attending hotspot areas for illegal parking in off peak hours?

Response from the Executive Head of Communities

Those events have this year have caused disruption.

Sevenoaks District Council carry out parking enforcement on behalf of Tandridge District Council. The contract covers 5 days per week split over Monday to Saturdays with Sundays worked as required for specific events such as the Caterham Carnival. One month's Notice needs to be given for these ad hoc events.

A parking plan included in an Event Management Plan and Risk Assessment is considered through the multi-agency Safety Advisory Group (SAG) meetings. All enforcement agencies can view, make comment and raise any specific concerns. Traffic Management falls under the remit of Surrey County Council (SCC) Highways who are also involved in the SAG and are able to raise any concerns.

Unfortunately, this is only an advisory group so if there any specific issues at an event then the relevant enforcing agency (Police or Highways) would need to take action. In the case down in Blindley Heath the Police did step in.

The Safety Advisory Group will review the events and consider whether future events could have additional action requested, such as use of traffic cones for which permission would be required from SCC Highways Authority. SCC would take into consideration any concerns from Surrey Police before making a decision.

If the cars are parked on unrestricted roads they can't be enforced, the event organiser may choose to cone the roads surrounding the venue, to deter parking but this can't be enforced.

The car festival was an event which fell under the London Borough of Croydon for the event management. We will request these events are better communicated in the future.

Significant traffic disruption as was seen at Blindley Heath is not common and we do not consider that the current enforcement contract needs to change so we would not want to fund additional wardens. For future events where sufficient Notice is available, we will seek to recover any charges for additional services required.

Food Hygiene Rating Scores - Proposals for Re-Inspection

Community Services Committee Thursday, 10 November 2022

Report of: Executive Head of Communities

Purpose: For decision

Publication status: Unrestricted

Wards affected: All

Executive summary:

The Food Standards Agency (FSA) has overall responsibility for the official control of food law enforcement in England. The FSA runs the Food Hygiene Rating Scheme (FHRS) in England, Wales and Northern Ireland.

The FHRS is also widely known as 'Scores on the Doors' referring to the stickers depicting the rating awarded further to a food hygiene inspection being displayed on the door or window of the food business concerned.

In partnership with the FSA, Environmental Health & Licensing participates in the delivery of the national FHRS. Businesses are rated between 0 (urgent improvement necessary) and 5 (Very Good).

A trial of charging for requested FHRS re-inspections received from food business operators with a view to achieving a better rating than that awarded at their food business's priority-based programmed inspection was undertaken by the FSA with some local authorities in England in 2016/17. As a result and having sought legal advice, the FSA confirmed a change in policy allowing use of existing powers in the Localism Act 2011 by local authorities in England to introduce fees on a cost recovery basis for FHRS re-inspections.

The purpose of this report is to outline a new charging system, which can be implemented to enable a fee to be levied following receipt of a request from a food business operator for a re-inspection with a view to achieving an improved rating under the FHRS, albeit that this is not guaranteed as the rating may remain the same or be lower based on the standards of food hygiene observed by the inspecting officer at the time.

The recommendation seeks approval of the proposed introduction of a flat fee charge of £246 for re-inspection visits, as detailed in 2.0 entitled 'Fee Calculation' below.

This report supports the Council's priority of: Building a better Council/
Supporting economic recovery in Tandridge

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Recommendation to Committee:

- A. Agree to introduce a charge for requested food hygiene rating re-inspections under the FHRS on a cost recovery basis.

Tandridge District Council's constitution delegates power to the Community Services Committee to be responsible for formulating and reviewing the Council's policies in respect of environmental health, which includes food safety.

Reason for recommendation:

It is recommended that the Committee agrees Option A that the Council adopts the fee for requested FHRS re-inspections by food business operators. This option ensures that any food business operator requesting a re-inspection is charged the appropriate fee that recovers the cost incurred by the Council.

A commitment to investigate and ultimately (where recommended) to prepare this report for the Committee's consideration in order to introduce this charge was set down in the Food Work Plan 2022-2023 at Appendix B to the Environmental Health & Licensing Food Service Plan 2022-2023, agreed at the meeting of the Joint Partnership Board on 24th March 2022.

The revenue income generated by the new fees will support the service in achieving its budgetary requirements. In addition to this, based on the experience of local authority food enforcement services having already adopted and implemented a policy of charging for FHRS re-inspections, it will assist in driving the standards of food hygiene achieved by food businesses up.

This proposal is relevant to Tandridge District Council's vision to be "Aspirational for our people, our place and ourselves" and key priorities:

- *Providing high quality, customer focused services.*
- *Making a difference in our community by supporting those who need support most.*
- *Creating a thriving economy whilst protecting the local environment.*
- *Working in partnership with the community and other public services to create opportunities for all.*
- *Improving the quality of our residents' lives, including by enabling access to decent and affordable homes.*
- *Being a proactive, flexible learning environment.*

1.0 Introduction and background

- 1.1 The FSA has overall responsibility for the official control of food law enforcement in England. The FSA runs the FHRS in England, Wales and Northern Ireland.
- 1.2 In partnership with the FSA, Environmental Health & Licensing participate in the delivery of the national FHRS. The scheme, which has been in place in Tandridge since 2011, encourages businesses to improve hygiene standards and assists consumers in making informed choices about where they eat.
- 1.3 The FSA considers FHRS to be a good example of using incentives to drive businesses to behave in ways that benefit consumers, and FSA research demonstrates that it is working and driving up food hygiene standards.
- 1.4 Based on the FSA's guidance to local authority food enforcement services on the delivery of their priority-based inspection programme set down in the Food Law Code of Practice (England) and the related Practice Guidance, the frequency of planned food safety inspections varies from every six months to three years.
- 1.5 In accordance with this guidance, the frequency of inspection is determined by the risk posed by a food business and is based on a scoring process to calculate this risk, which in turn determines any follow-up enforcement action required, together with the timing of the next programmed inspection. The Code of Practice (England) clearly distinguishes a re-rating inspection from other official control revisits that might need to be conducted, as part of the Environmental Health and Licensing service's usual follow-up work to ensure a food business operates in accordance with key legal requirements and so does not pose a risk to the consumer.
- 1.6 The FHRS then translates the scoring allocated as a result of a programmed inspection into a rating in accordance with the FSA's related guidance to local authority food enforcement services, known as – 'The Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation - the Brand Standard' – generally referred

to as the 'FHRS Brand Standard'.

- 1.7 Further to a programmed food hygiene inspection, businesses are rated between 0 (urgent improvement necessary) and 5 (Very Good), based on the FHRS Brand Standard.
- 1.8 For businesses that do not achieve the highest level 5 rating there are currently three possible options open to them, known as safeguards and these are as follows: -
 - Appeal, if they do not agree with the score;
 - Submit a right to reply, if they believe there were extenuating or mitigating circumstances at the time of inspection;
 - Submit a request for a re-visit with a view to achieving a better rating once they have made the improvements identified as being necessary at the time of the original programmed inspection. Within the FHRS Brand Standard, apart from very specific circumstances relating to structural defects, three months must have elapsed from the initial inspection to consider the request for a re-visit and to arrange such a re-visit, which is known as the "standstill" period.
- 1.9 It is in the commercial interests of a food business to have a good rating, so there is an incentive for food businesses to want to improve hygiene following a poor inspection and request a rescore visit. However, rescore visits create an additional capacity demand and therefore have a financial cost implication for a local authority food enforcement service. This is not a service that the local authority has a statutory duty to provide, but the function is necessary in order to comply with the FSA Brand Standard. Currently there is no charge levied by the Environmental Health and Licensing service when these additional rescore visits are undertaken. Whilst a business in England can still choose, whether they wish to display a rating sticker under the current voluntary scheme, it is worth emphasising that all ratings are already published by the FSA on their ratings website, so consumers can easily view all the ratings throughout the UK via a PC, tablet or on a smartphone.
- 1.10 Following a trial of charging for requested FHRS re-rating inspections with some local authorities in England using existing powers in the Localism Act 2011, the Food Standards Agency confirmed a change in policy allowing use of these powers by local authorities in England to introduce fees on a cost recovery basis only for re-rating inspections.
- 1.11 The FSA subsequently re-issued its guidance (the Brand Standard) for the FHRS in March 2017 and wrote to all local authorities to advise them that the legal advice received by the FSA indicated that powers available to local authorities in England under the Localism Act 2011 allow for the recovery of costs of re-inspection made at the request of the food business operator to reassess the food hygiene rating where there is no statutory requirement to provide that re-inspection. The decision as to whether to use these powers and set a charge for the provision of such a

re-inspection service in line with their costs was left for each local authority to decide.

- 1.12 The proposed fee will only apply to re-rating inspections and not if the food enforcement service decides to conduct an official control revisit, for example to check on essential work / improvements required as a result of the original programmed inspection. Consequently cost recovery from businesses would occur only where they request a re-rating inspection.
- 1.13 The introduction of charging for the revisit inspections will mean that businesses can request a re-inspection at any time and there will no longer be a three-month "standstill" period during which they may not request such an inspection. The business can request any number of re-inspections however, for each request for a re-inspection, the Council would be able to charge the agreed fee. If the Committee is minded to agree the recommendation in this report, the fee would be sought in advance of any re-inspection work.

2.0 Fee Calculation

- 2.1 The fee proposed in this report of £246 for charging for requested re-inspections is based on the calculation as to the cost of the time typically spent by officers in carrying out food safety inspections and related follow-up activities, including post-inspection correspondence and support provided to food businesses and associated updating of the service's food premises database. As this is a new process for Environmental Health & Licensing, this calculation is based on our current experience and knowledge of other similar processes. Therefore, it may transpire that the time apportioned for the activities concerned has been under or overestimated and this will be taken into consideration when the fees are reviewed.
- 2.2 If the fees are introduced, the actual time taken to perform the re-rating inspection and any associated administration time will be monitored and recorded, so as to establish an accurate record of officer time spent on each re-inspection request. The fee calculation will be reviewed annually and at the first review, the fee structure may need to be amended to take account of the findings of the recorded activities.
- 2.3 The following elements have been considered when calculating the proposed fee: -
- Dealing with re-inspection-related enquiries;
 - Inspecting the food business operation/premises;
 - Report and post-inspection letter writing;
 - Updating computer records; and,
 - Processing the fee.
- A full break-even analysis is provided in Appendix 'A' to this report.
- 2.4 Appendix 'B' to this report shows the current fees being charged by

other Surrey Authorities already charging for FHRS re-inspections.

3.0 Other options considered

3.1 Option A (Recommended)

Committee approves the charging of FHRS re-inspections requested by food business operators by formally adopting the fee structure proposed in Appendix 'A' to this report.

3.2 Option B

Committee does not approve the charging of FHRS re-inspections requested by food business operators and continues to carry out requested re-inspections at no charge to the food business operators.

3.3 Option A – Risks and Opportunities

Committee approves the charging of FHRS re-inspections requested by food business operators by formally adopting the fee structure proposed in Appendix 'A' to this report.

Risks

- Businesses may not wish to pay for a service that was previously provided free of charge.
- Businesses will be paying for this service, which may lead to an expectation that requesting a re- inspection will automatically result in their food businesses being awarded a better rating. This may not be the case as the rating could go down and this may lead to complaints.
- The ability to request more than one re-inspection may lead to an increase in the number of inspections required, as certain businesses may pay for repeated re-inspections with a view to improving their ratings. The introduction of charging for the revisit inspections will mean that businesses can request a re-inspection at any time – there will no longer be a three-month “standstill” period during which they may not request such an inspection. The business can request any number of re-inspections.

Opportunities

- It should be explained to food business operators that the service is provided on a non-commercial basis and that cost recovery for requests to re-inspect has now been included in the FSA's 'FHRS Brand Standard'.
- More businesses may also request a re-inspection as the shorter timescale to inspection will motivate food business operators to act.

3.4 Option B – Risks and Opportunities

Committee does not approve the charging of FHRS re-inspections requested by food business operators and continues to carry out requested re-inspections at no charge to the food business operators.

Risks

- The Council will receive no fee income to help offset the cost of service delivery for this type of inspection. It will have to continue to offer this service when it could be focusing its resources elsewhere.

Opportunities

- There is no clear opportunity for the Council in continuing to deliver a free service for which it has the discretion to make a charge.
- Food business operators will continue to benefit from the provision of the existing service, whereby a food business can receive a maximum of one re-inspection between its planned programmed inspections, for which there is no charge.

4.0 Consultation

There is no requirement to carry out a public consultation in respect of the introduction of the fees proposed in this report.

Key implications

Comments of the Chief Finance Officer

The proposal will ensure that costs for non-statutory re-inspections are recovered and that the Council is not subsidising activity that is in the commercial interests of food businesses. Under the Localism Act 2011, we are not able to profit from the re-inspections, but we are allowed to charge for the cost of the service. The money received will only be used to cover the existing costs for this activity.

An annual review will be completed by Environmental Health & Licensing to ensure that the cost recovery for this activity is calculated only to cover the services completed, and to ensure officer time and costs are reviewed and calculated year on year for the process of requested re-inspections.

In the short term, these charges will only generate a modest income given the number of re-inspections that the team are currently asked to undertake. However, these requests may increase in the future, particularly as there is a recommendation by the FSA that the display of ratings issued under the FHRS becomes mandatory in England, as is currently the case in Wales and Northern Ireland.

There is no financial risk, as the re-inspection service will only be provided once confirmation of payment has been received following receipt of a request for a re-inspection.

Comments of the Head of Legal Services

Section 1 of the Localism Act 2011 gives local authorities the power to charge for a service which is not a statutory function. Re-inspections at the request of the food business operator to re-assess the food hygiene rating are not covered by the statutory duties i.e. planned interventions that the Council is required to undertake in accordance with the food law code of practice.

The Food Standards Agency has reviewed its guidance on charging a fee for requested re-inspections/re-visits to re-assess FHSR scores, in consideration of the general power under the Localism Act (2011). The Agency considers that providing a re-inspection upon request by a food business operator, in circumstances where there is no statutory requirement to provide that re-inspection, falls within the general power that allows for the recovery of costs.

Each authority can set the charge in line with their costs. When setting the charge the authority has a duty to ensure that taking one financial year with another, income does not exceed the costs of providing the service

It is considered that there are no data protection implications for the Committee to consider in respect of this report.

Equality

It is considered that there are no equality implications for the Committee to consider in respect of this report.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix 'A' - Re-Rating Inspection – Fee Schedule

Appendix 'B' - Surrey Authorities' Charges for Re-Rating Inspections

Background papers

In compiling this report the following documents have been relied upon: -

Food Hygiene Rating Scheme: Guidance for local authorities on implementation and operation – the Brand Standard. Revision 7 – issued May 2021 ([NFHRS Brand Standard](#))

FSA's Food Law Code of Practice (England) March 2021 ([Food Law Code of Practice \(England\)](#))

----- end of report -----

Appendix 'A' – Re-Rating Inspection - Fee Schedule

Re-Rating Inspection - Fee schedule										
Action	Time in minutes and office				Cost of officer time (£)				Key	Rates £/h
	AO	SEHO	EHTL		AO	SEHO	EHTL			
Initial Enquiry and Supply forms/advice	30				£ 14.00	£ -	£ -		AO - Admin Officer	28.00
Receipt of fee and checking of applications	15				£ 7.00	£ -	£ -		SEHO - Senior EHO	45.00
Enter onto Database		15			£ -	£ 11.25	£ -		EHTL - Env Health Team Leader	48.00
Pre inspection file checks		30				£ 22.50	£ -			
Travel to and from premises		60			£ -	£ 45.00	£ -			
Rescore visit (full inspection)		90			£ -	£ 67.50	£ -			
Completion of Inspection report		60			£ -	£ 45.00	£ -			
Printing/completion of stickers and inspection letter		30			£ -	£ 22.50	£ -			
Input onto Database		15			£ -	£ 11.25	£ -			
					£ -	£ -	£ -			
					£ -	£ -	£ -			
					£ -	£ -	£ -			
					£ -	£ -	£ -			
					£ -	£ -	£ -			
					£ -	£ -	£ -			
Total	45	300	0		£ 21.00	£ 225.00	£ -		Total Cost Re-Rating Inspection	£ 246.00

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Appendix 'B' – Surrey Authorities' Charges for Re-rating Inspections

Local Authority	Fee
Waverley	£205
Guildford	£305
Elmbridge	£225
Reigate & Banstead	£300
Runnymede	£160
Spelthorne	£219
Epsom & Ewell	£212
Mole Valley	£246
Woking	£150
Surrey Heath	£160

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Quarter 2 2022/23 Budget Monitoring - Community Services Committee

Community Services Committee Tuesday, 10 November 2022

Report of: Mark Hak-Sanders - Chief Finance Officer (Section 151)

Purpose: To note the 2022/23 Quarter 2 / Month 6 (September)
financial position of the Committee.

Publication status: Unrestricted

Wards affected: All

Executive summary:

This report presents the 2022/23 Quarter 2 / Month 6 (September) financial position of both Revenue and Capital for the Committee.

This report supports the Council's priorities of:

Building a better Council.

Contact officer Mark Hak-Sanders Chief Finance Officer (S151)
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Recommendation to Committee:

That the Committee's forecast Revenue and Capital budgets positions as at Quarter 2 / M6 (September) 2022 be noted.

Reason for recommendation:

The Council has a duty to ensure that its expenditure does not exceed resources available. The medium-term financial outlook remains uncertain, particularly in respect of Government funding, and so the Council must continue to take steps

towards growing its financial resilience, including building reserves to a sustainable level.

It is essential, as a matter of prudence that the financial position continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered, and that any new expenditure is contained within the available resources.

Finance have committed to bringing quarterly financial monitoring updates to each committee to ensure that all members are aware of the financial position of the services within their remit, as context for decisions needed to mitigate any variance to budget and as background to the emerging budget for 2023/24.

The consolidated position will be reported to Strategy & Resources Committee on the 1st December 2022.

Introduction and background

- 1 The 2022/23 Community Services Revenue budget was approved at £4,051k on 17th March 2022, including the distribution of staffing increments and vacancy factor (known as the Tranche 2 budget).
- 2 The 2022/23 Community Services Capital Budget was approved at £672k by Council on 10th February 2022 having been considered by Community Services Committee on the 18th March 2022.
- 3 This was increased to £1,839k by carry-forwards from 2021/22 approved by S&R committee on 30th June 2022.

Summary

- 4 At Month 6 a full-year overspend of £324k is forecast. This is a £124k increase from the Q1 position last formally reported to committee, but a £9k improvement from the Month 5 position. Despite the increase in Community Services, the overall position for the Council has improved from Q1. The consolidated picture will be reported to Strategy & Resources Committee on 1st December.
- 5 The key headline at M6 is a forecast revenue overspend of £238k in Waste Management. This relates to the projected impact of inflation on the contract, which is dependent upon national factors and is in the process of being finalised. The forecast has increased by £38k from Q1 to reflect latest expectations
- 6 The increased impact of inflation was anticipated in the 2021/22 financial outturn report to Strategy and Resources Committee on the 30th June 2022 along with other budgetary risks, and amounts were set aside as a corporate contingency to mitigate the risk.

- 7 Currently the full contingency is being held back as it is possible that the committee forecast will improve and the full contingency may not be necessary. Release of the contingency will be considered later in the year by Strategy and Resources Committee, once the committee's revenue forecast becomes clearer.
- 8 In addition to the variance in Waste, shortfalls in expected income of £108k make up the majority of the remaining variance, particularly:
 - a. £44k in car parking income against budget
 - b. £49k in cesspool emptying income
 - c. £15k in parks and open spaces income
- 9 The other variances are detailed in Appendix A.
- 10 A small amount (£20k) of savings in Ops and Localities is currently flagged as amber, relating to a reduction in the number of mechanical sweepers. Whilst the number of active sweepers will be reduced, the service is awaiting quotes for a scheduled replacement, likely to be next financial year. It is expected that the majority of the saving can be delivered.
- 11 At present it is assumed that the full Capital Budget is deliverable. Spend at Q2 represents c.25% of budget. The capital schemes are being line by line reviewed for deliverability.

Key implications

Comments of the Chief Finance Officer

The Section 151 Officer confirms the financial information presented in this report has been based on reasonable working assumptions taking into account all material, financial and business issues and risks. The key financial implications at this stage are captured in the body of the report.

Comments of the Head of Legal Services

It is essential, as a matter of prudence, that the financial position of services continues to be closely monitored. In particular, Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered and that new expenditure is contained within the available resources. Accordingly, any proposals put forward must identify the realistic measures and mechanisms to produce those savings.

Under S28 of the Local Government Act 2003, a local authority must review its budget calculations from time to time during the financial year and take appropriate action if there is any deterioration in its budget. This report satisfies this statutory requirement.

Equality

There are no equality implications associated with this report.

Climate change

There are no significant environmental / sustainability implications associated with this report.

Appendices

Appendix A - Committees M6 (September) 2022 Financial Report and supporting data.

Background papers

- Community Services Committee 22/23 draft budget and Medium-Term Financial Strategy – Community Services Committee – 18th January 2022
- 2022/23 final budget and 2023/24 MTFS - Strategy and Resources Committee 1st February 2022
- Community Services Committee - 2022/23 Budget – Tranche 2 Pressure and Savings Distribution – Community Services Committee - 17th March 2022
- 2021/22 Budget – Outturn Report – Strategy and Resources Committee 30th June 2022
- Quarter 2 2022/23 Budget Monitoring - Community Services Committee 18th October 2022

----- end of report -----

Appendix A

Quarter 2 / Month 6 (September 22) Financial Report – Community Services Committee

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Mark Hak-Sanders
Chief Finance Officer (S151)

10 November 2022

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- Revenue Budget
- Saving Plans Update
- Capital Position
- Revenue Risks

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Revenue Budget - Community Services

2021/22 Outturn £k	Forecast at M06 £k	Annual Budget £k	Outturn Variance £k	Change from M03 £k	One-off events £k	Ongoing Pressures £k
1,255 Salaries	1,284	1,309	(25)	(25)	(25)	
(34) Car Parking-On Street	(14)	(14)	0	0		
28 Car Parking-Off Street	26	(18)	44	44		44
(15) Hackney Carriage/Private Hire	(19)	(19)	0	0		
208 Leisure & Community Grants	260	260	0	0		
248 Environmental Services	268	273	(5)	(5)	(2)	(3)
1,960 Waste Services	2,217	1,980	237	37		237
(69) Cesspool Services	(60)	(109)	49	49		49
(266) All Operational Services	(138)	(153)	15	15	(23)	38
405 Parks and Open Spaces	552	537	15	15	17	(2)
42 Streets & Public Conveniences	(1)	5	(6)	(6)	6	(12)
3,762 Community Services	4,375	4,051	324	124	(27)	351

Communities Services overspend £324k (Change: £124k increase from Q1) mainly due to:

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- **(£25k) Salaries** : savings due to unfilled vacancies in Waste and Streets (Change from Q1: £25k decrease).
 - **£44k Car parking** : reduced revenue for Off Street Car Parking, due to reduced reliability in car parking machinery and also some of the car parks no longer having the volume of cars parking. This is an ongoing issue. Mitigation - reviewing barrier system for feasible alternative charging facilities at Ellice Road (Change from Q1:£44k increase).
 - **(£5k) Environmental Services** : savings (£7k) recharges for salary costs (£3k) unbudgeted one-off grant received from DLUHC less £5k reduce Gambling Licences Income (Change from Q1: £5k decrease).
 - **£237k Waste Services** : due to potential contract indexation and labour costs inflation. This is deemed to be ongoing but mitigations are being explored within the Committee. £238k additional Biffa costs, £11k less Income as demand for Bulky Waste Collections has slowed, (£4k) increased price/tonne additional income from clothes and textiles collections, (£7k) less expenses for recycling palm banks collections and (£1k) less diesel costs (Change from Q1: £37k increase).
 - **£49k Cesspool Services** : £57k reduced income and £8k less costs for Cesspool emptying continues on from last financial year. High value commercial clients were lost to aggressive undercutting by other providers (Change from Q1: £49k increase).
 - **£15k Operational Service** : multitude of offsetting variances, notably increases in cemetery fees (£8k) with the sale of the reclaimed area for double plots. Note, once they are all sold this revenue will return to the normal rate. Additional £10k costs incurred to ensure the Depot is O licence compliant, due to loss of staff we have taken out a 1 year contract (Change from Q1: £15k increase).
 - **£15k Parks and Open space**: reduced revenue (continued from last financial year). (Change: £15k increase from Q1)
 - **(£6k) Streets & Public Conveniences**: budget not required for business rates as now exempt. (Change from Q1:£6k decrease).

Savings Tracker - Community Services

Committee	Target	Blue Achieved	Green	Amber	Red	Black - BAU Full Year Forecast
	£k	£k	£k	£k	£k	£k
Community Services	177	79	79	20	0	0

- The Community Services Committee budget includes a savings target of £177k.

- Of this:

- £78.5k is currently deemed to be achieved

- £78.5k is deemed to be achievable

- £20k is deemed to be at risk

- The £20k amber element relates to savings in Operations and Localities. This relates to a reduction in the number of Mechanical sweepers. Whilst the number of active sweepers will be reduced, the service is awaiting quotes for a scheduled replacement, likely to be next financial year. It is expected that the majority of the saving can be delivered. Detail of the savings plan for this committee is set out below:

MTFP Savings Title	Savings Achieved £	Green Forecast in Remainder of the Year £	Amber Forecast in Remainder of the Year £	Red Forecast in Remainder of the Year £	Total Savings Forecast in 2021/22 £
Mechanical Sweeper Utilisation			20,000		20,000
Efficiency and income improvement on various Reg services	8,000	8,000			16,000
Tandridge Commercial Services works to Housing - Full cost recovery	4,500	4,500			9,000
Charge for contaminated Bin Clearances	1,000	1,000			2,000
Increase Garden Waste charges	32,000	32,000			64,000
Charge schools for recycling collections	12,500	12,500			25,000
Introduce a Vacancy Factor in staff budgets	20,500	20,500			41,000
	78,500	78,500	20,000	0	177,000

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Capital Budget - Community Services

Scheme Name	Original	Carry	Budget	Forecast	
	Budget	Forwards	Including	FY	Varinace
	2022/23	from	Carry	Forecast	at M6
	£	2021/22	Forwards	at M6	2022/23
		£	2022/23	£	£
Vehicle Fleet Renewals	204,300	172,100	376,400	376,400	0
Plant, Furniture & Equipment (GF)	8,000		8,000	8,000	0
Car Parking	34,900		34,900	34,900	0
Childrens Playground Equipment	27,200	398,500	425,700	425,700	0
Land Drainage Capital Works	10,000		10,000	10,000	0
Park, Pavilions & Open Spaces	114,200	163,600	277,800	277,800	0
Grange Meadow Access Works	0	250,000	250,000	250,000	0
Public Conveniences Capital Works	150,000	100,000	250,000	250,000	0
Litter Bins	8,300		8,300	8,300	0
Garden Waste Bins	25,000	12,600	37,600	37,600	0
Playground Improvements Match Funding	0	50,000	50,000	50,000	0
Refuse, Recycling and Food Waste bins	90,000	19,900	109,900	109,900	0
Total Capital Programme	671,900	1,166,700	1,838,600	1,838,600	0

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- The Capital Budget was approved by Full Council on 2nd February 2022 at £672k.
- This was supplemented by £1,167k of carry forwards from 2021/22 as part of the outturn report to S&R on 30th June 2022
- The total budget for 2022/23 is therefore £1,839k
- The schemes are being line by line reviewed for deliverability
- Spend across the Committee's schemes is c.£0.5m (25%) at Q2

Revenue Risks – Community Services

Outline of Risk	Mitigation	Range Max - Min £k	Likely Financial Risk £k
<p>Inflationary impact on waste contract may vary from amount indicated in forecast depending on final calculation of inflationary pressures. An indicative value of £238k has been included in the forecast.</p>	<p>Regular meetings continue to discuss progression of the new contract and will review issues as they arise</p>	<p>£100k-£300k</p>	
<p>Trees Programme Budget may not be enough for 2022/23. Budget provided last year was not used as work has to be co-ordinated with Network Rail with associated restrictions on access and cost. Work still has to be completed - last years estimated cost £45k. There has also been a request from the Interim Head of Services to increase the current Budget 2022/23 from £131k to £200k, to allow the Tree Officer to complete H&S work in this financial year.</p>	<p>Programme of works being established to ensure programme is kept to within Budget. However TDC has a high density of trees which have ash dieback and processionary moth issue. Lack of adequate tree management has put more stress on what work must be completed. Also looking at accessing outside funding to help with tree management</p>	<p>£59k</p>	<p>£59k</p>

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