

Increasing life expectancy by focussing on inequalities

- Supporting and encouraging all the food outlets in Slough to provide safe food through inspections and interventions and the Food Hygiene Rating Scheme (FHRS)
- Reducing risks in the work place with investigations, interventions and specific projects based upon Slough's needs and those based on national priorities
- Increasing awareness of food labelling, allergens and healthy eating, and in doing so contribute to reducing obesity rates in Slough.
- Actively support the Prevention Strategy within our front line work

Improving mental health and wellbeing

- Staff being trained on the Care Act and their responsibility under that legislation to be aware of safeguarding issues and reporting lines. Staff being trained in Making Every Contact Count.
- Working in conjunction and in support of Adult Social Care when our Services come across vulnerable people, particularly where they are victims of rogue traders, scams and financial fraud. e.g. Loan Shark project and Operation Rogue Trader/Liberal.
- To promote schemes which help the community to help themselves, such as Friends against Scams, Mail Marshals, the Banking Protocol and Adopt a Post Office.
- Safeguarding migrant and other vulnerable workers, including Modern Slavery issues and CSE awareness.

Housing

- Enforcing the Tenancy Fees Act 2019, Consumer Rights Act 2015 S83 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014 which requires all lettings agents and property managers in England to belong to a Government approved redress scheme. Work alongside Slough housing to share best practice and work coherently and in the best interests of our residents.

3b Five Year Plan Outcomes

These statutory service plans identify positive impacts towards all the 5 year Plan Outcomes, which is detailed in the individual action plans, and in particular:

- *Slough Children will grow up to be happy, healthy and successful*
- *Our people will become healthier and manage their own care needs*
- *Slough will be an attractive place where people choose to live, work and stay*
- *Slough will attract, retain and grow businesses and investment to provide opportunities for our residents*

The statutory plans also focus on developing entrepreneurial skills in the teams and commercialisation skills as a tool to maximise income. They also support the council's digital transformation by promoting agile front line working and channel shift to encourage better use of the council's website.

4 Other Implications

(a) Financial

It is anticipated that the plans will be implemented within existing resources. However, the situation will be closely monitored as unplanned reactive pressures, such as major investigations, will have resourcing implications which will be reported to members for their consideration.

Costs recovered from Primary Authority and other chargeable work will be used to help offset the cost of service delivery across Regulatory Services.

(b) Risk Management

This section should set out whether there are any risks under the headings on the table below. Describe the risk and explain any mitigating action that has or will be taken (write 'none' in this column if the risk does not apply). Please also describe any positives or potential opportunities under each heading.

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Statutory Service Plans in relation to the Food Safety, Health & Safety and Trading Standards work undertaken by the Council be endorsed.	Risk from complex criminal investigations or disease outbreaks that demand considerable officer time resulting in pressure upon resources to complete statutory work. National enforcement bodies may intervene and ultimately direct us to complete statutory work or take over the service. This creates reputational risk.	Mitigated by the re-prioritisation of resources where possible. Utilise MOU arrangements with other Berkshire Unitary Authorities The income from Primary Authority work and further commercialisation of services can be used to offset cost of service delivery	4 (probability: Very Low x severity: Marginal)	All risks of serious failures to complete statutory duties and serious deviations from the service plans will be highlighted to the Director and Cabinet.

	There is a shortfall of 2.5 FTE, based on the FTE required to complete <u>all</u> obligations and targets within the service plans	Resources will be allocated based on risk and the best outcome. Some low risk inspections and aspirational health and safety projects will not be undertaken. Premises deemed as low risk will be managed so their risk is reviewed regularly, and should their risk rating increase, the premises will immediately be subject to interventions.	4 (probability: Very Low x severity: Marginal)	The FSA are aware that the expectations on local authorities outweigh what can be delivered, and a national review on the delivery of food safety regulation is under review, namely 'Regulating our Future'. We will continue to undertake quality inspections, not quantity.
	EU Exit may bring with it additional demands on the services through business and consumer demands for advice and support.	Officers are trained and competent to deal with EU Exit transitional issues and legislation. SBC contingency plans	3 (probability: Low x severity: Negligible)	Trading standards and Food Safety Teams have contributed to Brexit preparedness, have put in place mitigation arrangements and are represented locally, regionally and nationally on relevant EU Exit panels and forums.

(c) Human Rights Act and Other Legal Implications

Section 18(4) of the Health and Safety at Work etc. Act 1974 makes it the duty of every local authority exercising functions under the Act or associated regulations to

- (a) to make adequate arrangements for enforcement within their area;
- (b) to perform their duties in accordance with HSE guidance;

Subsection (4B) makes it a duty to the HSE and local authorities:

- (a) to work together to establish best practice and consistency in enforcement;
- (b) to enter into arrangements to secure cooperation and exchange of information in connection with carrying out their functions;
- (c) from time to time to review those arrangements and to revise them when they consider it appropriate to do so.

The National Local Authority Enforcement Code and Supplementary Guidance have been issued to assist local authorities with their enforcement responsibilities. Whilst there is no statutory requirement to have a published service plan, paragraph 42 of the Code recommends that publically available risk-based service plans and information on health and safety interventions, enforcement and prosecution activity is an effective way of being accountable to the public and businesses.

Section 40 of the Food Safety Act 1990 allows Ministers to issue codes of practice on the execution and enforcement of the Act. The Food Law Code of Practice is produced under this power and within it is a reference to the requirement for a documented Food Service Plan (Chapter 5, para 5.1.1).

The Food Law Enforcement Service Plan is part of the policy framework and therefore reserved to Full Council for approval under the council's constitution and as such requires referral from Cabinet to full Council.

(d) *Equalities Impact Assessment*

Equalities Impact assessments have been completed on key policies contained within the Plans. However, the work detailed in the Plans is based upon UK and European legislation that has already been assessed in terms of Equality Impact Assessment.

5 Supporting Information

- 5.1 National guidance on the delivery of the Authority's enforcement activities is issued by The Food Standards Agency, the Health and Safety Executive and the Department for Businesses, Innovation and Skills; setting out standards for service provision, monitoring and auditing arrangements, in order to ensure that local enforcement activities are undertaken in a robust, fair and consistent manner in line with the Regulators Code and our Enforcement Policy.
- 5.2 The Plans are an important part of the process to ensure national priorities and standards are addressed and delivered to meet local needs effectively; they will be reported to and scrutinised by the national agencies. These Plans, which are required to be reviewed and updated annually, will
 - focus on local priorities and the needs of our local community
 - provide an essential link with financial planning
 - set objectives for the future, and identify major issues that cross service boundaries;
 - and provide a means of managing performance and making performance comparisons

- in addition the plans will provide an essential link between statutory enforcement responsibilities and the teams support for the council's strategic priorities of the Five Year Plan.

5.3 Local authorities are required to include in their Statutory Service Plans

- Information about the services they provide
- the means by which they will provide those services
- the means by which they will set/monitor performance targets and standards
- a review of performance against proposed targets
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5.4 Charging for non-enforcement services and Primary Authority (PA) work has allowed for increased cost recovery activities which have helped to off set the cost of service delivery. PA is a statutory scheme which enables contractual partnerships to be formed between business and local authorities. The aim being to streamline and simplify the national regulatory compliance demands on local businesses in relation to trading standards, food and health & safety matters.

5.5 We currently have about 40 partnerships with national and international businesses such as; Reckitt Benkiser, Mars, Telefonica (O2), Superdrug, Wyevale Garden Centres, Furniture Village and Burger King. It is our intention to continue to enhance the entrepreneurial skills of the teams and further develop commercialisation of the services over the next year. The promotion of the Business Advice and Support Partnership, a partnership network involving Slough, Hampshire, Kent and East Sussex County Councils will help to achieve enhanced opportunities to develop commercial success by sharing capacity and infrastructure whilst offering much needed resilience and capacity.

5.6 The Statutory Service Delivery will continue to focus very specifically upon areas of high risk and evidenced need whilst aiming to reduce the regulatory burden on compliant business. The plans provide the framework to ensure we continue to make the best use of the resources we have available, enabling residents and businesses to access high quality support, ensuring positive outcomes and value for money, supporting business growth whilst protecting our residents and communities.

6 **Comments of Other Committees**

This report has not been considered by any other committees. The Food Safety Service Plan will be referred to Council for approval on 23rd June 2019.

7 **Conclusion**

The proposed plans illustrate our commitment to continuous improvement and accountability, whilst responding flexibly to ongoing changes in both the regulatory and consumer landscapes nationally and locally in Slough. They also show how the Council has successfully adopted a balance of techniques and approaches to support local businesses; drive up compliance by enabling businesses to access information & advice more effectively; enhance consumer protection and promote, with our partners, safety and wellbeing in the workplace and our communities. This is being achieved whilst at the same time off-setting the cost of delivery by appropriate charging for discretionary services.

It is clearly illustrated within the Plans how our work contributes significantly towards supporting the outcomes of the 5 Year Plan and the Slough Joint Wellbeing Strategy.

The Cabinet is requested to recommend that the Service Plans in relation to the Health & Safety and Trading Standards work are approved and that the Food Safety Service Plan is referred to full Council

8 **Appendices Attached**

- a. Food Safety & Standards Service Delivery Plan 2019/20
- b. Health & Safety Service Delivery Plan 2019/20
- c. Trading Standards Service Delivery Plan 2019/20

9 **Background Papers**

'1' Food Standards Agency Code of Practice (March 2017)

<https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>

'2' National Local Authority Code, Health & Safety at Work. (2013)

<http://www.hse.gov.uk/lau/la-enforcement-code.htm>

'3' Primary Authority Statutory Guidance. Regulatory Delivery, Oct 2017

[https://www.gov.uk/government/publications/primary-authority-](https://www.gov.uk/government/publications/primary-authority-statutory-guidance)

[statutory-guidance](https://www.gov.uk/government/publications/primary-authority-statutory-guidance)

'4'

The Consumer Protection & Business Compliance Enforcement Policy

[http://www.slough.gov.uk/council/strategies-plans-and-](http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx)

[policies/regulatory-and-enforcement-services-enforcement-policy.aspx](http://www.slough.gov.uk/council/strategies-plans-and-policies/regulatory-and-enforcement-services-enforcement-policy.aspx)