



To: Executive Councillor for Environmental and Waste Services: Councillor Jean Swanson  
Report by: Head of Refuse and Environment  
Relevant scrutiny committee: Environment Scrutiny Committee 12<sup>th</sup> March 2013  
Wards affected: All Wards

## **BUSINESS REGULATION PLAN 2013-2014**

### **This is a Key Decision**

#### **1. Executive summary**

- 1.1 In previous years the Commercial Team (formerly Food and Occupational Safety (FOS)) has produced two separate work plans; one for Food Safety and one for Health and Safety. This year, to better represent the role of the service and the intention to promote and develop active business partnerships, the work plan has been combined to cover all foreseeable aspects of the work of the team.
- 1.2 The Food Standards Agency (FSA) requires each food enforcement authority to produce an annual work plan outlining the food enforcement programme that will be followed to ensure food businesses are compliant. The attached Businesses Regulation Plan 2013-14 incorporates the advice and guidance given to Local Authorities by FSA and the Health & Safety Executive (HSE).
- 1.3 Due to a number of Government-led changes to the enforcement of Health and Safety, the intervention profile has dramatically changed. The emphasis is required to change to targeted interventions as defined by the HSE, or to the development of partnerships with business or communities. These changes have impacted both the format of this plan and the nature and target of the work of the Commercial Team for 2013-2014.
- 1.4 Due to these changes imposed on the work of the Commercial Team and the intention to adopt a more business-partnership led work plan, it has been identified as a fundamental change to the work of the team which seeks the support and approval of the elected members.

## **2. Recommendations**

2.1 The Executive Councillor is recommended:

- To approve the attached Businesses Regulation Plan 2013-14

## **3. Background**

3.1 The Commercial Team is responsible for enforcing food safety, health and safety and most statutory nuisance legislation for specific types of business activity e.g. offices, shops and restaurants, within the City of Cambridge.

3.2 Section 2.4 of the attached regulation plan outlines the key changes imposed on the service as a result of the changes to the health and safety intervention strategy required by central Government. This specifically restricts the number of proactive inspections that can be carried out, and directs interventions to topics or business types where there is evidence that there is a known local, regional or national risk. In Cambridge, this will include undertaking the work identified in section 3.5, and includes the development of:

- Primary Authority Partnership Scheme – working with a specific regional or national company to develop a joint advisory and enforcement led partnership through the co-operation of a business partner. A successful outcome for this programme would be to development of partnership
- Targeted Estates Excellence Programme – working with the HSE to target specific trading or retail estates to develop a partnership and information-sharing programme with the businesses to share best practice. A successful outcome of this programme would be the development and presentation of this strategy to at least one estate within the City within the year
- Legionella Strategy – looking at the management of cooling towers and evaporative condensers in the City and the other hot water systems that have been associated with Legionella, including spar pools and unused showers in residential accommodation. The successful outcome of this strategy would be the development and implementation of an operational programme to assess the degree of compliance duty holders have to their obligations in law

- Community Strategy – attempting to work with local communities to develop local business partnerships to develop greater food safety and health and safety compliance. The successful outcome of this strategy would be the development of community-based partnerships to enable the service to work with the businesses in the community
- Exploring the possibility of developing a healthy eating intervention programme under the guidance of the new public health agenda and trying to develop a business compliance advisory intervention strategy whereby new businesses will be offered assistance in complying with their legal requirements as part of an initial assessment of the overall risks they pose. The success of this programme would be the development of a means to encourage food businesses to produce and sell healthier versions of their food and the adoption by the businesses of this programme

3.3 Both the Health and Safety Executive and the Food Standards Agency have a number of roles including directing Local Authorities as to what topics to they should inspect and how the inspections should be carried out; this is highlighted in section 2.4 of the regulation plan.

3.4 Section 3 of the attached regulation plan also gives a detailed review of last year's work and outlines the proposed number and type of interventions for 2013-2014. This shows a significant change in the overall number of interventions due to the need to develop a more partnership initiative and the reduction in the number of proactive inspections of non-food businesses. Interventions include all types of contact the Commercial Team may have with businesses in the City, including full or partial inspections, audits, partnership meetings, as well as educative and mentoring visits.

3.5 An additional change to the method of enforcement is to ensure that prior to any proactive intervention with a business is the need to determine whether the business is in an existing Primary Authority Partnership with another Local Authority. If it is, this may legally prescribe the degree of intervention we may carry out, and in the cases of breaches of compliance, may limit the type of enforcement action we may follow.

3.6 As a result of the various changes in the enforcement regime required of the Commercial Team, it is essential that the service ensure officers remain competent in the fields they are responsible to enforce. The service has a number of processes in place, including the periodical assessment of each enforcement officer, the provision of targeted and identified training, regularly reviewing each officers ability and the use

of a peer review assessment of each officer. All officers are assisted to attain full competency and keep up to date with any legislative changes.

- 3.7 The Public Health Agenda is likely to have an impact on the activities of the Commercial Team and whilst the exact nature of the work has yet to be confirmed by the Cambridge Health and Well-being Board, there is a likely link with the businesses within the City.

## **4. Implications**

### **4.1 Financial Implications**

There are no additional costs associated in producing this Service Plan

### **4.2 Staffing Implications**

There are none except in the production of the Food Enforcement Work Plan

### **4.3 Equal Opportunities Implications**

Equalities Impact Assessment has been carried out and attached to this report.

### **4.4 Environmental Implications**

Not applicable; the work of the Commercial Team is designed to protect all members of the community

### **4.5 Consultation**

There are no direct consultation implications from this report.

### **4.6 Community Safety**

There are no direct community safety implications arising from this report.

## 5. Background papers

These background papers were used in the preparation of this report:

The Framework Agreement on Official Feed and Food Controls by Local Authorities

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreemntno5.pdf>

Food Law Codes of Practice (England)

<http://www.food.gov.uk/multimedia/pdfs/codeofpracticeeng.pdf>

Food Law Practice Guidance (England)

<http://www.food.gov.uk/multimedia/pdfs/practiceguidanceeng.pdf>

BERR Regulators' Compliance Code

<http://www.berr.gov.uk/files/file45019.pdf>

The Standard for Health and Safety Enforcing Authorities

<http://www.hse.gov.uk/section18/s18.pdf>

HSE Enforcement Policy Statement

<http://www.hse.gov.uk/pubns/hse41.pdf>

HSE Enforcement Guide (England & Wales)

<http://www.hse.gov.uk/enforce/enforcementguide/index.htm>

HELA Guidance on Inspection LAC 67/2 (rev 3)

<http://www.hse.gov.uk/lau/lacs/67-2.htm>

## 6. Appendices

Appendix 1: Businesses Regulation Plan 2013-2014

## 7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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