

REPORT TO: EXECUTIVE

DATE: 4th February 2019

TOPIC: SERVICE PLANS, FOOD SAFETY AND HEALTH & SAFETY

REPORT BY: LEAD OFFICER, FOOD, HEALTH & SAFETY.

1 INTRODUCTION

- 1.1. The Food Standards Agency requires all food authorities to have a Food Safety Service Plan to ensure that national priorities and standards are addressed and delivered locally
- 1.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities which provides guidance on Food Safety Service Plans advises that the plan should be submitted to the relevant member forum for approval to ensure local transparency and accountability. This report presents the Food Safety Service Plan for 2019/21.
- 1.3 The Health & Safety at Work etc Act 1974 and statutory guidance issued by the Health and Safety Executive (HSE), requires the Council to have an annual service plan in place in relation to its health and safety work. This report presents the Health & Safety Service Plan for 2019/2021

2 RECOMMENDATIONS

- 2.1 That Executive consider and recommend to Council approval of the Food Safety Service Plan and Health & Safety Service Plan for 2019/21. A copy of each plan is available from Corporate and Community Services. The plans follow a similar format and content to the previously agreed Service Plans for 2017/19.

3 REASONS FOR RECOMMENDATIONS

- 3.1 By noting and approving the contents of the report, the requirements of the Health & Safety Executive and the Food Standards Agency can be met.

4 REPORT

4.1 FOOD SAFETY

- 4.1.1 EC Regulation 882/2004 sets out the approach that competent authorities of Member States must adopt for official feed and food controls. (Feed controls are enforced by Devon, Somerset & Torbay Trading Standards, while food controls are enforced by North Devon Council). The Food Standards Agency (FSA) acts as the central UK food authority and they in turn have devised a Framework Agreement that sets out what

they expect from local authorities (LAs) acting as “Food Authorities” who are charged with the delivery of official controls on feed and food legislation.

- 4.1.2 Each Food Authority must produce an up to date documented Food Service Plan that describes the activities, techniques and approaches that will ensure they deliver on their obligations. The plan must reflect the requirements of paragraph 6 of the Regulators’ Code which requires that Regulators should ensure that their approach to their regulatory activities is transparent. It is a requirement that these plans are approved by elected members.
- 4.1.3 The North Devon Council Food Safety Service Plan follows the Framework Agreement Standard template and accordingly the plan is a mix of enforcement, intelligence based work, investigation and education.

It is proposed that performance targets will be the completion of:

- 100% of programmed food safety inspections of premises in risk category A to D
- 100% of the Alternative Enforcement Strategy for premises in risk category E
- 90% of service requests responded to and completed within target time

- 4.1.4 Whilst the intervention plan does not differ greatly from the previous period (2017/19), the plan has been reviewed to reflect current service demands and resources and the duties to promote economic growth and the opportunity to align the service priorities with the Corporate plan. The main points to note are on the following pages:

p. 3 Service Objectives

p. 6 Organisational Structure

p.10 Demands on the Food Service- proactive and reactive workload.

p.13 Primary Authority Partnerships

p.16 Intervention plan, including the Alternative Enforcement Strategy.

p.25 Performance Indicators

4.2 HEALTH & SAFETY

- 4.2.1 Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on Local Authorities (LAs) to make adequate arrangements for enforcement of the relevant statutory provisions. The primary purpose of the HSWA is to control risks from work activities. The role of the Local Authority is to provide advice and support to duty holders, manage and control these risks and thus prevent harm to employees and to the public.
- 4.2.2 The Health & Safety Service Plan is a statutory document required under guidance issued by HSE, Section 18 Standard. The Service Plan reviews and details the aims and objectives for the enforcement of health & safety as a function of the Regulatory Services Team
- 4.2.4. Continuing with the “lighter touch” approach as required by Government's reviews by Lord Young and Professor Löfstedt the council's enforcement of health & safety focuses on higher risk workplaces and serious breaches of the laws. This leaves businesses which pose a lesser risk, and which do the right thing for their employees, free of unwarranted scrutiny. This has meant and continues to mean a substantial

drop in the number of proactive health and safety inspections being carried out. To balance the lack of proactive inspections, LAs are required to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

- 4.2.5. For North Devon Council this change means that no proactive inspections were carried out in 2017/18. The change in emphasis from proactive inspections to other enforcement activities is governed by the HSE National Local Authority Enforcement code and Local Authority Circular LAC 67-2 Rev 7. (See page 10 of the Health & Safety Service Plan 2019/21) which requires Councils to focus their resources on proactive interventions of a substantial list of activities and sectors. For medium risk businesses it is expected that LAs will undertake appropriate interventions, but not proactive inspections, as part of national priority programmes, local priority programmes or individually during the work year. The Devon & Cornwall Chief Environmental Health Officers' Health & Safety Liaison Group has identified which proactive, non inspection interventions should be carried out as detailed on page 20 of the Health & Safety Service Plan. This is in addition to accident investigation and other health and safety reactive work, which officers respond to as and when it arises.
- 4.2.6. Local Authorities are expected to work with low risk businesses in a reactive way only. This will be done by investigating referrals from partner agencies such as the police or fire brigade, complaints made about businesses and investigating accident notifications.
- 4.2.7. There are risks with this approach. With only routine inspection of high-risk businesses, the standards of safety and welfare in workplaces may deteriorate as a result of this light touch regulation.
- 4.2.8. To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval and for members to make a commitment to the HSE strategy.
- 4.2.9. Whilst the intervention plan does not differ greatly from the previous period (2017/19), the plan has been reviewed to reflect current service demands and resources and the new duties to promote economic growth and the opportunity to align the service priorities with the Corporate plan. All statistical data has been updated and the plan has been reviewed to reflect current service demands and resources. The main points to note are on the following pages:
 - p.3 Service Objectives
 - p.6 Organisational Structure
 - p.10 Demands on the Service- proactive and reactive workload
 - p.11 Primary Authority Partnerships
 - p.12 Intervention Plan
 - p.23 Performance Indicators.

5. RESOURCE IMPLICATIONS

- 5.1 There are no additional resource implications arising from this report.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?	Key decision?
Part 3 Annex 4	Referred	No
Article 4.3.2	Delegated to Council	No

7. STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report:

- The Framework Agreement on Official Feed and Food Controls by Local Authority Food Law Enforcement –Amendment 5, April 2010, published by the Food Standards Agency.
- Local Government Group2 (LGG) and HSE published joint guidance - “Reducing Proactive Inspections”
- Reclaiming Health & Safety for all. An Independent review of health & safety legislation. Professor Ragnar E Lofstedt. November 2011
- LAC 67-2 Rev 7 Advice/guidance to Local Authorities on targeting interventions

Other references are within the Plans themselves.

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Councillor Moores and Councillor Jones.

Author: Pamela Charles

Date: 4th January 2019

Reference: