

<b>Subject:</b>	Commercial Service Delivery and Enforcement Policy	<b>Status:</b>	For Publication
<b>Report to:</b>	Policy Overview and Scrutiny	<b>Date:</b>	10 September 2012
<b>Report of:</b>	<b>Health, Housing and Regeneration Manager</b>	<b>Portfolio Holder:</b>	<b>Environmental Health and Housing</b>
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required: Yes	<b>Attached:</b>	Yes
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
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1.	<b>RECOMMENDATION(S)</b>
1.1	That members note the development of a Commercial Service Delivery and Enforcement Policy.

## 2. PURPOSE OF REPORT

- 2.1 To advise Members of the process to develop workable, service plans around the statutory functions and legislative requirements of the Commercial Environmental Health Section; based on current and future resources within the service; and to identify, a transparent approach to enforcement linked to local, county and national drivers and resources.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **A clean and green Rossendale** – creating a better environment for all.
  - **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
  - **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to deliver service plan actions through reduced resources not identified within the current service review.
  - Failure to develop workable, service plans as required by the Food Standards Agency and Health and Safety Executive based on current and future resources.

## 5. BACKGROUND

- 5.1 The service concentrates on a number of legislation areas that the Local Authority must act on, aimed at protecting members of the public, employees, and employers. The majority of the teams work is focussed on working with businesses to ensure that they have the right safeguards in place to operate safely and efficiently.
- 5.2 Local Authorities are expected to publish and identify their service work plans for Food Safety and Health and Safety for the coming year utilising the resources they have available. These

work plans should reflect any National, Regional, County or Local drivers or campaigns that would improve conditions or operating practices for businesses with the aim of providing a safe environment for all.

- 5.3 Against these service work plans is the need to have an approved, transparent enforcement approach for dealing with breaches of legislation and harm or potential harm caused or could be caused to members of the public, employees, employers and industry sectors.
- 5.4 These elements of the service plans need to be considered and measured against the service's resources to deal with the proposed work plan, elements of which will be dictated by National drivers. The service is currently subject to a Service Review, as part of the Council's overall efficiency agenda; this will impact on future service plans; the overall commercial enforcement ethos; and the service standards offered to businesses, customers and members of the public.
- 5.5 The aim of this policy document will be to factor in the findings of the service review, provide service plans covering the legislation areas that need to be covered and an enforcement approach reflecting changes in staffing resources going forward for the department.
- 5.6 The types of areas the work plans and commercial enforcement policy is likely to cover are:
- Food Premises such as takeaways, restaurants, care homes, any establishment providing food and supplying food
  - Workplaces
  - Industrial premises
  - Private Water Supplies
- 5.7 As mentioned in section 5.4 the policy and service plans will be developed following the outcome of the service review because they need to reflect the resources available to enforce the policy and deliver the service plans. However, the policy is likely to include:
- A statement of the standards expected of food premises in Rossendale.
  - A detailed action plan covering the Food Safety and Health and Safety areas as required by the legislation.
  - A procedure for inspection, notification of deficiencies, legal action and enforcement action
  - Methodology for engaging businesses, raising awareness and providing appropriate support.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **6. SECTION 151 OFFICER**

6.1 To be determined through the consultation process.

#### **7. MONITORING OFFICER**

7.1 To be determined through the consultation process.

#### **8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

8.1 To be determined through the consultation process.

**9. CONSULTATION CARRIED OUT**

9.1 Direct consultation with:-  
Commercial Health Officers

Proposed consultation with:-  
Lancashire Food Officers Group  
Lancashire Health and Safety Operational Group  
Internal departments – Finance, Legal and HR  
Members  
Statutory and Peer Agencies

**10. CONCLUSION**

10.1 The development of viable, workable service plans focussing on Food Safety and Health and Safety are requirements by the Food Standards Agency and Health Safety Executive. The current service review of the section provides an ideal opportunity to set priorities; actions and a transparent enforcement approach for the section going forward.