

REPORT TO SCRUTINY COMMITTEE COMMUNITY AND EXECUTIVE

Date of Meeting: Scrutiny 17 June 2014 Executive 24 June 2014

Report of: Environmental Health and Licensing Manager

Title: Environmental Health and Licensing Statutory Service Plan

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive Function

1. What is the report about?

To seek approval for the adoption of the Environmental Health and Licensing Statutory Service Plan 2014/15. 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 or available on request.

2. Recommendations:

- 1) That Scrutiny Committee - Community supports the Statutory Service Plan 2014/15
- 2) That Executive approves:
 - a) the Statutory Service Plan 2014/15; 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.

3. Reasons for the recommendation:

- 3.1 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.
- 3.2 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.
- 3.3 The Statutory Service Plan incorporates:
 - the service aims and objectives;

- information about all enforcement and related services provided by the Council's Environmental Health and Licensing Service
- the Intervention Plan for 2014/15 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.

4. What are the resource implications including non financial resources.

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 2014/15.

There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

5. Section 151 Officer comments:

5.1 There are no financial implications contained within this report.

6. What are the legal aspects?

- 6.1 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. In the current Framework Agreement and Code of Practice, the Food Standards Agency indicates that full compliance with all inspection frequencies will be expected
- 6.2 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.
- 6.3 The licensing team play an important role in maintaining the city's economic vibrancy by ensuring that licensable activities are effectively regulated, and where non compliance is found effective action is taken. Licensing functions are self funding and following the implementation of the EU Services Directive and subsequent court cases, licence fees must reflect the cost of the service and cannot be used to fund other areas of the council's activities. Therefore any reduction in overheads to this function means that we are legally obliged to implement a reduction in the licence fees set.

7. Monitoring Officer's comments:

No comments to raise.

8. Report details

Key Achievements in 2013/14:

8.1 Programmed Interventions

The service inspected 566 food businesses of a targeted 576 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.

8.2 Service Requests

Environmental Health and Licensing 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.

A review into the way that the service handles nuisance complaints is currently being undertaken and should be completed by the end of 2014.

8.3 Sampling

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.

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.

8.4 Control and Investigation of Outbreaks and Food Related Infectious Diseases

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.

8.5 Education and Awareness

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.

8.6 Better Regulation

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).

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.

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.

8.7 Proposed key activities for 2014/15

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

- Draft and consult on a revision of the Statement of Licensing Policy for the Licensing Act 2003
- Review how the service deals with new food businesses to gain compliance with food hygiene law at the first inspection
- Launch a Best Bar None Scheme for licensed premises to improve the evening and night time economy
- Conduct a review of the way the service deals with nuisance and anti-social behaviour issues
- To complete the Low Emissions Strategy
- Devise a multi agency strategy for dealing with issues such as ticket touts, ambush marketing, illegal street trading and illegal advertisement to be implemented for the Rugby World Cup 2015.
- Actively seek new Primary Authority Partnerships across the range of legislative areas within Environmental Health and Licensing.
- programmed inspections or interventions of 550 food 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
- continue 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.

9. How does the decision contribute to the Council's Corporate Plan?

The Environmental Health and Licensing Service Plan will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

10. What risks are there and how can they be reduced?

The Service Plan specifies targets and priorities to manage risk and establishes staffing levels to achieve the necessary outcomes. The main risk of not achieving the areas outlined in the service plan will be that of public safety, which could lead to serious injury, ill health or death.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

The report has no impact on equality and diversity, young people and vulnerable adults. The report does impact positively on health and wellbeing, community safety and the environment.

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12. Are there any other options?

The service plan must be reviewed on an annual basis as there is a legal duty for the food safety and health and safety elements to be reviewed annually.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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