
Meeting: Executive

Date: 9 March 2010

Subject: Public Protection Statutory Service Plans 2010-2011

Report of: Cllr David McVicar, Portfolio Holder for Safer Stronger Communities

Summary: The report proposes the approval of the Food Law Enforcement Service Plan 2010-2011, the Age Restricted Sales Plan 2010-2011 and the Health and Safety (as a Regulator) Service Plan 2010-2011

Advising Officer: Gary Alderson, Director of Sustainable Communities

Contact Officer: Susan Childerhouse, Head of Public Protection

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** Not applicable

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and caring for an ageing population - The Council is the enforcing body for health and safety in care homes where interventions improve the health and safety of both staff and elderly residents.

Educating, protecting and providing opportunities for children and young people - The Council, as part of its intervention programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children in workplaces, children attending nurseries, and children visiting businesses with parents or guardians.

Managing growth effectively - Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth.

Promoting healthier lifestyles and creating safer communities - The Council's intervention programme which includes intelligence led inspections, incident investigations, and providing advice and education to businesses, helps create safer communities.

Financial:

The Public Protection Statutory Service Plans for 2010/11 propose the level and nature of inspections and enforcement with respect to various regulatory functions. An intelligence-based approach concentrates resources on higher risk areas. The 2010/11 budget for staff, consultancies, legal and other services was reduced by efficiency savings of 5%. However, Public Protection has adjusted its service plans to ensure that it meets its regulatory and service objectives for 2010/11.

Legal:

There is a mandatory requirement placed on the Council by the Food Standards Agency and the Health and Safety Executive to produce Enforcement Service Plans which are approved by members.

Risk Management:

Failure to properly manage and operate the enforcement services could result in central government agencies intervening to assume responsibility for the function.

Staffing (including Trades Unions):

None.

Equalities/Human Rights:

The Service undertakes regular equality monitoring to check that local businesses are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate. It also works with schools, child care settings, care homes and luncheon clubs to promote the well-being of vulnerable groups. The Service has an important role to play in helping to prevent disability and tackling health inequality caused by unsafe working practices. Action taken to ensure the enforcement of age restricted sales has an important role to play in promoting the well being of vulnerable groups.

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where licences to trade are revoked, premises are closed down or prosecutions are brought.

Community Safety:

The Service Plans detail how the Council will discharge its responsibility to enforce consumer, safety and trading law within Central Bedfordshire. Their implementation will work to minimise criminal contraventions of the legislation and which is intended to ensure public safety and protect the consumer.

Sustainability:

To help create a safer, stronger, healthier and more prosperous community.

Summary of Overview and Scrutiny Comments:

- The report has not been subject to consideration by the Overview and Scrutiny Committee.

RECOMMENDATIONS:

1. **that the Food Law Enforcement Service Plan 2010-2011, the Age Restricted Sales Plan 2010-2011 and the Health and Safety (as a Regulator) Service Plan 2010-2011 (separately enclosed as Appendices A, B and C respectively) be approved.**
2. **that the Director of Sustainable Communities, in consultation with the Portfolio Holder, undertakes any necessary minor amendments to the plans prior to publication.**

Reason for Recommendation(s): To ensure that the service continues to meet its obligations with respect to its relevant enforcement responsibilities in 2010-2011 in accordance with statutory guidance.

Executive Summary

The Council is required by central government to adopt annual service plans to guide its activity in respect of regulatory services. The Council is required to ensure that these plans are in place by the 1st April 2010.

Background

1. Central Bedfordshire Council has a clear and influential role in safeguarding the public, consumers and businesses of Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under consumer and trading law. The Council's Public Protection service has a significant role to play in creating a safe and healthy environment for people at home, at work and at leisure, whilst supporting business growth, protecting consumers and cracking down on rogue traders. The primary responsibility of this service is to work towards the achievement of cohesive, strong and safe communities, thereby enhancing the attractiveness of the area to people and businesses.
2. In striving to achieve these goals it is recognised that good service planning is the cornerstone of efficient performance management. An effective service plan provides a solid foundation, keeping priorities and principles firm even in times of change. It is also a vital part of the 'golden thread' which links corporate and community objectives through to individual performance plans, so that each member of a team knows how they contribute to achieving the council's improvement objectives.

3. The three proposed service plans appended to this report, along with the Central Bedfordshire Enforcement Policy, are published documents, ensuring that the way the services operate and the Council's commitment to these services are transparent to businesses, residents and others wishing to use them.

The Food Law Enforcement Service Plan

4. Central Bedfordshire Council is a Food Authority as defined in the Food Safety Act. As such it is required to have regard to the Framework Agreement on Local Authority Enforcement published by the Food Standards Agency (FSA). This document provides a mechanism for implementing the FSA's powers under the Food Standards Act to influence and oversee local authority enforcement activity. The Standard, and the Service Planning Guidance which it contains, set out the Agency's expectations on the planning and delivery of food law enforcement.
5. The Framework Agreement requires amongst other things the provision of publicly available local food service plans to increase transparency of local enforcement services. The format of the Food Law Enforcement Service Plan is governed by the template and guidance contained in the Framework Agreement, which is prescriptive. This enables the FSA to readily assess delivery of the service and to allow comparison of Plans between local authorities for Best Value purposes and assist with Inter Authority Auditing exercises.
6. The proposed Food Law Enforcement Service Plan 2010-2011 for Central Bedfordshire Council appears at Appendix A to this report.

The Age Restricted Sales Plan

7. This annually published plan provides a clear statement of enforcement policy and practice, as well as detailing the Council's aims and objectives to effectively tackle and so reduce the supply of age restricted products to those who are under age. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other Local Authorities. The work conducted from this plan contributes to the Local Area Agreement through National Indicator 115, substance misuse by young people, where substance includes alcohol and the National Indicator 123 which measures smoking rates in those over 16.
8. The proposed Age Restricted Sales Plan 2010-2011 for Central Bedfordshire Council appears at Appendix B to this report.

The Health and Safety (as a Regulator) Service Plan

9. The Health and Safety Executive (HSE) is a body, appointed by the Secretary of State, whose primary function is to make arrangements to secure the health, safety and welfare of people at work, and of the public in their dealings with commercial undertakings. The HSE are also responsible for proposing new laws and standards; conducting research and providing information and advice; and developing policy on fundamental and strategic health and safety issues. The HSE has specific powers to monitor and audit the activity of Local Authorities enforcing health and safety legislation to ensure relevant guidance is being followed.
10. Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements:
 - for the enforcement of health and safety in premises under the Authorities enforcement remit;
 - to perform the legal duties imposed on them;
 - to undertake any other function conferred on them by relevant statutory provisions; and
 - to set out its commitment, priorities and planned interventions.
11. The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2010 -2011 as set out in Appendix C.

Conclusion and Next Steps

12. This report seeks approval of the Food Law Enforcement Service Plan 2010-2011, the Age Restricted Sales Plan 2010-2011 and the Health and Safety (as a Regulator) Service Plan 2010-2011 for Central Bedfordshire Council. Once approved the plans will be published on the Council's website, shared with key stakeholders and open to scrutiny by central government and its agencies.

Appendices:

Appendix A – Food Law Enforcement Service Plan 2010-2011

Appendix B – Age Restricted Sales Plan 2010-2011

Appendix C – Health and Safety (as a Regulator) Service Plan 2010-2011

Appendix D – Extract of Regulation Committee minutes 24 February 2010 (to follow)

Background Papers: (open to public inspection)

Central Bedfordshire Enforcement Policy

FSA Framework Agreement on Local Authority Food Law Enforcement

Food Law Code of Practice (England)

HSE Section 18 Standard on Enforcement

Location of papers: Priory House, Chicksands