



To: Executive Councillor for Environmental Services and City Centre:  
Councillor Rosy Moore

Report by: Karen O'Connor  
Team Manager (Commercial & Licensing)

Relevant scrutiny Environment 27/06/2017  
committee: Scrutiny  
Committee

Wards affected: All

## **BUSINESS REGULATION PLAN 2017-18**

### **Not a Key Decision**

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#### **1. Executive Summary**

1.1 Cambridge City Council is responsible for enforcing food hygiene and health and safety enforcement in its area, and is required to produce an annual plan clarifying how this will be achieved. The Business Regulation Plan needs to clearly define the objectives permitting the Council to fulfil its responsibilities for the year, and confirm that it has committed sufficient resources to facilitate this work. The plan needs to be submitted to the Council for their consideration prior to its formal approval. The Plan is a large document and therefore in similarity to last year, an Executive Summary has been produced in Appendix A. The summary identifies all of the key aspects of the full report, which is available to view in full in Appendix B.

#### **2. Recommendations**

2.1 The Executive Councillor is recommended:  
To approve the Business Regulation Plan for 2017-18

#### **3. Background**

3.1 Cambridge City Council is the enforcement authority for food hygiene and health and safety within the City. As such, the authority is required to ensure that it provides adequate resources and commitment to fulfilling these responsibilities, and to show how this will be achieved in the Business Regulation Plan for 2017-18.

The plan identifies the work the Commercial Environmental Health function proposes to do, the demands imposed upon the service that will impact on its ability satisfy the plan, and the resources available to it to achieve this obligation.

- 3.2 Our obligations as the Food Authority are imposed on Cambridge City Council by Regulation EC No. 178/2002 which establishes the duty of Food Authorities, and the Food Safety Act, 1990 which clarifies the capacity and role of authorised enforcement officers within each food authority. Further guidance on how this must be achieved is detailed in the Food Standards Agencies' (FSA's) Framework Agreement.
- 3.3 Our obligation under the Health and Safety at Work, etc. Act, 1974, imposes the responsibility for the enforcement of the Act on to authorised local authority officers, but requires the local authority to provide sufficient resources to fulfil this duty. Further guidance on how this must be achieved is detailed in the Health and Safety Executive's (HSE's) National Enforcement Code.
- 3.4 Through these statutes and supplementary requirements, Cambridge City Council is directly required to appoint sufficient suitably qualified officers to undertake these duties and to provide them with the resources to achieve this. Furthermore, the Business Regulation Plan 2017-18 outlining these obligations must receive the consent of the Council, thereby ensuring that the authority has understood and agreed to its obligations, and has committed sufficient resources to achieve the objectives.
- 3.5 The Commercial Environmental Health function is responsible for enforcing health and safety in approximately 2,500 businesses and food safety in approximately 1,300 businesses in the city.
- 3.6 The nature of the work proposed to be undertaken during 2017-18 is specified in the submitted plan but summarised in the abbreviated Executive Summary as Appendix A; with the full Plan in Appendix B.
- 3.7 Unfortunately the 2016/17 targets set were not met in full. Resources were prioritised to ensure higher risk activities were completed, but a vacant manager post and 0.8 FTE Environmental Health Officer on extended leave both contributed to reduced officer resources. In addition, the roles and functions that existing Technical Officers could undertake were curtailed by previous changes to the statutory guidance. Going forward into 2017/18, a new manager was appointed, one of the two Technical Officers is now able to undertake the full range of duties, a contractor has been appointed to assist with the backlog of work, and the recruitment programme will reflect the now vacant 0.8 FTE post.

## **4. Implications**

### **(a) Financial Implications**

The financial allocations required to fully fund this service have been determined for 2017-18, and shows a reduction in comparison to the amounts allocated for the previous years for this service; these have been set out in the plan for consideration.

### **(b) Staffing Implications (if not covered in Consultations Section)**

The staffing implications for the service are expected to be reduced compared to 2016-17 by 0.5 FTE, as set out in the plan. This is due to a merger of the previous Commercial Team Manager post with the Licensing Team Manager post; creating a single full time post.

### **(c) Equality and Poverty Implications**

An Equality Impact Assessment has not been carried out as the service is not changing any practices from that which it has delivered for many years. The work of the Commercial Environmental Health function seeks to allow the Council to fulfil its legal obligations, with no bias, discrimination or any other consideration other than the requirements of the laws enforced by, and upon, the service.

### **(d) Environmental Implications**

It is not expected that the proposals contained in the Business Regulation Plan 2017-18 will have any environmental implications for the Council or for the businesses in the City who are affected by the plan.

As part of this section, assign a climate change rating to your recommendation(s) or proposals. You should rate the impact as either:

- Nil: to indicate that the proposal has no climate change impact.

### **(e) Procurement**

There are no foreseeable procurement implications associated to the adoption of the Business Regulation Plan 2017-18.

## **(f) Consultation and Communication**

The Business Regulation Plan 2017-18 is produced to set out how the Council will meet its obligations to enforce food hygiene and health and safety in the City. The plan needs to be formally adopted by the Council, and be available to the Food Standards Agency and the Health and Safety Executive should they require access to it, such as during any audit of the work to assess how the Council meets these legal obligations. The plan needs to state how the Council will meet its obligations, and does not need to go through a formal consultation process with service users.

Once approved, the Business Regulation Plan 2017-18 will be made available via the Council's Webpages, and any comments received will be taken into account in producing the 2018/19 plan.

## **(g) Community Safety**

The role of the Commercial Environmental Health function is to enhance safety in the City; the Business Regulation Plan 2017-18 defines how this will be achieved during the year.

## **5. Background Papers and Documents**

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

The Business Regulation Plan 2016-17  
FSA Framework Agreement 2010  
Food Law Code of Practice 2017, and Practice Guidance 2016  
HSE National Enforcement Code and supplementary guidance

## **6. Appendices**

**Appendix A – Executive Summary of the Business Regulation Plan**  
**Appendix B – Full Business Regulation Plan**

## **7. Inspection of papers**

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

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