

14 March 2017 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks
Despatched: 06.03.17



Direct & Trading Advisory Committee

Membership:

Chairman, Cllr. Dickins; Vice-Chairman, Cllr. Mrs. Bayley
Cllrs. Barnes, Mrs. Bosley, Cooke, Esler, Kelly, Maskell, McGregor, Parson, Pett and Thornton

Agenda

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 19 January 2017, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest Any interests not already registered		
3. Actions from Previous Meeting (if any)	(Pages 5 - 6)	
4. Referrals from Cabinet or the Audit committee (if any)		
5. Update from Portfolio Holder		
6. Primary Authority Support for Local Businesses - Environmental Health Partnership	(Pages 7 - 12)	Annie Sargent Tel: 01322 343085
7. The Sevenoaks Greensand Commons Heritage Lottery Fund bid	(Pages 13 - 14)	David Boorman Tel: 01732 227220
8. Work Plan	(Pages 15 - 16)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DIRECT & TRADING ADVISORY COMMITTEE

Minutes of the meeting held on 19 January 2017 commencing at 7.00 pm

Present: Cllr. Dickins (Chairman)

Cllr. Mrs. Bayley (Vice Chairman)

Cllrs. Barnes, Mrs. Bosley, McGregor, Pett and Thornton

Apologies for absence were received from Cllrs. Cooke, Esler, Kelly, Maskell and Parson

Cllr. Dr. Canet was also present.

21. Minutes

Resolved: That the minutes of the meeting held on 1 November 2016, be approved and signed by the Chairman as a correct record.

22. Declarations of Interest

No additional declarations of interest were made.

23. Actions from Previous Meeting

There were none.

24. Referrals from Cabinet or the Audit committee

There were none.

CHANGE IN ORDER OF AGENDA ITEMS

The Chairman advised that Agenda Item 8 would be taken after Agenda Item 6 and that he would give his Portfolio Holder update before Agenda Item 9.

25. Household waste, Recycling, and Composting Campaigns update - Presentation

The Recycling and Commercial Manager gave a presentation which updated Members on the ongoing campaign to increase the collection of good quality dry recycling, garden waste from kerbside collections, and other materials particularly glass, from the Council cycling sites. He advised that a new campaign would run in February and March 2017.

In response to questions the Recycling and Commercial Manager advised that in the glass recycling locations across the District, many had graphics on them to advise

that metal lids and tops could be left on glass bottles and jars and be put into the glass recycling banks at collection points. The Committee was reminded that plastic bags or black plastic could not be put into the weekly clear sack recycling bags.

It was queried if information on the smaller garden waste bins could be sent to the Town and Parish Councils.

Action 1: For the Recycling and Commercial Manager to send details of smaller garden waste collection bins to the Town and Parish Councils.

Resolved: That the report be noted.

26. Environmental Health Partnership - Charging for Support Advice to Food Businesses

The Environmental Health Manager presented a report which provided an overview of a new scheme for charging for support advice given to food business. The scheme was Accelerating Compliance and Economic Success (ACCESS) and would provide enhanced support for food businesses and tailored to suit each business. The minimum charge for a basic package of £100 plus VAT for 2 hours work with the ability to purchase additional time.

Food Safety Officers within the EH Commercial team would carry out the ACCESS Visits and a different office would do any rescore visits to avoid conflict of interest. Free information would be provided on the Council's website and via associated links.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) it be agreed for the Environmental Health Partnership charging for bespoke food safety advice for new businesses; and
- b) a minimum fee be charged of £100 plus VAT for 2 hours work, and £50 per hour thereafter, on a cost recovery basis.

27. Progress report on the Bradbourne Car Park Development

The Parking Manager gave a presentation on the progress of the Bradbourne multi-decked car park site which provided Members with the progress made so far, future works, key facts and innovations and facilities. Members were advised that the car park would open in early April 2017.

Resolved: That the report be noted.

28. Update from Portfolio Holder

The Portfolio Holder and Chairman reported the following, that:

- New signage for refuse freighters had been agreed for the phase, 'see you next week.'
- There had been lots of compliments received in regards to the Christmas collections.
- Most of the refuse and recycling collections had taken place when it had snowed with only a few missed.
- The end of year projections was forecast to be comfortably above target.

The Committee expressed their thanks to their refuse teams for their hard work.

29. Work Plan

The Chairman advised the following changes and additions to the work plan:

- Bradbournes lakes would be moved to the June meeting
- SCIA's, Christmas Parking and Parking Charges would be added to the November 2017 meeting.

The possibility of a general discussion about markets in the District was suggested. The Chairman advised that although markets were under the Direct & Trading Portfolio, the Council did not operate them. Members were advised that an email would be circulated detailing information on markets in the District.

Action 2: For Chief Officer, Environmental and Operational Services to email the Committee in regards to markets in the District.

THE MEETING WAS CONCLUDED AT 8.03 PM

CHAIRMAN

ACTIONS FROM THE MEETING HELD ON 19.01.2017			
Action	Description	Status and last updated	Contact Officer
ACTION 1	For the Recycling and Commercial Manager to send details of smaller garden waste collection bins to the Town and Parish Councils.	An email was circulated.	Charles Nouhan
ACTION 2	For Chief Officer, Environmental and Operational Services to email the Committee in regards to markets in the District.	An email will be circulated by the Head of Direct Services prior to the meeting on 14 March 2017.	Richard Wilson

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PRIMARY AUTHORITY - SUPPORT FOR LOCAL BUSINESSES - ENVIRONMENTAL HEALTH PARTNERSHIP

Direct and Trading Advisory Committee - 14 March 2017

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Cabinet - 20 April 2017

Key Decision: Yes

This report supports the Key Aim of: A dynamic and sustainable economy

Portfolio Holder Cllr. Matthew Dickens

Contact Officer Annie Sargent, Ext.3085

Recommendation to Direct and Trading Advisory Committee:

To consider and note the recommendation to Cabinet.

Recommendation to Cabinet: That

- (a) Cabinet note the current situation regarding the operation of the national Primary Authority Scheme.
 - (b) Cabinet agree that the Environmental Health Partnership take on Primary Authority partnerships with businesses and recover operating costs for that partnership work.
 - (c) Cabinet agree that the Environmental Health Partnership work with Kent County Council Trading Standards in their operation of the Primary Authority scheme, as their preferred sub contracted EH advisors.
-

Reason for recommendation: To update Members on the current operation of the Department for Business, Energy & Industrial Strategy - Regulatory Delivery's national Primary Authority Scheme. (Previously known as the Local Better Regulation Delivery Office).

The Environmental Health Partnership would like to create Primary Authority Partnerships with businesses, initially in Kent, but potentially UK wide. The businesses are required to fund the service provided by the Primary Authority Partner, and so an income is generated.

The EH partnership has been asked to partner with Kent Trading Standards on their existing Primary Authority Partnerships. Approval by Members is required before arrangements are formalised.

Introduction and Background

- 1 This report considers an opportunity to support local businesses using the “Primary Authority” (PA) scheme by means of a partnership approach involving the Environmental Health Partnership and Kent Trading Standards.

The Primary Authority Scheme

- 2 In October 2008 the Government set up the Local Better Regulation Office (LBRO). The role of the LBRO was to improve the local authority regulation of environmental health, trading standards, fire safety and licensing in line with the statutory principles of good regulation. These principles are that regulation should be transparent, accountable, proportionate, consistent, and targeted.
- 3 LBRO was also tasked with operating the PA scheme which was established by the Regulatory Enforcement and Sanctions Act 2008 (the Act) to allow businesses to form a partnership with a statutory basis with a single local authority.

Benefits of the PA Scheme for Businesses

- 4 The scheme addresses the fact that businesses that trade across council boundaries can be subject to differing requirements from the many different local authorities that may regulate them. This undermines consistency and increases unnecessary burdens for business.
- 5 PA represents an important support service to locally based business and the local economy both for existing businesses, new starters or those considering locating in the area. Since 1st April 2012, when LBRO ceased to exist, responsibility for the scheme now rests with the Secretary of State for Business, Energy and Industrial Strategy. Regulatory Delivery (RD) operates the scheme on behalf of the Secretary of State.

How the PA Scheme Operates

- 6 When a council becomes a primary authority for a specific business under this scheme it can:
 - Give advice and guidance to the business for which it is PA in relation to the functions covered by their partnership; and
 - Give advice and guidance to other local authorities as to how they should exercise the functions covered by the partnership in relation to the business; and

- Enable the PA to develop an inspection plan which recommends to other local authorities in the UK, how they should exercise inspections in relation to the business.
- 7 PA allows a business to form a partnership with a single local authority or group of local authorities and this partnership has a statutory basis.
- 8 At the time of reporting, nationally there are 15756 businesses in 17024 Partnerships with 181 different local authorities. There are 7 PA partnerships in place in Kent, 6 with Trading Standards and one with Kent and Medway Fire and Rescue.

What this means for Sevenoaks

- 9 The Council has an obligation under the Regulators Compliance Code to provide businesses with advice and guidance about their legal obligations in respect of environmental health and licensing legislation.
- 10 Where businesses ask for bespoke advice and support services, they may wish to enter into formal Primary Authority Partnership with the Council. The Regulatory Enforcement and Sanctions Act enables the Council to recover the costs associated in providing these services from the business.
- 11 In offering the Primary Authority option to businesses locally, Sevenoaks is demonstrating its willingness to work constructively with a business to improve its compliance, and is taking on responsibility for leading and shaping the regulation of that business across its operations across the UK. The Council effectively represent the business nationally on matters of compliance.
- 12 The EH Partnership can provide tailored, assured regulatory advice to the business and can guide the way that other local authorities regulate the business.

Working in Partnership with Kent Trading Standards

- 13 Local authorities have been slow to take up this scheme and offer their services as they have concerns about the resource required.
- 14 Kent Trading Standards have approached the EH Partnership and asked if we would be interested in a Primary Authority Partnership. Kent Trading Standards would administer the Primary Authority, and EH would be subcontracted to provide assured advice on EH legislation compliance as requested.
- 15 A Service Level Agreement is now being drawn up by Kent Trading Standards for the EH Partnership. If Member's are supportive, this will be actioned.
- 16 Initially, the joint PA partnership would concentrate on Food Hygiene partnerships aimed at small to medium businesses with a significant presence in the Kent. However we are also able to offer a partnership to any

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business irrespective of whether we are the enforcing authority. Trade associations can also be included.

- 17 Kent Trading Standards would be the Lead authority and EH would act as Food safety advisors. EH would invoice Trading Standards Business Engagement Team for time and resource used to advise a business under a Primary Authority Scheme.

Summary

- 18 The Primary Authority scheme was introduced by Government as a proactive method of regulators working with businesses to minimise regulatory burdens for both.
- 19 A formal agreement is set up between the local authorities and the business. The local authority becomes the Primary Authority.
- 20 This scheme is usually taken up by larger businesses that supply, produce or have retail outlets in more than one authority.
- 21 The Primary Authority acts as compliance advisor to the business and also acts as a central point of contact for regulators dealing with that business anywhere across the UK.
- 22 The EH Partnership would like to offer the opportunity to our local food production businesses to form Primary Authority partnerships.
- 23 The EP Partnership would also like the opportunity to work with Kent Trading Standards as advisors in Primary Authority partnerships that they are in the process of creating.

Key Implications

Financial

Adopting this policy will allow for income generation, as the cost of providing business advice will be recovered on a cost recovery basis.

Legal Implications and Risk Assessment Statement

Section 1 of the Localism Act 2011 gives local authorities the power to charge for a service which is not a statutory function.

LBRO was also tasked with operating the PA scheme which was established by the Regulatory Enforcement and Sanctions Act 2008 (the Act) to allow businesses to form a partnership with a statutory basis with a single local authority.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to

the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

This report provides Members with an overview of the Primary Authority Scheme and how the Environmental Health team are partnering with Kent Trading Standards in order to implement the scheme.

Background Papers: Regulatory Delivery: Primary Authority and Growth

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432793/pa-overview.pdf

Richard Wilson
Chief Officer Environmental and Operational Services

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The Sevenoaks Greensand Commons Heritage Lottery Fund [HLF] bid

Direct & Trading Advisory Committee - 14 March 2017

Report of Chief Officer Environmental & Operational Services

Status: For information

Key Decision: No

This report supports the Key Aim of Providing value for money

Portfolio Holder Cllr. Matthew Dickins

Contact Officer David Boorman Ext.7220

Recommendation to Direct & Trading Advisory Committee: That the report be noted.

Reason for recommendation: This report is an update on the progress of the development phase of the Sevenoaks Greensand commons Heritage Lottery bid

Introduction

- 1 The Development Officer for this project will give a verbal presentation accompanied by supporting evidence via a presentation.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

None directly arising from this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

Members are asked to note the update given at the meeting.

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Background Papers: Project update presentation

Richard Wilson
Chief Officer Environmental & Operational Services

Direct & Trading Advisory Committee Work Plan 2016/17 (as at 19/01/17)

14 March 2017	11 July 2017	2 November 2017	18 January 2018
Primary Authority Support for local businesses (Environmental Health Partnership) Green Sands Way	Bradbourne Lakes	Service Dashboards and Service Change Impact Assessments (SCIAs) Christmas Parking Parking Charges	

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