

LONDON BOROUGH OF BRENT

EXECUTIVE - 16th AUGUST 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD: ALL

FP REF: ES-04/05-239

REPORT TITLE : Service Plan for Food Safety and Occupational Health and Safety Enforcement 2004-5

1.0 SUMMARY

- 1.1 The Food Standards Agency require that each local authority publish annually, a service delivery plan specifying the arrangements that they have put in place for the enforcement of food safety, food standards and feedingstuffs standards. Section 18 Guidance from the HSC on the Health and Safety at Work etc Act 1974 requires each local authority to publish an annual service delivery plan for the enforcement of occupational health and safety for approval by members. Both agencies require that the plans are agreed by the local authority's elected members.
- 1.2 The two required plans have been combined into the attached enforcement plan for the Food Safety Service as both functions are carried out simultaneously using combined resources.

2.0 RECOMMENDATION

- 2.1 The service plan be agreed and approved as the authority's plan for food law and occupational health and safety enforcement through 2004/5 with respect to those businesses enforced by Environmental Health.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no additional financial implications above the budget allocation previously approved and currently being implemented. The issues in the service plan concern how current resources will be utilised this year.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no additional staffing implications suggested by this report.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 The service plan has implications for environmental safety in terms of the protection of consumers' rights and safety from potential risks associated with the sale of food in Brent and the protection of members of the public and workers in terms of occupational health and safety.

6.0 LEGAL IMPLICATIONS

- 6.1 The Council has a duty to enforce food safety legislation. The Food Standards Act 1999 gave the Food Standards Agency powers to monitor and audit local authority enforcement performance and where performance is unsatisfactory, to take that function away from the failing authority.
- 6.2 The Council has a duty to enforce occupational health and safety legislation. Section 18 Guidance is issued by the Health and Safety Commission to ensure compliance with the Local Authorities duty to provide an effective enforcement service with respect to occupational health and safety. The Health and Safety at Work etc Act 1974 requires Local Authorities to make adequate arrangements for the enforcement of health and safety and where this is not found to be adequate the HSE has the power under Regulation 5(2) of the Health and Safety (Enforcement Authority) Regulations 1998 to take that responsibility away.

7.0 DIVERSITY IMPLICATIONS

- 7.1 The proposals in this report have been subject to screening and officers believe that there are currently no diversity implications. Food Safety enforcement is one of Environmental Service's priorities published in the Council's Race Equality Action Plan and equality monitoring of those premises subject to inspection has already been carried out and is currently being evaluated. Further monitoring of incidents requiring formal enforcement against food business proprietors is planned to be undertaken later this year and any should any diversity implications be identified, they will be addressed.

8.0 DETAIL

- 8.1 In 2000, the Food Standards Agency published the *framework Agreement on Local Authority Law Enforcement* specifying the arrangements that each food authority needs to put in place for the enforcement of food safety, food standards and feedingstuffs legislation.
- 8.2 The *Framework Agreement* requires each food authority to publish an annual service plan for food safety enforcement, to be provided in a prescribed format and to provide the following information:
- The services provided by the food authority
 - The means by which they will provide those services
 - The means by which they will meet performance targets and standards
 - A review of the authority's past performance
- 8.3 Section 18 Guidance requires each authority to publish an annual service plan for occupational health and safety enforcement to be published and to provide the following information:
- Future objectives and major issues that cross service boundaries
 - Key programmes including a planned inspection programme in the context of the current HSC Strategic Plan and HELA Strategy
 - Information on the service that is being provided

- The means by which these services are going to be provided
- Any performance targets and how they will be achieved
- A review of the performance to address any variance from meeting the requirements of the service plan.

9.0 BACKGROUND INFORMATION

Details of Documents:

8.1 The Food Standards Agency *Framework Agreement on Local Authority Food Law Enforcement* can be accessed on the Agency's website at www.foodstandards.gov.uk

8.2 The Section 18 Guidance can be accessed on the Health and Safety Executive website www.hse.gov.uk/lau/pdfs/sec18.pdf

9 Any person wishing to inspect the above papers should contact Elizabeth Georgeou, Environmental Health, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Telephone: 0208 937 5252

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