



Executive Member Advisory Panel for Neighbourhoods

17th October 2007

Report of the Director of Neighbourhood Services

NATIONAL SERVICE PLANNING REQUIREMENTS FOR ENVIRONMENTAL HEALTH AND TRADING STANDARDS SERVICES

Purpose of Report

1. To advise of the 2007/08 service plans for food law enforcement, health & safety law enforcement and animal health enforcement that have been produced in response to national requirements.
2. 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. The Department of Trade and Industry (DTI) introduced a national performance framework for trading standards services (which originally required the production of an annual community service delivery plan but has now been replaced by peer review) and the Health & Safety Commission (HSC) placed a duty on local authorities to produce a health & safety enforcement service plan.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 Neighbourhoods EMAP on 7th September 2006.
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. All plans link to the Best Value Performance Indicator for environmental health and trading

standards (BV 166) which requires each service to be scored against a checklist of good enforcement practice. 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 are available on Decision Making On Line on the council's website www.york.gov.uk or by contacting Sarah Kingston, Democracy Officer, by telephone on (01904) 552030, Fax: (01904) 551035 or by email on louise.cook@york.gov.uk. They can be found by calling

The Health and Safety Enforcement Service Plan 2007/08

Food Law Enforcement Service Plan 2007/08

Animal Health Framework Agreement Annual Service Delivery Plan 2007/08

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 2007/08 food and health & safety plans include performance variances with targets set in the 2006/07 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.

Corporate Priorities

14. Enforcement activities in the Health and Safety Enforcement Service Plan and Food Law Enforcement Service Plan support the corporate priority to improve the health and lifestyles of the people who live in York.

Financial Implications

15. The work programme outlined in the 2007/08 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 which 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 Standards Act 1999 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 Executive Member approves the plans and recommends that they are referred to Full Executive for approval.

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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Chief Officer Responsible for the report:

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Report Approved



Date 18/9/2007

Specialist Implications Officer(s)

None

Wards Affected:

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
DEFRA Framework Agreement
