

REPORT FOR: CABINET

Date of Meeting:	19 July 2012
Subject:	Commercial Safety Service Plan 2012/13
Key Decision:	Yes <i>[The Service Plan affects two or more Wards]</i>
Responsible Officer:	John Edwards, Divisional Director Environmental Services
Portfolio Holder:	Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Commercial Safety Service Plan 2012/13

Section 1 – Summary and Recommendations

The council, as a statutory enforcement authority, has a duty to have in place an annual food service plan. The attached plan, known as the Commercial Safety Service Plan, covers this and also incorporates the health and safety service plan too.

Recommendations:

Cabinet is requested to consider and approve the Commercial Safety Service Plan for 2012/13 as the Council's annual food service plan for 2012/13. The health and safety service aspects of the plan are subject to approval by the Licensing & General Purposes Committee.

Reason: (For recommendation)

By virtue of the requirements contained in the Food Standards Act 1999 and the National Food Framework Agreement (FA), issued by the Food Standards Agency (FSA), the Council is required to have an annual service plan in place.

Section 2 – Report

2.1 Introduction & Background

- 2.1.1. Harrow Council is committed through its commercial safety team to ensure that:
- a. Food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the London Borough of Harrow is without risk to the health or safety of the consumer; and
 - b. To protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.
 - c. To reduce the incidents of infectious disease affecting the community, and prevent spread.
- 2.1.2. The Council has statutory duties under food safety legislation to provide an inspection and enforcement service. The Food Standards Agency (FSA) monitors the Council's enforcement activities.
- 2.1.3. The Health Protection Regulations places a requirement of the Local Authority to be the Responsible Authority for the reporting, investigation and enforcement of health protection. This responsibility is carried out by the Commercial Safety Team.
- 2.1.4 The attached plan is drafted in the format required by the FSA and in accordance with the guidance contained in the Framework Agreement and includes: the service provided, service standards and performance, targets and a statement of variances against the previous years plan.
- 2.1.5 A joint food safety and health & safety service plan is produced to prevent duplication and because the work is essentially delivered through the same team.

3.1 Options considered

- 3.1.1. As noted above, the Council is expected to have an annual food service plan that meets the requirements of the (National) Food Framework Agreement issued by the FSA. The options are to approve the plan as currently written or to make appropriate changes, whilst still following the National Food Framework Agreement requirements.

4.1 Current situation

- 4.1.1 A food service plan has been produced annually since 1999. Following health and safety guidance issued in 2010 there is a requirement for a similar plan for health and safety enforcement too. The 2011 Commercial Safety Service Plan was the council's first combined plan.

5.1 Resources, costs and risks

- 5.1.1 Failure to have an approved plan in place puts the Council at risk of failing FSA audits. The FSA is the national body overseeing food safety activities. The FSA require Councils to make annual returns of performance and may request evidence and/or audit our arrangements at anytime. Failure to have an approved plan in accordance with statutory guidance would attract criticism and other sanctions. Ultimately, if arrangements and performance is considered unsatisfactory the FSA may remove the Councils duties and transfer to an alternative administrative body.
- 5.1.2 In recent years staff numbers in the Councils Food Safety and Health & Safety Teams have reduced, and in 2011 the service was reorganised to accommodate changes, resulting in the amalgamation of the health and safety and food safety teams to create the current commercial safety team. Whilst the size of the team is reduced compared to earlier years, additional legislation has increased workload and there is also a national shortage of Environmental Health professionals.
- 5.1.4 The net effect is that the team has to work even harder to deliver its statutory obligations. Despite these pressures, the restructured team continues to prioritise statutory inspection targets and deliver on them using more efficient methods and with reorganised responsibilities. However, a significant unusual event (e.g. a large scale food poisoning out break) would make the team's challenges even greater.
- 5.1.5 On current staffing levels the team will continue to focus on the high risk premises and statutory duties, with alternative strategies employed to deal with low risk premises.

6.1 Staffing and workforce

- 6.1.1 The FSA Framework Agreement on Local Authority Food Law Enforcement states “The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan”.
- 6.1.2 The standards of service delivery set out in the plan are capable of being met, but as noted above, a significant unusual event could cause the team difficulty in managing its duties.

7.1 Equalities Impact considerations

- 7.1.1 A separate equalities impact screening assessment has been completed for this report. The screening assessment followed the screening methodology recommended in the Councils Equalities Impact Assessment. The outcome of the assessment indicated a low differential impact on recognised groups and therefore a full equalities impact assessment was not required.

8.1 Financial Implications

- 8.1.1 There are no additional financial implications in approving this policy for either the current budget plans or for the Medium Term Budget Strategy.
- 8.1.2 The service is currently engaged in transformation/modernisation changes. These changes will not have a direct budgetary effect on 2012/13 budgets.

9.1 Performance Issues

- 9.1.1 The policy does not directly impact on any of the Councils National Indicator Targets. However, many work streams show a significant impact on other services, for example the Mayor of London’s “healthy catering commitment” delivered through the team, the community infection control work with healthcare providers is critical to the work of the Health and Well-Being agenda, the work to reduce workplace accidents and ill health linked to creating safer workplaces in Harrow and the drive to have a stronger economic and employment base.
- 9.1.2 The commercial safety service is subject to periodic auditing by the FSA. Failure to demonstrate compliance with the National Food Framework Agreement would result in adverse reporting. An extreme sanction would be for the FSA to remove the Council’s food safety powers

- 9.1.3 In the event that the attached plan is not approved, it will mean that the Council will be acting contrary to the National Food Framework Agreement on local authority food law enforcement as issued by the FSA.

10.1 Environmental Impact

- 10.1.1 The duties detailed in this plan are not expected to have any significant direct positive or negative effect on environmental sustainability, although the amalgamation of the two teams and enforcement duties have reduced the number of business journeys made by officers around the borough.
- 10.1.2 Approving this policy does not require an Environmental Impact Assessment.

11.1 Risk Implications

- 11.1.1 The Commercial Safety Service Plan is not included on the Directorate or any other corporate risk register

12.1 Corporate Priorities

- 12.1.1 The Council's three 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 proactive 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, without any unfair trading advantage.
- 12.1.2.1 Resources permitting, the team is developing new partnerships with the NHS via Harrow and Brent PCT. This will increase the team's involvement in bringing about improvements to public health within the borough as part of the wider Well-Being agenda. In particular the team is working to drive down childhood obesity by providing better understanding around food quality and food labeling. This Partnership with the PCT looks to grow even stronger in 2013 when

the public health aspects of the PCT duties will be transferred to Harrow Council.

Section 3 - Statutory Officer Clearance

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 June 2012		

Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 26 June 2012		

Section 4 – Performance Officer Clearance

Name: David Harrington	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 21 June 2012		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 18 June 2012		

Section 6 - Contact Details and Background Papers

Contact: Richard Le-Brun, Senior Professional (Commercial Safety Team), Tel: 020 8736 6267 (Int Ext: 6267)

Background Papers: None.

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]