

**REPORT FOR: Licensing and General
Purposes Committee**

Date of Meeting: 12 September 2011

Subject: Commercial Safety Service Plan
2011/12

Responsible Officer: John Edwards - Divisional Director –
Environmental Services

Exempt: No

Enclosures: Commercial Safety Service Plan

Section 1 – Summary and Recommendations

By virtue of the requirements contained in the Health & Safety at Work etc Act 1974 and statutory guidance issued by the Health and Safety Executive (HSE), the Council is required have an annual service plan in place in relation to its health and safety work.

Recommendations:

The Licensing and General Purposes Committee is requested to consider and approve the Commercial Safety Service Plan for 2011/12 as the Council's health and safety plan for 2011/12. The food service aspects of the Plan are subject to approval by Cabinet.

Section 2 – Report

2.1 Introduction & Background

- 2.1.1. Harrow Council is committed through its commercial safety team to ensure that:
- a. The health, safety and welfare of people at work is protected, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.
 - b. food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the London Borough of Harrow (the ‘Council’) is without risk to the health or safety of the consumer; and
- 2.1.2. The Council has statutory duties under Health & Safety and Food Safety legislation for providing an inspection and enforcement service. The Health & Safety Executive and the Food Standards Agency (FSA) monitor the Council’s enforcement activities.
- 2.1.3. Requirements state that the Council must show commitment to delivering a health & safety service within their area. The approval of the service plan provides steps towards this by agreeing the work the “enforcing” authority carries out.
- 2.1.4 The attached service plan is drafted in the format required by the HSE and the FSA and in accordance with guidance and includes: the service provided, service standards and performance, targets and a statement of variances against the previous years plan.

3.1 Options considered

- 3.1.1. As noted above, the Council is expected to have a service plan that meets the requirements of the Health & Safety at Work etc Act 1974 and the requirements of the HSE. The options are to approve the plan as currently written or to make appropriate changes, whilst still following the requirements.

4.1 Current situation

- 4.1.1 A food service plan has been produced annually since 1999. Following guidance issued in 2010 there is now a requirement for a similar plan for health and safety enforcement and inspection aspects too. The Commercial Safety Service Plan is the first combined plan.

5.1 Why a change is needed

- 5.1.1 The food service plan is required annually. Following the internal merger of the food and health & safety teams, and the requirement

for a health & safety service plan, it is considered appropriate to have a single plan that covers both aspects.

6.1 Resources, costs and risks

- 6.1.1 Failure to have an approved plan in place puts the Council at risk of failing HSE audits and potential sanctions associated with it.
- 6.1.2 The past 4 years have seen reductions in the number of officers in the Council's Environmental Health service and the corresponding salary savings have been given up as savings in prior years. This has had an impact, on the food safety and health and safety teams, and has been managed through improved partnerships with the HSE, other enforcing authorities and reduction in delivering non statutory duties. To improve efficiency further we have amalgamated the teams and a planned restructure to replace a senior post with two lower level posts. This will increase capacity for less technically demanding duties. The changes will be within existing budget limits.
- 6.1.3 We will continue to target our actions and ensure that we deliver on the statutory functions and requirements. Non statutory areas of work will be dealt with by way of alternative strategies.

7.1 Staffing and workforce

- 7.1.1 The HSE Section 18 Standard states "The Enforcing Authority must have sufficient managerial, political, legal and administrative capacity to comply with the Section 18 Standard. Such capacity includes the ability to put in place and maintain levels of resource compliant with the requirement to make adequate arrangements for enforcement and ensure the plan is delivered". With the changes proposed in 6.1.2 the service will be able to meet the objectives set out in the plan.
- 7.1.2 The service plan sets out the councils Health & Safety work and food safety work programme. The programme includes the reassessment of approximately 2,500 premises which have historically only ever been subject to "desk top" assessment. The resource required is not fully quantifiable. Initial indications show that approximately a quarter of these (c600 premises) will need to be visited which may impact on our overall ability to meet all aspects of the plan. This will not affect our ability to complete the statutory workload.

8.1 Equalities Impact considerations

- 8.1.1 A separate equalities impact screening assessment has been completed for this report. The screening assessment concluded that a full assessment was not necessary as the differential impact was low.

9.1 Financial Implications

- 9.1.1 There is no additional financial implication in approving this policy for either the current budget plans or for the Medium Term Budget Strategy.
- 9.1.2 The structure of the team may change within the budget constraints to maximise field officers and increase capacity. No additional finance will be required for this.

10.1 Performance Issues

- 10.1.1 The work detailed in this plan does not require a return on a National Indicator (NI) and do not directly impact on any of the Councils NI targets.
- 10.1.2 The commercial safety service is subject to periodic auditing by the FSA and HSE. Failure to demonstrate compliance with the Framework Agreement and or Section 18 guidance would result in adverse reporting. An extreme sanction would be for the FSA or the HSE to remove the Council's enforcement powers in these areas.
- 10.1.3 In the event that this plan is not approved, it will mean that the Council will be acting contrary to the HSE and FSA requirements. The HSE and FSA after consultation can direct a Council to comply with the requirements. An extreme sanction would be for the HSE to remove the Councils H&S or food safety enforcement powers.

11.1 Environmental Impact

- 11.1.1 The policy is not expected to have any significant direct positive or negative effect on the environment although the amalgamation of Health and Safety enforcement duties will mean that there will be a reduction in business journeys made by officers.
- 11.1.2 Approving this policy does not require an Environmental Impact Assessment.

12.1 Risk Management Implications

- 12.1.1 This plan is not included on the Directorate or any other corporate risk register.

13.1 Corporate Priorities

13.1.1 The Council's four priorities are detailed in the Year Ahead Statement 2011/12. The Commercial Safety Service Plan links with these:

- a. Keeping neighbourhoods clean, green and safe: Fundamentally, the plan covers food safety and health & safety of the community, as well as the public health agenda.
- b. United and Involved Communities: The service plan sets out statutory inspection and enforcement actions, but includes pro-active health promotion and training opportunities for the community.
- c. Supporting and protecting people who are most in need: The plan covers all in its intention to protect people, including those that are vulnerable such as the elderly, the young and the sick.
- d. Supporting our town centre, our local shopping centres and businesses: The plan aims to ensure that all relevant businesses work to the required standards.

13.1.2 Proposed changes to the National Health Service (NHS) transferring decision making and other powers in respect of Public Health are currently in transition. These changes will involve the transfer of the Director of Public Health post from the NHS to Councils. Councils and other stakeholders will establish partnerships in an effort to improve the national health and wellbeing agenda, to drive down workplace accident rates reduce obesity and provide better understanding around food quality and food labeling. It is uncertain how this might impact on the commercial safety service. If we are to engage in this important aspect of our work it is likely, certainly in the next few years, place extra demand on already stretched services.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 31 August 2011		
Name: Sarah Wilson	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 31 August 2011		

Section 4 - Contact Details and Background Papers

Contact: Taiq Chowdry, Service Manager Community Safety Service,
020 8736 6236 (6236)

Background Papers: List **only non-exempt** documents (ie not Private and Confidential/Part II documents) relied on to a material extent in preparing the report (eg previous reports). Where possible also include a web link to the documents.