

AMENDED AGENDA

STRATEGIC LEADERSHIP AND CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE MEETING



Date: Tuesday 4 February 2014
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone



Overview and Scrutiny

Membership:

Councillors: Black, Butler, Mrs Gooch (Chairman), Mrs Grigg (Vice-Chairman), Hotson, D Mortimer, Nelson-Gracie, Mrs Parvin and Pickett

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1. The Committee to consider whether all items on the agenda should be web-cast

2. Apologies

3. Notification of Substitute Members

4. Notification of Visiting Members/Witnesses

5. Disclosures by Members and Officers

6. To consider whether any items should be taken in private because of the possible disclosure of exempt information

7. Minutes of the Meeting held on 7 January 2014

8. DRAFT Local council Tax Discount Scheme (Amendment)

Interviews with Steve McGinnes, Head of Revenues and Benefits, Mid Kent Revenues and Benefits Partnership and Gary Hunter, Benefits Manager, Mid Kent Revenues and Benefits Partnership.

9. Mid Kent Environmental Health Shared Service Model - Project Update **20 - 39**

Interview with Tracey Beattie, Interim Environmental Health Shared Service Manager.

10. Future Work Programme

Continued Over/:

Issued on 30 JANUARY 2014

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Orla Sweeney on 01622 602524**. To find out more about the work of the Overview and Scrutiny Committees, please visit www.maidstone.gov.uk/osc

Organisation and Arrangement of the Two-Site

Shared Environmental Health Service

1. Introduction

- 1.1. The Tri-Cabinet recommendations from 12 June 2013 meeting were that approval be given in principle for the creation of a shared Environmental Health Service between Maidstone, Swale and Tunbridge Wells Borough Councils. The two site model, located at Swale and Tunbridge Wells, with a single shared Environmental Health Manager would be developed as the preferred model.
- 1.2. The interim manager for the project was requested to review the proposed model and consider the stipulation that Maidstone be treated as a single territory for the delivery of its food and commercial premises inspections. This was to explore whether this request impacted on the financial implications of the model. And further to review the service delivery arrangements for food premises inspections and environmental permitting for the partnership as a whole to achieve consistency across the three authorities.
- 1.3. Furthermore, Overview and Scrutiny would be invited to comment on the proposed operational model for the shared service before final approval. Delegated authority for this decision was made to the respective portfolio holders for Environmental Health at each authority.
- 1.4. The sponsoring Director, Jonathan MacDonald, Director of Development and Environment, and the Interim Shared Service Environmental Health Manager have held individual and joint meetings with the Portfolio Holders at Maidstone, Swale and Tunbridge Wells to brief them about the outcomes of the Project Board findings.

2. Summary

- 2.1. Financial modelling and a review of the organisational arrangements for the shared service have concluded that the proposed two site delivery model is able to provide the improved resilience and quality of service within the current budget, as required by the Cabinet decision in June. The culture of the proposed service will be developed once the service is established and will be based on the principles of good regulation outlined in the Regulators Code¹.
- 2.2. The proposed organisation does reduce the overall staffing level by 1.0FTE at management level. Resilience is provided through increasing the number of frontline posts to enable less experienced but professionally qualified officer's opportunities in the Shared Service while retaining the existing officers. This will provide a greater range of experience, flexibility and ensure that there is a continuation of local knowledge shared between staff. The outline staff structure is provided in Appendix 3.
- 2.3. Consistency of service delivery will be achieved through implementing standard procedures for work functions across environmental health and effective management. Individual authorities will still be able to vary policy and strategy to meet local needs where

¹ Regulators Code Dept. for Business Innovation & Skills July 2013

appropriate and members maintain contact with officers in relation to issues relevant to their residents.

- 2.4. Flexible working is at the core of the Shared Service, to maximise efficiencies in time and resources. Officers will be able to work across the Mid Kent area utilising remote working technology and hot desking from the two main sites as well as Maidstone House for meetings and service delivery needs. The management and administrative support will be based at Swale and Tunbridge Wells sites.
- 2.5. A review of the Environmental Permitting arrangements has proposed that low and medium risk permits across the three authority areas are delivered by officers, whilst the complex processes are contracted out. Soft market testing suggests that this will present economy of scale for the service. Quotes of 80 - 85% of DEFRA fees have been provided for a three authority rather than the current 85-87% of fees currently charged for the individual contracts. The recommended option ensures that the service controls the risks associated with this regulatory function rather than de-skilling its professional staff while utilising the services of a specialist contractor to deliver the more complex or sensitive permits.
- 2.6. A Food inspections review has shown that collectively the three authorities would have in the region of 2,000 B,C and D risk rated premises per year that could be out sourced to a contractor on the same basis as the Swale contract, this would cost between £87,000 and £90,000. This would have to be off set against establishment posts in Maidstone and Tunbridge Wells. As resilience and quality are the critical success criteria for this shared service the Project Board recommendation is to bring the service back in house for Swale subject to the funding of the post being covered by the cost of the existing contract.

3. Recommendation of Project Board on the Pollution Prevention Contract

- 3.1. A review of the delivery options available to the Shared Service are contained in a summary report at Appendix 1. The preferred option chosen is to adopt Option 3 delivery model which retains some service delivery in house and the use of a contractor across all three districts. It is proposed that the shared service officers will permit processes in the lower risk and less complex premises gradually taking on the more complex processes in a graduated approach. This allows officers to build up their expertise and skills in more complex and higher risk processes over a two to three year period.
- 3.2. The contractor will be used to permit businesses where there are potential conflicts of interest (Crematoria) or where the complexity of the processes does not make the level of required training in the team viable. Contractors who have a wider scope of experience and service provision could in these circumstances provide businesses with a more informed expertise which would be beneficial to specialist businesses. The financial model proposed would enable this work to be self funding.
- 3.3. This option enables staff to develop a broader skills base and supports staff retention. It should be noted that if the service were completely contract out it would still be necessary to retain a high level of specialist knowledge to support 'Smart Clienting' arrangements. In such a situation the Shared Service would require at least two officers to maintain such skills to provide resilience.
- 3.4. The recommendation of the Project Board is to adopt Option 3.

4. Programmed Food Inspections

- 4.1. The review of the food inspections contract has considered the benefits provided to the authorities of delivering the service through its own officers compared to out sourcing over 2,000 medium risk business inspections a year across the three local authorities of inspections to contractors. Details of the food service delivery options is provided in Appendix 2.
- 4.2. The current contractor Red Snapper provides Swale with an effective service using two experienced EHOs to deliver the work. Swale officers carry out a significant amount of food inspection work in addition to the contract inspection work.
- 4.3. Maidstone and Tunbridge Wells deliver food inspections only within their Food & Commercial services absorbing the impact of staff vacancies and absences through managing resources flexibly.
- 4.4. Resilience in the Shared Service is increased through maintaining a competent and professional number of officers able to provide flexibility and adapt to the challenges of the changing regulatory agenda.
- 4.5. The Project Board consider that in house service delivery will provide resilience, flexibility and quality for the authorities in this regulatory area compared to the use of contractors. Resilience is necessary not only for the programmed work and specific emergency events such as food poisoning outbreaks, but also of use for wider corporate needs to assist with flooded communities. If there are adequate numbers of officers the resilience can be sustained for longer term emergency responses. As one shared service this will be a resource that each individual organisation can call on.

5. Two Site Model Critical Success Factors

5.1. Resilience

The delivery of the Maidstone food and safety function from the Sittingbourne site meets the recommendation of the tri Cabinet meeting on 12 June there will be a critical number of officers working from this site to ensure that the delivery of the service is maintained and improved across both districts. Particularly if the establishment is increased to bring all food inspections back in house. Peer training and consistency monitoring between the Tunbridge Wells and Sittingbourne sites will provide close professional links and develop consistent standards across the whole service.

Drawing the current food and environmental permitting contracts back into a Shared Service will provide the critical mass of professional talent that can be called on across the three districts within these functional areas. The new structure improves the number of frontline staff able to respond to service demands. Resilience will be improved through standardised procedures to enable officers and administration staff an understanding of how to process service needs where ever they originate.

A flexible working model will also support resilience in providing officers with the ability to organise their working day to suite the demands of their work rather than a need to appear in the office. They will be expected to use time efficiently, utilise remote working, IT and communications systems and take responsibility for meeting service needs.

The model will require careful management to ensure that our organisational obligations are met in full and that we also balance this with the need to develop a new organisational culture for the service.

5.2. Culture

The service culture will aim to protect public health through the regulatory powers and to assist businesses to comply with the law.

The objective will be to:

- Develop one culture across the service through strong leadership and management
- encourage officers to develop areas of specialisms, with more than one specialist for a functional area
- provide mutual peer support and learning to all officers
- achieve consistency of approach and quality standards across the whole service

It is suggested that the proposed service will be called Mid Kent Environmental Health and letter heads will carry the logos of all three local authorities.

The service will establish standard operating procedures for all functions across the Shared Service. Exceptions will exist where local policy and member requirements influence expectations of service deliver, for example, contaminated land and air quality.

5.3. Quality

The quality of the service will be reflected in the professional standard of the services' officers. The service will follow the principles outlined in the Regulators Code to ensure that the service;

- Supports businesses to comply and grow
- Engage with regulated activities in a clear and straight forward way
- Activities will be based risk based
- Ensure our information is accurate and shared with other regulators
- Provide clear information, guidance and advice
- Conduct regulatory activities in a transparent manner

5.4. Cost of the Two site

The costs of the two site model are within the current budgets for the three authorities. This is taking into consideration possible additional travel costs, potential impact on team organisational arrangements and the delivery of service.

The relocating the Maidstone Food & Safety Officers to the Sittingbourne offices and flexible working will enable the professional staff to retain most of their operational practices without impacting on the service costs. Locating both the Maidstone administration officers to the Sittingbourne site has been considered the least disruptive option bearing in mind the

relative distances of the Maidstone and Sittingbourne offices and the nature of their work activities. There will be additional travel costs for the administration staff relocated to Sittingbourne which will be in line with Maidstone's terms and conditions.

Additional travel costs are associated with the relocation of three Maidstone Environmental Pollution officers to the Tunbridge Wells site. This will be mitigated through remote working and organising work to reduce the need to work from the Tunbridge Wells office, to ensure that the officers are able to benefit from the support of the management at the site and the benefit of a larger team and the associated professional benefits this will bring. The nature of the roles in this function is peripatetic involving site visits, off site meetings as well as office base activities.

6. Communication

Maintaining strong communication links with members across each local authority will be essential to the operation of the shared service. Once the proposed structure is operational there will be member briefing/training sessions on the operational model of the service. Structure charts and contact details will be provided. Current arrangements for officers to attend Portfolio Holder briefings will continue as appropriate at each authority. Update briefings on significant changes will be arranged.

7. Office Accommodation

- 7.1. New office accommodation within the two sites at Sittingbourne and Tunbridge Wells is being sort to enable Environmental Protection, Food & Safety and admin support to be in one room. The principles of hot desks will be adopted; with the exception the Admin Officers who will have dedicated desks as they are office based.
- 7.2. During the working day officers covering the Maidstone area may need to access services such as photocopying and IT or to arrange meetings with other services located within Maidstone Council for specific issues. Resources will be available to all staff through the proposed shared service including hot-desking.

8. Structural Arrangements across Two Sites

- 8.1. There will be four team leaders in the service, reducing the current number of posts by two. The two teams at each site will be managed by a Team Leader for Food & Safety and the Environmental Protection teams. Team leaders will work across sites providing resilience to management and assistance to officers within the same functional area at all sites during sickness or annual leave absences. All Team Leaders will be authorised for financial and HR purposes (i.e. signing mileage or training claim forms) across all three authorities.
- 8.2. There will be two administration teams one at each site to support the delivery of the service and provide a support to officers working remotely.
- 8.3. One of the two vacant Senior EHO posts currently in the Maidstone structure will be become an EHO post. This will provide career opportunity for a newly qualified EHO to develop experience as an enforcement officer, strengthen resilience through widening the range of experience levels within the professional posts in the service. This post will be based at the Sittingbourne site.

- 8.4. The Tunbridge Wells Team will have a new 0.5FTE Food & Safety Officer post created to compensate for the reduction in operational delivery by the Team Leader posts being reduced from six posts to four.
- 8.5. A new post of Senior Scientific Officer will be created within the Tunbridge Wells Environmental Protection Team. This post will lead on Air Quality at a strategic level, liaising with statutory agencies, planning services and other agencies that influence air quality across Maidstone and Tunbridge Wells in terms of public health, economic development and infrastructure. The post will also have other environmental protection responsibilities including monitoring of the Environmental Permitting System across Maidstone and Tunbridge Wells and retain the lead for contaminated land for Maidstone. The post will work closely with the other professional staff to develop resilience and knowledge across the two districts.
- 8.6. A new 0.5 FTE post of Scientific Officer that could support a possible student EHO placement. This post will be on a fixed term basis for 2 years, which allows the post holder to develop their professional portfolio. Any training courses associated with their qualification will not be funded through the local authorities. They will also be expected to perform certain Scientific Officer tasks whilst with the teams, commensurate with their experience and supervision provided by other team members. The post holder will gain experience at Swale, Maidstone and Tunbridge Wells. Provision of additional capacity in this team will support the transfer of the Private Water Supply (PWS) function from the Swale Food & Safety team to Environmental Protection, providing consistency of delivery across the Shared Service.
- 8.7. Adopting Option 3 for the Environmental Permitting Process will provide additional finance from the permit fees to fund extra hours for officers within the service. Currently the additional time required is estimated at no more than 0.5FTE across the three districts. This will provide further resilience for the service making it less reliant on contractors and provide professional development for existing officers.
- 8.8. With the food contract for Swale brought into the Service an increase in posts is possible at the Sittingbourne site to cover for the additional food interventions.

9. Functional Arrangements and Service Delivery

9.1. Management

The Environmental Health Manager will be based at both sites, with two Team Leaders based at each site with functional responsibility for a Food & Safety or Environmental Protection team.

The management team will be responsible for developing strategy, policy and procedures, monitoring performance and delivery of the service.

9.2. Administration Support Staff

9.2.1. Administration Officers will be based at both sites, provide cross service support to both Environmental Protection and Food & Safety. Training and support for new team needs will be supplied in a phased approach during the formation of the service. IT and database standardisation will enable the admin staff to support officers across the whole service, there by providing increased resilience at this level.

- 9.2.2. Tunbridge Wells Admin will retain the first point of contact for Service Request and Complaints. Swale and Maidstone contacts will continue through respective Contact Centres. The delivery costs have been proportioned accordingly.
- 9.2.3. The Senior Admin Officer role will have supervision responsibilities for the 4.5 FTE administration officer posts. This role will ensure the operational running of the two admin teams, liaising with both teams on a regular basis and ensuring that absence cover (sickness and annual leave) is provided at both sites, either within or across the sites by electronic functional cover. This post will need to be re-graded to reflect the supervisory nature of the role and potential impact of occasional between site visits to the teams.

9.3. Food and Safety

- 9.3.1. Revising the number of senior posts within the Food & Safety team will improve the long term resilience of the staff and provide development opportunities for new or recently trained officers currently in the existing staff structure. This does not impact on the number of senior officers currently in post across the service. The opportunity has arisen through the vacant posts in the current establishment. In addition, bringing the Swale food inspections in house for delivery will mean that there will be additional funds for 1.0FTE at a professional entry level.
- 9.3.2. At present qualified staff at Swale and Tunbridge Wells have a generic remit whereas Maidstone officers currently specialise in either food safety or health & safety. By combining both disciplines across the whole service this will provide additional resilience for the teams and professional development for the officers concerned. A programme of training and work shadowing will be implemented to ensure that national codes of practice or regulatory compliance requirements are met.
- 9.3.3. The current arrangement for Private Water Supply (PWS) delivered within Swale's Food & Safety team will transfer to the Swale Environmental Protection team. Knowledge and skill for this functional transfer will be provided from within the service and appropriate training to officers, it will benefit from having this function delivered consistently across the whole service. The transfer of PWS allows an experienced EHO to focus this time on food law enforcement.
- 9.3.4. For Tunbridge Wells the current animal welfare service delivery will remain within the Food & Safety team. This is funded by Tunbridge Wells and does not form part of the shared service costs.
- 9.3.5. It is anticipated that officers will continue to inspect premises within their current local authority areas during the early phase of transition to the shared service. However to enable and nurture resilience officers will commence working in other districts to facilitate knowledge building, capacity and consistency.
- 9.3.6. If sickness absence impacts on the inspection of high risk premises or the interventions programme for the teams, officers will be required to inspect these higher risk businesses over lower risk issues within their current local authority area. Where complaints and service requests indicate a high risk to public health, these matters will take priority over other programmed work, to provide flexibility of resources and resilience to the whole team. For example, emergency planning responses that requires professional assistance or Incident Liaison Officers to act within a community

or food poisoning outbreak investigations. The decision to prioritise will be made by the Team Leaders or Environmental Health Manager who will also assess the impact on individual officer's workloads. Any impact on service delivery will be raised at the appropriate joint Management meetings. Over all staff will be provided with a greater opportunity to inspect a wider range of establishments, expanding their experience and competence within the Shared Service area.

- 9.3.7. Project working will also occur across boundaries for both food and health and safety. It is envisaged that this will operate in line with the same principles as the HSE's projects under flexible warranting. This can be used to deliver projects identified under the Regulator's National Enforcement Code and LAC 67/2 (rev 4) Targeting Local Authority Interventions. Projects will be focused on improving business understanding of compliance with legislation, risk based and proportionate.
- 9.3.8. Infectious Disease investigations will be carried out by officers in the Food & Safety team, as their work involves not only investigating individual cases referred to the service by Public Health England but outbreaks of food poisoning associated with food businesses. To ensure resilience and experience an officer will be the lead for the function, for each authority, providing guidance and advice to the teams during absences or vacancies. This will provide resilience across the service and mutual support for outbreak investigations. Other officers will be provided with opportunities to investigate cases to ensure professional development and business continuity.
- 9.3.9. Special beauty treatments and tattooing registration procedures and interventions will be standardised across the service to enable officers to provide a consistent approach to standards of enforcement. This will also enable officers to support the work in other district areas providing resilience to the Shared Service. The fees and charges for registrations will be standardised and reflect the amount of officer time spent dealing with the process.
- 9.3.10. Regular training events will be planned and provided through cascading external training to peers and research and updates on specialist areas, these events will be held at both sites for all officers, focusing on key issues to the service of; consistency, quality and performance.

9.4. Maidstone Safety Advisory Group Responsibilities

The current arrangements for the delivery of this corporate function supported and coordinated by EH admin officers will continue. SAG meetings will continue to be held at Maidstone House when required and coordinated by the Chairman. This work is not funded by the shared service.

9.5. Environmental Protection

9.5.1. Private Water Supplies

Private water supply (PWS) will be delivered by both Environmental Protection teams at Sittingbourne and Tunbridge Wells. The officers with knowledge PWS within the original teams will provide guidance to those taking on this specialism and work towards integrating policy and implementation of the legislation (sampling, risk assessing and monitoring the supplies). The increase in Scientific Officer post (0.5FTE) will provide capacity to deliver this work for Swale. Working as one service together will ensure a consistent adoption of policy, sampling, risk assessment and monitoring

to provide greater resilience within the service, knowledge between officers and opportunities to assist in each district.

9.5.2. Contaminated Land

9.5.2.1. Contaminated land will continue to reflect the individual needs of each local area. The sovereignty of local authority strategies will still be determined and approved by their members. However the approach taken to each situation will benefit from increased professional knowledge and experience being applied to specific sites. As well as continuing to participate in the Kent wide forum relating to contaminated land, there will be a process of mutual exchange of technical knowledge crossing between teams and learning opportunities driven by the team leaders to enhance resilience and professional expertise. Shared access to professional knowledge and equipment will benefit both teams.

9.5.2.2. The fees and charges for the service will be standardised in collaboration with Mid Kent Legal Partnership and in line with the Environmental Information Regulation and reported to respective Finance Committees at the appropriate times over the 2014-15 financial cycle.

9.5.3. Planning Applications, Licensing Reviews and Commercial Noise Complaints

Current service standards will not be impacted by the shared service. There will be an expectation that with a pool of more professional officer's resilience will be provided through standardising processes, the new single database and management of capacity and the prioritisation of work across the whole service.

9.5.4. Domestic Noise and Nuisance Requests

This service will only relate to Tunbridge Wells. The service although delivered within the Shared Service will not be funded by the Shared Service.

9.5.5. Air Quality

9.5.5.1. Air Quality is delivered at two levels, strategically and through the monitoring work of the air quality stations. The strategic and policy delivery involves working with partner agencies to improve the Air Quality in our districts, each having their own unique features. But the ability to engage and work with government agencies and internal services in each local authority requires leadership and communication to make an impact on the situation. The Shared Service will provide a pool of highly skilled expertise that will combine to drive improvements for all districts. The skills of officers in engaging in the public health agenda, working with transport agencies, businesses and policy makers can be coordinated to provide a more cohesive approach to air quality across a wider geographical area. There will be benefits to coordinating funding bids and working with partners to deliver improvements to transport. There will be a greater pool of specialist expertise to advise on planning consultations and major developments.

9.5.5.2. Drawing this function into the Shared Service also provides professional development opportunities for skilled officers to work across the districts.

- 9.5.5.3. There are efficiencies of scale in providing a larger pool of competent officers to support the air quality monitoring stations in terms of the routine tasks like the monthly tube collections, responding to system failure alerts. There will be more resilience across the whole service to ensure these regular and important sites are checked and all officers working in this functional area will be able to support each other across the Shared Service.
- 9.5.5.4. Delivery of the air quality functions for Maidstone and Tunbridge Wells from one site will provide for improved efficiencies and opportunities for efficiencies.

Appendix 1 – Shared Service Environmental Permitting Scheme

Appendix 2 – Shared Service Food Inspections

Appendix 3 – Staff Structure and Organisation

Appendix 4 – Financial Summary of the Two Site Model

Environmental Permitting Regime and the Shared Service

1. Introduction

The opportunity to deliver a consistent service across the three districts is one of the key actions required by the Tri Cabinet report of 12 June. The Project Board recognise that this provides an opportunity to consider a number of options for the delivery of this service to meet the criteria for the Shared Service of resilience, quality, culture, and cost.

The permitting inspection regime is a statutory function delivered through local authorities and the Environment Agency to regulate emissions from certain types of industrial processes.

There are currently 145 permitted processes across the three local authority areas with the majority being in Swale. They range from processes that are considered to be lower risk (dry cleaners, petrol stations, waste oil burners) to more complex processes such as galvanising plants and crematoria.

Swale and Tunbridge Wells both contract out their permitting function and have to monitor the contracts closely for permit and schedule accuracy. Maidstone deliver their function within their service but supplement this through the use of a contractor to inspect Maidstone Crematorium or to support staffing absences.

2. Background

Environmental permitting is a statutory system that acknowledges that some businesses processes cannot occur without some pollution of the environment; the air, land and water, but seeks to encourage the reduction in pollutants through effective controls and management of the processes. Permit charges are set by DEFRA and fees are reduced for good management and efficient pollution prevention measures.

The permitting regime is a complex area and consultants and officers require in depth knowledge of the processes, the legislation and the ever changing guidance associated with this function.

Officers in each authority are currently involved with either inspecting premises or monitoring current contracts also demonstrate a high level of competency and the current contractors both demonstrate high levels of professionalism.

3. The specialist officers from the three authorities assisted the Interim Shared Environmental Health Manager to review the approach to delivering this service . From their work the three options presented are:

Option 1 In-House Service - provided and supervised by trained officers from the MKIP Environmental Health Shared Service

Option 2 Fully Contract Out - supervision and administration role is carried out by the MKIP Environmental Health Shared Service, reducing from the current

two contract monitoring officers and expertise of the in house delivery at Maidstone to two contract monitoring officers across the shared service.

Option 3 Combined in house delivery and partial contract out. A three year planned programme of bring the majority of the service in house, gradually increasing officer skills and expertise to deliver a defined number of process types and maintaining a contractor for a small number of high risk premises.

4. Option 1 – In House

Evaluation of the level of expertise currently in the service across the three teams and the level of knowledge required to deliver some of the challenging permitting inspections in the Swale area meant that the Project Board concluded that this was not a viable option at this time.

5. Option 2 – Contracting Out all the Permitting Processes

The fees charged by contractors are generally quoted as a percentage of the DEFRA fee, this fee is set annually by the department and can vary, generally either reducing or remaining at non-inflationary levels. An approach to the current Swale contractor to explore the delivery costs resulted in a significant reduction in the percentage fee they are likely to charge for the combined outsourced service. The charge quoted was 80-85% of the fee, this better than the fee currently charged to Tunbridge Wells. The level of service provided for the 80% fee reflects the current service level delivered to Swale (at 5% reduction) and the service provided for 85% would include administration and issuing of the permit (currently done by officers in Swale and Tunbridge Wells). Contracting out still requires 'smart client' monitoring and in this particularly complex area this is a significant investment in professional development that each authority currently has to provide. Contract monitoring could sit with two officers across the shared service to provide resilience for the statutory function.

6. Option 3 – A Combined Approach

- 6.1. Using contractors on a diminishing scale will allow funding of officer time, training and additional staff hours to be funded from the saved contractor fees. In 2013/14 the permit fees generate ££46,159 and the contracted out works cost ££31,682. Financial modelling has indicated that the permit fees across the whole service for 2014/15 will be between £38,658 and £33,613. The variation for 2014/15 is due to premises and business changes through potential rescinding of current permits, changes in risk rating under the DEFRA scheme and anticipated DEFRA fee changes.
- 6.2. Based on DEFRA's estimation of the time permit inspections should take an estimate of between 876 and 1431 hours are required to deliver the permitting system fully in house equating to approximately 0.5 - 1.0FTE. As Maidstone currently deliver the permitting mainly through the current staffing levels, the increase in officer time will only be needed for Tunbridge Wells and Swale not to the upper level of 1.0FTE.
- 6.3. There is potential to increase current officer's hours to meet this need, rather than increasing establishment posts. Officers have expressed an interest in increasing their working hours and could be approached to deliver this function from within the shared service.

7. Conclusion

The preferred option chosen is to adopt Option 3 delivery model which brings the majority of the service delivery in house and employs the use of a contractor across all three districts. It is proposed that in the shared service officers will permit processes in the lower risk and less complex premises gradually taking on the more complex processes in a graduated approach. The increase in staff resources under option 3 would be funded from the fee income and a reallocation of time from contract monitoring to carrying out inspections. This allows officers to build up their expertise and skills in more complex and higher risk processes over a two to three year period.

8. Recommendation

To support Option 3 to predominately deliver the Environmental Permitting in house across the three local authority areas and supplement it with the use of a contractor.

Food Inspections Contract

1. Introduction

- 1.1. The 12 June Tri-Cabinet report requested that a review of the food inspection contract to enable a consistent delivery of the service across all authorities. Currently Swale's food contract costs £30,000 to carry out food inspections for premises risk rated as B, C and D, where as Maidstone and Tunbridge Wells deliver this within their Food and Safety teams.
- 1.2. The critical success factors for this Shared Service are to improved resilience that meets financial and functional flexibility, improve quality, create a culture of high professional standards and is self funding through achieving service efficiencies and potential savings.
- 1.3. One of the main benefits of delivering food interventions in the Shared service is the flexibility this provides the authorities; professional officers have an interest in supporting businesses to better standards. They have a sense of responsibility to the organisation and accountability to members and the community. A contractor is only as robust as the contract procured and standards specified. Discussions with the Swale contract manager at Red Snapper have explored potential improvements to a contract that would include a more qualitative interventions arrangement that could deliver improved quality for businesses.
- 1.4. The recommendation of the Project Board is that the food inspection programme be brought within the service and a more focused and targeted approach is taken to implementing the interventions to support businesses in comply with the law.

2. Background

- 2.1. The purpose of food regulation is to ensure that the public can consume and purchase food in our districts which is safe. To this end the Food Standards Agency closely control the discharge of food enforcement through the national Food Law Code of Practice.
- 2.2. The introduction of the Food Hygiene Rating Scheme has had a significant influence on hygiene standards in recent years. Businesses are more accountable to the public through the publication of the ratings on the Food Standards Agency website and the ability of good businesses to promote their high standards at their premises by displaying the stickers and certificates.
- 2.3. Regulatory enforcement is moving more towards outcomes, for example the percentage of improved FHRS scores or broadly compliant businesses within a district (table 1) rather than outputs i.e. inspections and audits. This does not mean that formal enforcement actions should not be considered when appropriate. Rather an acknowledgement that regulators need to carry out their activities in a way that supports those they regulate to comply and grow.

3. Current Food Contract

- 3.1. The Swale contract with Red Snapper that will run until May 2014, with budget costs of £30,000 for food inspections with B, C and D risk profiles being carried out to a standard to comply with the Food Law Code of Practice. This includes carrying out the inspections in the identified time frame, completion of paperwork, completion of letters and revisit to business to check on compliance with contraventions. The contract does not include enforcement action such as serving improvement notices, evidence preparation for

prosecution. If the contractor finds conditions that require the service of a notice this will involve the Commercial Team duplicating the visit and then serving the notice.

- 3.2.** The contract is supported by an officer in the Commercial team of at Swale. They collate the last inspection information for the contract, input data and administer the upload of information to the FHRS website for the contractor inspections. The Contract is monitored by the Commercial Manager to ensure that standards for inspection, documentation and scoring are accurate. This level of monitoring needs to be carried out to ensure that Swale's legal responsibilities under food legislation is being met as Swale is subject to audit of its service delivery by the Food Standards Agency.
- 3.3.** Returned reports of inspection are frequently not returned to the admin officers within two weeks of the inspection, which means there is an unnecessary time delay in uploading these scores onto the FHRS website and delaying the process of publishing the information.
- 3.4.** There is still a substantial amount of food inspection or intervention work carried out by officers at Swale. Category A risk rated premises inspections, reactive food investigations (complaints, food safety alert, food poisoning), inspections of approved premises as well as new business visits and delivering an alternative enforcement programme for low risk businesses. In summary a significant amount of work is still delivered through the Commercial Team.
- 3.5.** Since the contract has been made (in 2012) there has been a significant change in government guidance. Under the new Regulator's Code brought out in July 2013 and in force in April 2014. Authorities will have to demonstrate that we communicate clearly with businesses, providing information, guidance and advice to enable them to meet their responsibilities to comply with the law. The inspection frequency for broadly compliant food businesses is likely to be reduced, from eighteen months to every two years for a significant number of businesses in the three authorities.
- 3.6.** Any new contract will have to be more outcomes focused, rather than output based, to reflect these proposed changes in responsibility being placed on regulators and to reflect the critical success criteria for the project.

4. In House Delivery Food Interventions

- 4.1.** At Maidstone and Tunbridge Wells all the food inspections and interventions are carried out by the officers within the service. Inspection rates are consistently good with over 90% of all due interventions being achieved during the year, also true for Swale, compared with the England average of 82%¹¹ (see table 1). . Due to database inaccuracies and business closures 100% is not realistically viable.
- 4.2.** Officers are committed to improving the hygiene of businesses in their districts and year on year returns to the Local Authority Enforcement Monitoring System (LAEMS) show an improvement in risk profiles of food businesses. This demonstrates the effectiveness of the officer's interventions with businesses and their ability to provide advice and guidance on complying with the law.
- 4.3.** Officers are able to identify other matters of evident concern when inspecting premises, whether health and safety hazards or breaches of other legislation (planning, housing,

¹ Annual Report on UK Local Authority Food Law Enforcement 1 April 2012 to 31 March 2013, FSA board paper 5 Nov 2013

environmental). They act as the eyes and ears for the authority and provide an integrated approach for front line services having a greater awareness of corporate needs than contractors. It is likely that contractors who are paid per inspection are not likely to provide the corporate approach.

- 4.4. In house delivery can be more responsive and flexible to emerging issues, delivering project based interventions such as inspections and microbiological sampling of vacuum packing machines in food businesses in response to the South Wales E.coli outbreak, or assisting businesses in product recalls for unfit imported food.
- 4.5. Visits to food businesses by officers can support public health outcomes through the implementation of schemes such as the Tunbridge Wells Healthy Food Choices Award, or through officers' signposting food business operators to appropriate government information on healthy eating.
- 4.6. In house delivery provides resilience for the authority for emergency events such as food poisoning outbreaks, providing assistance to flooded communities. If there are adequate numbers of officers the resilience can be sustained for longer term emergency responses. As one shared service this will be a resource that each individual organisation can call on.
- 4.7. Officers have a strong desire to deliver the inspection services to all the authorities believing that this provides better control over service delivery and provides flexibility to management in adapting the delivery to meet local needs. Officers also have a professional will to improve service delivery.
- 4.8. One of the reasons that Swale initially opted to commission part of the service from an external provider was due to problems in recruiting to a vacant post. This situation has changed with the development of a Shared Service.

Table 1: Comparison of Broadly Compliance Standard in Food Businesses (2012/13 Data from LAEMS)

Local Authority	Total No. Premises	% Broadly Compliant (excluding unrated)	% B premises Broadly Compliant	%C premises Broadly Compliant	% Interventions Achieved
Maidstone	1232	89.61	18.92	80.20	90.4
Swale	1259	92.34	50.75	87.10	95.3
Tunbridge Wells	1106	98.06	69.23	95.81	93.8

5. Contract Costs

5.1. An approach to Swales current contract provider Red Snapper suggests that the same contract quotes will be applied to a service covering three districts, the current rate being:

Per Premises inspections:

Risk Rated A £56

Risk Rated B £52

Risk Rated C £45

Risk Rated D £40

Void inspections £20 & Re-Visits £25

These costs cover the inspection time, completing the inspection records and any letters sent to the businesses.

5.2. Using the average number of B, C and D risk profiles for the three local authorities (last three year data) the contract costs are in the region of £88,000 to 91,000 for the three local authorities.

5.3. The impact on the Shared Service will mean the loss of 2.0 FTE between Maidstone and Tunbridge Wells, with no loss of posts at Swale. The reduction is less than two posts due the significant level of smart client contract monitoring required, in terms of inspection monitoring and document quality checks, business feedback, database monitoring and controls..

Table 2: Premises Risk Profiles 2010 - 2013

	Food Premises Risk rated A	Food Premises Risk rated B	Food Premises Risk rated C	Food Premises Risk rated D	Food Premises Risk rated E	Total contracted food inspections B, C & D
LA Data averaged & combined over 3 years	5	149	1304	691	1351	2145

6. Shared Service Food Inspections In-House Delivery

The critical success criteria for the food inspections can be measured through:

6.1. Resilience

- Increasing the number of frontline officers delivering inspections by 1.0FTE funded through the contract cost of £30,000

- Improved service standards through standardising inspection processes
- Flexible provision of officers across the district to support project initiatives, for example targeting resources to non-Broadly Compliant premises, or supporting sickness absence, emergency situations
- Flexibility to change service delivery in line with government guidelines
- Provide officer development and expertise through a wider range of food inspections risk ratings

This will not be achieved through outsourcing the food inspections in the shared service as the funding would be provided through reducing establishment posts in Maidstone and Tunbridge Wells.

6.2. Quality

- Demonstrating that shared service policies and procedures are in line with the Regulator's Code
- improved through outcome measures like Broadly Compliant percentages for high to medium by assisting businesses to comply with regulation
- maintaining the professional competence of officers through peer support and training programmes
- providing accurate database information to inform targeting of resources
- review low risk food interventions policies to ensure that resources are targeted and meet the needs of the businesses
- reduce the levels of unrated food businesses and make the initial contacts with the service

6.3. Cost

- That the service can be provided in house within the current budget set for the shared service
- Achieve efficiencies through standardising procedures
- Use of technology to reduce processes and improve quality of inspections

7. Conclusion

Having reviewed the food service contract provided for Swale and the in house food inspection services provided in all three authorities the Project Board consider that bringing food inspections within the shared service will support the needs of the critical success criteria better than contracting out the inspection of medium risk food businesses across the districts. This is balanced against the critical success factors identified by the MKIP Board.

8. Recommendation

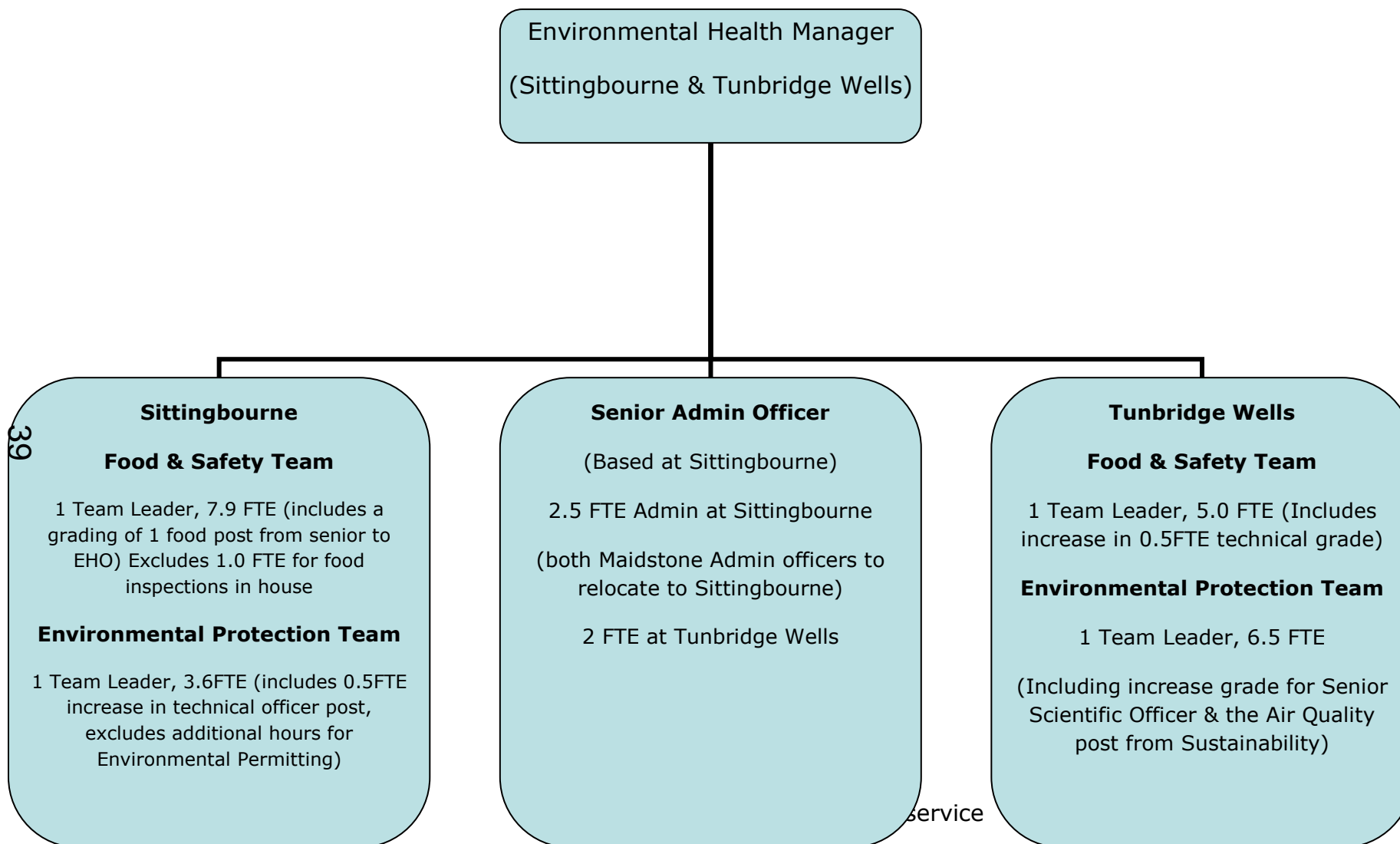
That the Committee supports the recommendation of the Project Board to bring food inspections in house.

Table 1: Existing Environmental Health Team Structures across the three authority areas

	<u>Swale Environmental Health</u>	<u>Maidstone Environmental Health</u>	<u>Tunbridge Wells Environmental Health</u>
	<p>Commercial Team</p> <p>1.0 FTE Team leader</p> <p>1.9 FTE EHO</p> <p>2.0 FTE Admin Support</p> <p>Environmental Protection</p> <p>1 FTE Team Leader</p> <p>2.4 FTE EHO and Scientific Officer</p> <p>0.7 FTE Pollution Officer</p> <p style="text-align: center;">Total 9 FTE</p>	<p>Food & Safety Team</p> <p>1 FTE Team Leader</p> <p>3 FTE Senior EHO (2 vacant posts)</p> <p>3 FTE Technical Officers</p> <p>1 FTE Admin Support (0.32 vacant)</p> <p>Environmental Pollution Team</p> <p>1 FTE Team Leader</p> <p>1. FTE Senior Pollution Officer</p> <p>1.54 FTE Technical Officers</p> <p>0.54 FTE Admin Support</p> <p style="text-align: center;">Total 12.08 FTE</p>	<p>Environmental Health Manager</p> <p>Food & Commercial Team</p> <p>1 FTE Team Leader (vacant)</p> <p>2.5 Principal EHO</p> <p>1 FTE EHO</p> <p>1 Technical Officer</p> <p>1 Admin Support</p> <p>Environmental Protection</p> <p>1 FTE Team Leader</p> <p>1 Principal EHO</p> <p>1 EHO</p> <p>1 Technical Officer</p> <p>1 Admin Support (Vacant)</p> <p>[1 Air Quality Post currently outside the service]</p> <p style="text-align: center;">Total 13.5 FTE</p>
	Total 34.5 FTE across the service areas		

Note: The vacant post descriptions relate to substantive posts held open under the MKIP proposals. These may have been filled on temporary basis or by contractors.

Table 2: Proposed Structure for the Two Site Delivery Model



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service