

Report for: Regulatory Committee 19th November 2018

Title: Regulatory Services Service plans 2018-19

Report

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Ward(s) affected: ALL

Report for Key/

Non Key Decision: For information only

1. Describe the issue under consideration

1.1. The Council's Commercial Environmental Health and Trading Standards team is responsible for preparing a number of service delivery plans to demonstrate how the team will meet their statutory obligations, this includes:

- Food Law Enforcement Plan (appendix 1)
- Health and Safety Service Plan (appendix 2)
- Trading Standards Intervention Plan (appendix 3)

1.2. This report is to inform the Council's Regulatory Committee of these plans.

2. Recommendation

2.1 That the Regulatory Committee note the contents of the plans in the appendices.

3 Reason for Decision

3.1 This report is for information only.

4 Alternative options considered

4.1 The development of service plans are required by guidance, which is given legal effect by statute therefore, there are no alternative options to consider.

5 Background information

5.1 The Commercial Environmental Health and Trading Standards Team carryout a number of regulatory functions:

- a) Food Safety
- b) Health and Safety
- c) Trading Standards
- d) Infectious Disease
- e) Smoke Free; and
- f) Pollution.

5.2 Whilst the team has a legal obligation to carry out all of the above functions, legislations/guidance requires the development of a documented service plan to

details how these functions will be delivered. These service plans are found in the appendices 1-3.

- 5.3 These service plans are structured differently to ensure compliance with regulatory procedures. For example the Food Law Enforcement Plan is set out in a legal framework (5.4) to satisfy the Food Standards Agency, however the Health and Safety and Trading standards delivery plans are overseen by the Regulator's Code which requires transparency of priorities.
- 5.4 **The Food Law Enforcement Plan (see appendix 1)** is governed by The Framework Agreement on Official Food & Feed Controls for Local Authorities (LA's). The framework sets out what is expected from LA's on how service plans for official feed and food law controls should be structured. LAs are monitored and audited by the Food Standards Agency.
- 5.5 Our enforcement plan ensures that we amongst other things take account of the Government's better regulation agenda and follow the 5 principles of good regulation;
- targeting (to take a risk-based approach);
 - proportionality (such as only intervening where necessary);
 - accountability (to explain and justify service levels and decisions to the public and to stakeholders);
 - consistency (to apply regulations consistently to all parties); and
 - transparency (being open and user-friendly).
- 5.6 Current resources allocated to this function is 5.1 FTE's.
- 5.7 **Health and Safety Service Delivery Plan 2018 – 19 (Appendix 2)** is governed by the National Local Authority Enforcement Code - Health and Safety at Work. **This code** sets out the risk based approach to targeting health and safety interventions to be followed under section 18(4) (b) of Health and Safety at Work etc. Act 1974.
- 5.8 The Code concentrates on four objectives:
- Clarifying the roles and responsibilities of business, regulator and professional bodies.
 - Outlining the risk-based approach to regulation that LAs should adopt.
 - Setting out the need for training and competence of LA H&S regulators.
 - Explaining the arrangements for collection/publication of LA data and peer review.
- 5.9 The code also provides a list of activities/sectors suitable for LA's to target in their risk based service delivery plan on.
- 5.10 Current resources allocated to this work is 0.5 FTE's.
- 5.11 **Trading Standards Intervention Plan is found in appendix 3.** Local Authority Trading Standards Services are responsible for protecting consumers from detrimental activities, which could result in them being accidentally or deliberately treated unfairly by a business. These activities range from unfair commercial practices, such as pressure selling, to scams where criminals operate behind the appearance of a legitimate business.
- 5.12 Local Authority Trading Standards Services have a large list of powers in legislation to enforce, however work in the team is prioritised to ensure the protection of the

most vulnerable members of our community as well as meeting our statutory duties. Work included includes the following area of work: product safety, weights and measures, underage sales, anti-counterfeiting and investigating unfair trading practices.

5.13 Current resources allocated to this work is 2.8 FTE's.

6 Contribution to strategic outcomes

The service plans contribute to all five priorities of the current Corporate Plan 2015 – 18 and priorities two – five of the draft Borough Plan 2019 – 2023 (see plans in the appendices)

7 Use of Appendices

Appendix 1 Food Law Enforcement Plan 2018-19

Appendix 2 Health and Safety Service Delivery Plan 2018 – 19

Appendix 3 Trading Standards Service Delivery Plan 2018 -19