

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – COMMUNITY 29 MAY 2012

**EXECUTIVE
19 JUNE 2012**

STATUTORY SERVICE PLAN (BUSINESS COMPLIANCE) 2012-2013

1. PURPOSE OF REPORT

- 1.1 To seek approval for the adoption of the Statutory Service Plan (Business Compliance) 2012/13. The plan sets out the Council's regulatory function in respect of food safety, health and safety and other statutory functions over the forthcoming year. A copy of this is available in the Members' Room, on the Council's website 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 Team;
 - the Intervention Plan for 2012/13 detailing the actions and improvements for the service in an effective, risk based, proportionate & consistent way over the forthcoming year; and
 - the annual sampling programme which embodies the aims of the Council's Food Sampling Policy which is subject to periodic review.

3. KEY WORK STREAMS

Programmed interventions

- 3.1 In 2011/12 the service inspected 464 food businesses of a targeted 464 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.

The Food Hygiene Rating System, where each food premises is given a unique score based upon the last inspection of the premises, is informed by the programme of inspections. Re-inspections can be requested where a premises has carried out work to improve their rating.

Reactive responses

- 3.2 The Commercial Team is responsible for investigating complaints relating to food hygiene standards in premises, sale of unfit food, accident notifications, health and safety concerns, infectious disease notifications, and also for providing health promotion and training activities for businesses. Urgent matters would normally be dealt with on the same day, whereas other requests would be responded to within five days.

Sampling

- 3.3 The Council 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.

The quality of water at swimming pools and other recreational pools such as jacuzzis in hotel spas are monitored through a co-ordinated plan of water sampling.

- 3.4 Within the last year the service has purchased an 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 notifiable infectious diseases

- 3.5 The service is responsible for the investigation of notifiable diseases including food poisoning outbreaks. The service works closely with the Health Protection Agency where there are outbreaks of significance, and form a front-line role in tracing contacts, identifying causative factors and excluding persons from risk occupations (e.g. excluding a food-handler with salmonellosis from a food business).

Training

- 3.6 A key component of both the present and the previous Governments' drive on better regulation is assisting business compliance through advice, information and training. 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.

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 Local Better Regulation Office (LBRO).
- 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.

5. PROPOSED KEY ACTIVITIES FOR 2012/13

- 5.1 In addition to the normal work stream 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 tailored assistance and where necessary, the effective use of enforcement;
 - continue to promote, enhance and drive improvement through the Food Hygiene Rating System, in particular through the promotion of the scheme via the local media, health promotion initiatives and public events;
 - collaborating with forums/focus groups to target specific businesses enabling an exchange of information and an understanding of the obstacles some businesses face in complying with regulation;
 - running food safety and health and safety awareness workshops as a recognised intervention tool to support compliance in new and non-compliant smaller and medium businesses; 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.

Helping businesses comply

- 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.

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 2012/13.

7. RECOMMENDED

- 1) That Scrutiny Committee - Community supports and Executive approves
 - a) the Statutory Service Plan (Business Compliance) 2012/13; 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/Cttee/512SCC2
17.5.12

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 2010/11
- 2) Lord Young Report, Common Sense Common Safety
- 3) Public Health White Paper - Healthy Lives, Healthy People: Our Strategy for Public Health in England (2010)
- 4) The Löfstedt Report