

**EXETER CITY COUNCIL**  
**SCRUTINY COMMITTEE – COMMUNITY**  
**28 MAY 2013**

**EXECUTIVE**  
**18 JUNE 2013**

**COMMERCIAL AND ENVIRONMENT SUPPORT TEAM STATUTORY  
SERVICE PLAN 2013-2014**

**1. PURPOSE OF REPORT**

- 1.1 To seek approval for the adoption of the Commercial and Environment Support Team Statutory Service Plan 2013/14. The statutory Service Plan sets out the Council's regulatory function in respect of food safety, health and safety, licensing, Environmental Permitting and other statutory functions over the forthcoming year. A draft copy of this is available in the Members' Room, on the Council's website linked to the agenda or available on request.

**2. BACKGROUND**

- 2.1 The Food Standards Agency Framework Agreement requires the Council to produce a Food Law Enforcement Plan (referred to as the Enforcement Plan). The key aim of the plan is to demonstrate how the Council will fulfil its regulatory obligations in respect of its food safety service.
- 2.2 Section 18 of the Health and Safety at Work, etc. Act 1974 places a duty on the Council to make adequate arrangements for enforcement of health and safety. The Health and Safety Executive (HSE), requires the Council to produce an annual Health and Safety Service Plan. Responsibility for Health and Safety at Work enforcement lies with the HSE and Local Authorities (LAs). Councils are generally responsible for enforcement at premises in which non-industrial activities are undertaken (eg retail premises, warehouses, offices etc) whilst HSE is responsible for industrial activities.
- 2.2 The Statutory Service Plan incorporates:
- the service aims and objectives;
  - information about all enforcement and related services provided by the Council's Commercial and Environment Support Team
  - the Intervention Plan for 2013/14 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year; and
  - the financial arrangement for providing the service.

### **3. KEY AREAS OF THE STATUTORY SERVICE PLAN 2013/14**

#### **Programmed Interventions**

- 3.1 The service inspected 571 food businesses of a targeted 572 food businesses, and used self-inspection questionnaires (SIQ's) as an alternative regulation strategy for low risk businesses and to ensure resources are directed towards high-risk activities. SIQ's are a cost-effective means of maintaining contact with this group as well as providing the business with a useful means of keeping up to date with changes in law and other related issues affecting their business.

#### **Service Requests**

- 3.2 The Commercial and Environment Support Team is responsible for investigating complaints relating to food safety, health and safety regulation, infectious disease control, air quality, environmental permitting, contaminated land, statutory nuisance and also for providing health promotion and training activities for businesses.

#### **Sampling**

- 3.3 The authority participates in national and local food-sampling initiatives to monitor the quality of food on sale in the City which is classified as satisfactory, unsatisfactory or unacceptable. Additional samples are taken in response to food complaints and where it is alleged a premises or foodstuff is implicated in a food poisoning incident.
- 3.4 The service continues to use our ATP meter which is a simple, rapid method for monitoring cleanliness, hygiene and risk. Local experience in Exeter has demonstrated that businesses find the use of the ATP meter beneficial because it has brought poor hygiene and cleaning practices to the attention of Food Business Operators, head chefs and staff that the effort they put into cleaning is not wasted.

#### **Control and Investigation of Outbreaks and Food Related Infectious Diseases**

- 3.5 The service is responsible for the investigation of outbreaks and food related infectious diseases in the city. Although the service has investigated a large number of cases, there have been no direct links to food businesses within the city.

#### **Education and Awareness**

- 3.6 A key component of the Government's drive on better regulation is assisting business compliance through education and awareness. The service runs a number of accredited training courses as well as informal workshops to allow business to access the information that they need to operate safely without being an expensive burden to the business. In addition the service looks to innovative ways of engaging with business to bring about compliance such as through an annual curry chef competition, advice visits accompanied by translators and a joined up approach to health and safety, occupational health and public health with businesses throughout the city.

### **4. BETTER REGULATION**

- 4.1 Regulatory Services have been the subject of considerable review in recent years. The conclusions of influential reports are now being interpreted and applied to

regulatory services by their respective governing bodies overseen by the Better Regulation Delivery Office (BRDO).

- 4.3 The Statutory Service Plan embraces the principles of better regulation and will continue to safeguard the health of the local population and contribute to the economic vitality of Exeter by targeting resources effectively and innovatively to assist food businesses in compliance.
- 4.4 The service is actively embracing the government's primary authority programme. We currently have one established partnership with a regional butchers chain and we are finalise two further partnerships with a national hotel chain and regional childcare provider.

## **5. PROPOSED KEY ACTIVITIES FOR 2013/14**

- 5.1 In addition to the traditional intervention methods the following key activities will shape the food service for the forthcoming year:

### **Intervention Strategy**

- 5.2 The strategy to improve compliance with all regulatory areas and maintain a high level of compliance will be further developed following release of the Food Law (Code of Practice) England, and include:
- programmed inspections or interventions of 548 food premises and 75 health and safety premises, based upon risk;
  - targeting non-compliant business with effective use of appropriate enforcement tools;
  - continue to promote, enhance and drive improvement through the National Food Hygiene Rating System, in particular through the promotion of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events;
  - collaborating with forums/focus groups to target specific businesses to enable an exchange of information and gain an understanding of the obstacles some businesses face in complying with regulation;
  - using innovative approaches beyond traditional education and awareness methods to engage with businesses that are new and non compliant.; and
  - promoting the use of the Safer Workplace Better Business pack that has been designed by officers across Devon to make health and safety less of a burden in small and medium businesses.
- 5.3 The Enforcement Policy has been revised to encompass all aspects of the Environment Directorate and to reflect new government guidance.

### **Better Regulation**

- 5.4 As a regulator of businesses in the City, it will be important to recognise the impact of the continuing economic downturn on businesses' capacity to comply with regulation, and to work with businesses to ensure that compliance is achieved through a wide range of intervention strategies. These will include greater engagement with business representatives and the joint development of advice/education interventions to bring about compliance. Over 95% of business surveyed stated that they felt that they were treated fairly by the service and that the contact that they had was useful to their business.

## **6. RESOURCE IMPLICATIONS**

- 6.1 The Intervention Programme will be carried out within the existing resource allocation as detailed in both the Statutory Service Plan and Revenues and Estimates for 2013/14.

## **7. RECOMMENDED**

- 1) That Scrutiny Committee - Community supports the Statutory Service Plan 2013/14
- 2) That Executive approves:
  - a) the Statutory Service Plan 2013/14; and
  - b) the Assistant Director Environment being authorised to change the Statutory Service Plan in the light of centrally issued guidance and/or to meet operational needs.

### ASSISTANT DIRECTOR ENVIRONMENT

S:PA/LP/513SCC1  
8.5.13

### **ENVIRONMENT DIRECTORATE**

#### **Local Government (Access to Information) Act 1985 (as amended)**

#### **Background papers used in compiling this report:-**

- 1) Service Plan for Food Law Enforcement 2013/14
- 2) The National Local Authority Enforcement Code issued by the Health and Safety Executive