

**Decision Session – Cabinet Member for
Crime and Stronger Communities**

11 October 2012

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 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. The previous national plans were approved by the Cabinet Member for Communities and Neighbourhoods on 18 October 2011.
5. The purpose of each plan is similar in that they are to contain details of how local authorities are addressing national (FSA, HSC) enforcement priorities and how activities locally work towards meeting local authority corporate objectives and priorities. The guidance for completing each plan states that it should be submitted to the appropriate member forum for approval.

6. All plans must demonstrate that a local authority is providing core functions and an appropriate 'mix' of regulatory activities.
7. The mix includes:
 - conducting inspections of premises to a risk based inspection programme to ensure compliance with legislation
 - taking samples 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 Food Law Enforcement Service Plan, and The Health & Safety Enforcement Service Plan for 2012-13 are attached at Annex1 and 2 respectively.
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 2012/13 food and health & safety plans include performance variances. 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.

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 service. Approval of the plans by members is a requirement of the FSA and HSC.
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 Plan

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

Implications

- **Financial**

15. The work programme outlined in the 2012/13 plans can be resourced from existing budgets.

- **Legal**

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, equalities, crime and disorder, information technology, property 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.

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
Approved**

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Date *Insert Date*

Specialist Implications Officer(s) *n/a*

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Food Standards Agency Framework Agreement on Local Authority

Food Law Enforcement

Health and Safety Commission Section 18 HSC Guidance to Local

Authorities

Annexes

Annex 1 – Food Law Enforcement Service Plan 2012-13

Annex 2 - The Health & Safety Enforcement Service Plan 2012-13