

Primary Authority determination summary

Date of determination: 2 August 2016
Applicant (business): McDonald's Restaurants Ltd.
Enforcing authority: Thurrock Council
Primary authority: London Borough of Barnet

Summary

McDonalds Restaurants Ltd. made an application for reference to determination following proposed enforcement action from Thurrock Council that was allowed by their Primary Authority, London Borough of Barnet (LBB). The proposed enforcement action concerned the safe movement of people and vehicles at a drive through restaurant.

LBB did not block the proposed enforcement action because it believed that it had not issued any relevant Primary Authority assured advice. However, McDonalds Restaurants Ltd. held a different view and regarded itself as in receipt of relevant Primary Authority assured advice.

The application for reference was granted and the Secretary of State determined that relevant Primary Authority assured advice had not been issued and therefore confirmed the decision of LBB to allow the proposed enforcement action.

Background

Prior to the formation of a Primary Authority partnership, McDonalds Restaurants Ltd. had shared and discussed their health and safety risk assessments with LBB. Following the formation of the partnership assured advice was issued to McDonalds Restaurants Ltd. but none specifically relating to the activity that was the subject of the proposed enforcement action and subsequent determination.

Decision

The Secretary of State found that no relevant assured advice had been issued by LBB to McDonalds Restaurants Ltd. and therefore determined that the proposed enforcement action should be allowed.