
**Decision Session – Cabinet Member for
Communities and Neighbourhoods**

18th October 2011

Report of the Assistant Director for Housing and Public Protection

**National Service Planning Requirements for Environmental
Health and Trading Standards Services**

Summary

1. Service plans for food law enforcement, health & safety law enforcement and animal health enforcement are produced on an annual basis in response to national requirements.
2. The purpose of this report is to seek member approval for these plans.

Background

3. In 2001 the Food Standards Agency (FSA) introduced mandatory service planning arrangements for local authority food law enforcement services. In 2002 the government extended service planning regimes into other areas of local authority regulatory work and the Health & Safety Commission (HSC) placed a duty on local authorities to produce a health & safety enforcement service plan.
4. In 2004/05 the Department for the Environment, Food and Rural Affairs (DEFRA) added an additional plan. This plan covers animal health and welfare and was introduced to improve local authority enforcement practices following the national outbreak of foot and mouth disease.
5. The previous national plans were approved by the Executive Member for Neighbourhoods on 22nd June 2010.

6. The purpose of each plan is similar in that they are to contain details of how local authorities are addressing national (FSA, HSC and DEFRA) enforcement priorities and how activities locally work towards meeting local authority corporate objectives and priorities. The guidance for completing each plan (issued by the FSA, HSC and DEFRA) states that it should be submitted to the appropriate member forum for approval.
7. All plans must demonstrate that a local authority is providing core functions and an appropriate 'mix' of regulatory activities. The mix includes:
 - conducting inspections of premises to a risk based inspection programme to ensure compliance with legislation
 - taking samples of food to ensure they are safe and correctly described.
 - investigating complaints.
 - taking formal enforcement action (including prosecution) where necessary.
 - providing an educational, promotional and advisory programme to raise standards.
 - working in partnership with business and other enforcement agencies.
8. The plans are extensive in nature and their format prescriptive. They will be available on the council's web site during the week before the meeting and can be accessed through the Meeting agenda at <http://democracy.york.gov.uk>. Alternatively, copies can be obtained by contacting Laura Bootland, Democracy Officer, by telephone on (01904) 552062, or by email on laura.bootland@york.gov.uk Copies of the plans will also be available at the meeting.

Reporting and Monitoring

9. The council is required to submit an annual monitoring report on each plan. The FSA have used these reports to 'name and shame' poor performing local authorities and to target their audits of local authority enforcement services. The HSC has indicated that they may use their default powers to take over a local authority's health and safety enforcement responsibilities in circumstances where insufficient resources are allocated to this function.

10. The 2011/12 food and health & safety plans include performance variances with targets set in the 2010/11 plans. Reporting these variances is a requirement of the national bodies.

Consultation

11. Staff in environmental health and trading standards have been involved in the development of their respective plans and consulted on the targets that have been incorporated into the supporting work programmes. The activities set out in the animal health plan have been agreed with the DEFRA Divisional Veterinary Manager.

Analysis

12. Each of the plans represents an appropriate mix of enforcement, educational and advisory work required of modern local authority environmental health and trading standards services. Approval of the plans by members is a requirement of the FSA, HSC and DEFRA.
13. It is not known what action will be taken against the council if any of these plans does not receive member approval although it is likely to result in close scrutiny of the council's ability to provide the relevant service.

Council Priorities

14. Enforcement activities in the Health and Safety Enforcement Service Plan, Food Law Enforcement Service Plan and Animal Health Plan support the council priorities to 'Create jobs and grow the economy'. The Health and Safety Enforcement Service Plan supports 'Protect vulnerable people'.

Financial Implications

15. The work programme outlined in the 2011/12 plans can be resourced from existing budgets. DEFRA are currently directly funding additional animal health and welfare enforcement. This funding is conditional on submission of a service plan that is acceptable to DEFRA.

Legal Implications

16. It is a legal requirement to set a service plan for food law enforcement and health and safety enforcement (Food Safety

Act 1990 and Health and Safety at Work etc Act 1974) respectively.

Human Resources (HR) and Other Implications

17. There are no HR, or other implications associated with this report.

Risk Management

18. In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report.

Recommendations

19. That the Cabinet Member approves the plans and recommends that they are referred to Cabinet for approval.
20. Reason: In order that the council can discharge its statutory obligations in regard to service planning for environmental health and trading standards services.

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report:**

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Protection

Phone: 554005

**Report
Approved**

Date 15
September
2011

Specialist Implications Officer(s)

None

Wards Affected:

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For further information please contact the author of the report

Copies of the national service plans will be available on the council's web site for the week prior to the meeting – they can be accessed through the Meeting agenda

Background Papers:

Food Standards Agency Framework Agreement on Local Authority
Food Law Enforcement
Health and Safety Commission Section 18 HSC Guidance to Local
Authorities
DEFRA Framework Agreement
