

# CITY OF PLYMOUTH



## STATUTORY SERVICE PLANS - HEALTH AND SAFETY ENFORCEMENT, TRADING STANDARDS ENFORCEMENT AND FOOD LAW ENFORCEMENT

### Community Well-being Scrutiny Committee

**20<sup>th</sup> June, 2003**

‘Overview and scrutiny is potentially the most exciting and powerful element of the entire local Government modernisation process. It places members at the heart of policy-making and at the heart of the way in which Councils respond to the demands of modernisation. In addition, overview and scrutiny is the mechanism by which Councils can achieve active community leadership, good governance and by which Councillors can become powerful and influential politicians.’

Office of the Deputy Prime Minister: ‘The Development of Overview and Scrutiny in Local Government’, September 2002

## CITY OF PLYMOUTH

**Portfolio and Holder:** Transport and the Environment

**CMT Member:** Director of Development

**Subject:** Statutory Service Plans - Health and Safety Enforcement, Trading Standards Enforcement and Food Law Enforcement

**Committee:** Overview and Scrutiny Commission Executive

**Date:** 17<sup>th</sup> July, 2003  
29<sup>th</sup> July, 2003

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**Ref:** 5/CWB/KJ

**Part:** I

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### **Executive Summary:**

The Purpose of this report is to inform both the Overview and Scrutiny Commission and the Executive of the outcome of the Community Well-being Committee's scrutiny of the Environmental Regulation Service's Statutory Plans relating to Health and Safety Enforcement, Trading Standards Enforcement and Food Law Enforcement.

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### **Strategic Choices:**

The Health and Safety Enforcement, Trading Standards Enforcement and Food Law Enforcement service plans identify how these enforcement services contribute to the transitional goals and corporate priorities identified in Strategic Choices.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

Each of the three service plans identify the resources required and the resources available to meet the enforcement standards set out in the plans. Each plan relates to the 2003/04 year and detail is given of the budget allocation for this year. Actual spend for earlier years is included for comparison purposes.

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**Other Implications: e.g. Section 17 Community Safety, Health and Safety etc.**

These service plans identify enforcement activities designed to improve levels of Health, Safety and Consumer Protection.

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**Recommendations & Reasons for recommended action:**

The Community Well-being Scrutiny Committee resolved that -

- (1) the officer be thanked for his presentation;
  - (2) the substance of all three of the plans be approved in principle;
  - (3) the minor alterations requested be made and final approval be delegated to the Chair;
  - (4) subject to (3) above, the Executive be recommended to approve the 2003/2004 service plans for Health and Safety Law Enforcement, Trading Standards and Food Law Enforcement.
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**Alternative options considered and reasons for recommended action**

None.

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**Background papers:**

- (1) Health and Safety Law Enforcement Service Plan 2003/2004
  - (2) Food Law Enforcement Service Plan 2003/2004
  - (3) Trading Standards Service Delivery Plan 2003-2004
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## **REPORT OF THE COMMUNITY WELL-BEING SCRUTINY COMMITTEE**

### **STATUTORY SERVICE PLANS - HEALTH AND SAFETY ENFORCEMENT, TRADING STANDARDS ENFORCEMENT AND FOOD LAW ENFORCEMENT**

#### **1.0 Background**

- 1.1 Plymouth City Council has statutory enforcement duties set out in Health and Safety, Trading Standards and Food Law. In recent years the Government has become increasingly concerned about the level and inconsistency of enforcement activity being undertaken by Local Authorities. As a result, the Health and Safety Commission, the Department of Trade and Industry and the Food Standards Agency have introduced a variety of measures including enforcement guidance and standards, central and inter-authority auditing and a requirement that the authority set out and approve service plans that describe how the authority will meet its statutory duties.
- 1.2 The City Council's Environmental Regulation Service has now produced service plans in respect of Health and Safety Enforcement, Trading Standards Enforcement and Food Law Enforcement. The Forward Plan states that the service plans should be submitted to the Executive in July for approval and implementation.
- 1.3 The Community Well-being Scrutiny Committee met on 20<sup>th</sup> June, 2003, in order to scrutinise the three service plans prior to their submission to the Executive on 29<sup>th</sup> July, 2003, and pass on their comments/recommendations for the Executive's consideration.

#### **2.0 Committee Structure**

##### Councillors

Councillor Kerswell, in the Chair.

Councillor T. Wildy, Vice-Chair.

Councillors Mrs. Aspinall (substitute for Councillor Simmonds), K. Foster, Fry, Haydon and Lemin.

Councillors Mrs. Ford, Martin Leaves and Rennie declared an interest as serving members of the Licensing Committee, withdrew from the meeting and took no part in the scrutiny process.

##### Officers in Attendance

Robin Carton	-	Assistant Head of Environmental Regulation Service
Katey Johns	-	Democratic Support Officer

### **3.0 Objectives**

- 3.1 The Community Well-being Scrutiny Committee consider the statutory service plans for 2003/2004 in respect of Health and Safety Enforcement, Trading Standards Enforcement, and Food Law Enforcement, including ensuring that -
- (i) the plans are properly and purposely scrutinised;
  - (ii) the Committee's findings and recommendations, if any, are submitted to the meeting of the Executive on 29<sup>th</sup> July, 2003, for consideration.

### **4.0 Detail**

- 4.1 Plymouth City Council has statutory enforcement duties set out in Health and Safety, Trading Standards and Food Law. In recent years the Government has become increasingly concerned about the level and inconsistency of enforcement activity being undertaken by Local Authorities. As a result, the Health and Safety Commission, the Department of Trade and Industry and the Food Standards Agency have introduced a variety of measures including enforcement guidance and standards, central and inter-authority auditing and a requirement that the authority set out and approve service plans that describe how the authority will meet its statutory duties.
- 4.2 The Trading Standards Service Delivery Plan includes the matters specified in the National Performance Framework published by the Department of Trade and Industry. The aims of the Framework are to; provide clear priorities and core standards for a modern Trading Standards service; support the role of Trading Standards in the community and in contributing to key local authority priorities; improve performance of Trading Standards by developing a system of measurement and sharing good practice; facilitate a more coherent and consistent approach to enforcement and service delivery. The National priorities prescribed are; informed confident consumers; informed successful businesses, enforcement of a fair and safe trading environment and efficient, effective and improving Trading Standards services.
- 4.3 The White Paper "The Food Standards Agency - A Force for Change" identified the Food Standards Agency as having a key role overseeing local authority enforcement activities. The agency is proactive in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure this activity is effective and undertaken on a more consistent basis. The Agency sees the plan as an important part of the process to ensure national priorities and standards are addressed and delivered locally. The Agency requires the plan to follow the template they have defined and will include information about the services they provide, the means by which they will provide those services, including the various requirements of the standard, the means by which they will meet any relevant performance targets or performance standards set out, a review of performance in order to address any variance from meeting the requirements of the service plan.

4.4 The Health and Safety Executive have a role to oversee local authority enforcement of Health and Safety legislation. The Executive expects local authorities to produce annual service plans that show how they will deal with the priorities set out in the HELA strategy. The Executive sees these plans as part of their auditing process, which monitors standards of enforcement in order to ensure this activity is effective and undertaken on a more consistent basis. The priority hazards the Health and Safety Commission say local authorities must reflect in service plans are, falls from heights, workplace transport, musculoskeletal disorders, stress, slips, trips and falls. This service plan takes account of these priorities and deals with them in the context of; local priorities, resources and the aims and objectives identified in the Council's Corporate Strategy, Departmental Service Plan and Best Value Performance Plan.

## **5.0 The Committee's Comments/Findings**

5.1 Having considered the report and looked at the Plans in detail, the Committee found/commented that, in general -

- (i) the report would be more easily followed if each of the Plans were printed on different coloured paper or the separate sections clearly indicated;
- (ii) a glossary of the abbreviations contained within the report should be provided;
- (iii) all the Plans should be reviewed at 6-month intervals, not only by the Portfolio Holder but by the Community Well-being Scrutiny Committee as well;
- (iv) the plans were primarily produced as government documents but a more user-friendly public version could be prepared in an executive summary type format with bullet points;
- (v) the plans should be available on the internet, either in full or in summary form;
- (vi) the relevant portfolio holder's attendance would have been welcomed.

## **5.2 Health and Safety Law Enforcement Plan**

5.2.1 In respect of Health and Safety Law Enforcement the Committee commented/found that -

- (i) reference to the Cabinet Member on page 4 (section 1.2) should in fact read Portfolio Holder;
- (ii) reference to the Scrutiny Commission should read Overview and Scrutiny Commission and there were four scrutiny committees not three, as detailed on page 6 (section 2.2);

- (iii) the word “pierces” in bullet point 3 on page 6 (section 2.3) should read “piercers”;
- (iv) the advisory hotline was a direct line and was not routed through the Council’s main switchboard. It was staffed between 9.00 a.m. and 12.00 p.m. Monday to Friday as the demand was not sufficient to justify resourcing for a whole day;
- (v) on the issue of adequate resourcing, staffing levels were very stretched in respect of Health and Safety Law Enforcement and Food Law Enforcement but the workload was managed. However, Trading Standards was a particular concern as some areas of work could not be undertaken due to staffing shortages;
- (vi) all inspection targets for Health and Safety and Food Law had been met on high risk categories but not on some of the smaller risk areas;
- (vii) the Environmental Regulation Service continued to undertake staff appraisals;
- (viii) a time monitoring system was currently being trialled within the Service as officers tried to establish the most effective way of recording their working practices and recharging where possible. The City Solicitor’s legal section were using a very sophisticated bar coding system;
- (ix) in addition to customer satisfaction questionnaires the improvement of service delivery would further be developed by the inclusion of “mystery shoppers”;
- (x) with regard to the Transformational Goals and Corporate Policy Priorities, the Service’s response should be amended to reflect a more up-beat and positive attitude. Also, TG 6 on page 16 contained a spelling mistake in that “unafe” should read “unsafe”;
- (xi) the structure chart for Plymouth City Council contained a number of errors including that -
  - Alison Stone had left the Authority and was no longer Chief Executive and Town Clerk
  - Anne Brown’s name should be added to the post of City Solicitor
  - Marion Davis had left the Authority and was no longer Head of Community Care Services.

### 5.3 Food Law Enforcement Plan

5.3.1 In respect of Food Law Enforcement the Committee commented/found that -

- (i) the Navy had its own Environmental Health Officers who undertake inspections of its ships and shore based kitchens. Our officers have responsibility for and carry out inspections of the shore based establishments but do not currently extend to the ships. They do however undertake inspections on commercial ships and Brittany Ferries;
- (ii) in addition to all schools and colleges the City Council also carried out inspections at Plymouth University;
- (iii) the City Council ran a very good training programme in respect of food hygiene and, where problem areas had been identified during inspections, training was often offered. All such premises were subsequently re-visited to check that either the required improvements or training had been undertaken;
- (iv) the speed at which legal proceedings were instigated depended on the individual circumstances of each case and the risk to the public;
- (v) in respect of the Work Profiles schedule on page 30, clarification of the 21 outbreaks in 2000/2001 be provided.

#### 5.4 Trading Standards Enforcement Plan

5.4.1 In respect of the Trading Standards Enforcement Plan the Committee commented/found that -

- (i) following changes in the law, officers are developing an extension to their successful work on age restricted products, to prevent the sale of liquor to those under the age of 18. Prosecutions were used only where enough evidence is available. A similar scheme was also being developed to deal with the sale of solvents used for solvent abuse. A recent survey had shown a very high proportion of retailers were prepared to sell solvents to children;
- (ii) the complaints statistics could be skewed by a number of complaints being received on one topic.

#### 6.0 **Written Material**

The Committee received the following documentation -

- (1) Health and Safety Law Enforcement Service Plan 2003/2004
- (2) Food Law Enforcement Service Plan 2003/2004
- (3) Trading Standards Service Delivery Plan 2003-2004

#### 7.0 **Resolutions and Recommendations**

The Community Well-being Scrutiny Committee resolved that -



- (1) the officer be thanked for his presentation;
- (2) the substance of all three of the plans be approved in principle;
- (3) the minor alterations requested be made and final approval be delegated to the Chair;
- (4) subject to (3) above, the Executive be recommended to approve the 2003/2004 service plans for Health and Safety Law Enforcement, Trading Standards and Food Law Enforcement.