

Strong and Supportive Communities Scrutiny Committee	Agenda Item No. 6
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Report of the Strategic Manager for Regulatory Services

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PROTECTING THE PUBLIC THROUGH REGULATORY SERVICES

1. PURPOSE

- 1.1 The purpose of this report is to highlight to the Strong and Supportive Communities Scrutiny Committee the important work carried out by Trading Standards and the Food Safety and Health and Safety Teams, and to outline the proposed approach in supporting businesses to achieve compliance.

2. RECOMMENDATIONS

- 2.1 We would like the committee to consider and review the achievements and future plans of these teams in fulfilling Peterborough City Councils statutory duties in public protection and public health legislation, and to endorse the direction of travel outlined within the report.

3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY

- 3.1 The work of trading standards and environmental health directly contributes to the Sustainable Community Strategy by improving health, supporting vulnerable people, empowering local communities and making Peterborough a safer place to live and work.

4. BACKGROUND

- 4.1 Trading Standards and the Food Safety and Health and Safety Team play a key role in protecting the public. Forming part of the Neighbourhood Services department, the teams are busy working in the background to support consumers, tackle rogue traders, enforce food hygiene and health and safety standards and generally support businesses to provide high quality and safe goods and services.
- 4.2 The two teams have distinct functions and operate in different ways, coming together when it is appropriate to tackle problem businesses or promote public health. They also form part of the shared regulatory service with Rutland County Council.
- 4.3 **Trading Standards**
- 4.3.1 The primary role of trading standards is to protect the public, helping to create informed confident consumers and tackling rogue businesses to create a fair and safe trading environment.
- 4.3.2 The remit of trading standards is broad, with duties to enforce a range of legislation governing fair trading, product safety, age restricted sales, weights and measures, consumer credit, food standards, animal health, animal feeding stuffs, petroleum and explosives.

- 4.3.3 Trading standards have traditionally been enforcement driven, and over recent years the successful track record for conviction of businesses in the criminal courts has demonstrated the confidence and competency of the team in bringing problem traders or persistent offenders to task. In the last two years alone the team have secured 12 convictions in the Magistrates and Crown court in relation to clocked cars, out of date food, car clamping, counterfeit goods and unsafe cosmetic products. This is a high success rate for a small team of 6 Officers including the Principal Officer.
- 4.3.4 Much of the team's work has been driven by complaints from members of the public or other businesses. The team receive on average 30 complaints per week requiring further enquiries to be made or action to be taken. These actions are wide ranging and may include advising a business or consumer, testing goods or services or carrying out a full criminal investigation.
- 4.3.5 The team often works in partnership with other organisations such as the Cambridgeshire Constabulary and Her Majesty's Revenue and Customs (HMRC). This has proved hugely successful in working towards joint aims, such as reducing the sale of illegal tobacco and alcohol products. An innovative approach last year saw trading standards putting businesses before the Licensing Committee in relation to the sale of illicit and counterfeit alcohol and tobacco products.
- 4.3.6 The team have also set up partnerships in the last 2 years with large companies based in Peterborough who trade outside the area. These are known as Primary Authority Partnerships and a change in legislation has enabled us to charge businesses for the provision of advice. Businesses have seen the benefits of these enhanced relationships with trading standards and we now have 7 partnerships in place with more in the pipeline. Businesses recognise that receiving quality advice on matters such as policy, legislation, product labelling and customer care can save money in the long run.
- 4.3.7 The team operates on a risk based approach to ensure that resources are directed at the highest risk activities.

4.4 **Food Safety and Health and Safety**

- 4.4.1 This team is made up of 11 Environmental Health professionals whose primary purpose is to protect public health. The work is focussed largely on businesses to ensure they are complying with legislation to prevent food borne disease, infectious disease and workplace accidents.
- 4.4.2 The team use a program of risk based interventions to assess business compliance. These are normally full or focussed inspections, but alternative approaches may include sampling or questionnaires. Where businesses are failing to meet required standards the team have a number of tools to enable them to gain compliance. We would normally take a graduated approach, writing to the business in the first instance but serving improvement notices in more serious cases or where advice has been ignored. These statutory notices are normally effective in getting businesses to improve however the matter may be escalated to closing the business or prosecution in the most serious cases. Last year the team served 129 statutory notices on businesses to gain improvements, closed 2 businesses in order for improvements to be made, and took 3 successful prosecutions.
- 4.4.3 Where possible the team will educate and support businesses. They offer all food businesses a "Safer Food Better Business" pack which is a tool to help businesses comply with legal requirements and ensure they are producing safe food. They also support businesses through Primary Authority Partnerships as outlined above.
- 4.4.4 The team receive a high volume of complaints from members of the public about a range of issues including accidents at work, foreign objects in food, dirty restaurants and rodent infestations. Complaints are acknowledged and investigated where appropriate. A recent example of a serious complaint is a metal screw found in a portion of baked beans which led to

the team investigating and prosecuting KFC earlier this year.

- 4.4.5 As well as food safety and health and safety, the team play a vital role in protecting public health and preventing disease such as e-coli and legionella. Where outbreaks do occur, the team react quickly to ensure that the risk of further spread is minimised and the source of the infection is brought under control. This invariably involves working in partnership with organisations such as the Health Protection Agency (HPA) and the Health and Safety Executive (HSE). It is often the Food and Health and Safety Team that will take a lead role in bringing the right people together to ensure that incidents are properly investigated, risks are minimised and lessons are learned.

5. KEY ISSUES

5.1 Trading Standards

- 5.1.2 **We are asking Members to consider this change of direction for trading standards and endorse our move towards a more targeted and preventative approach which is outlined below.**

- 5.1.3 Trading standards in particular are largely enforcement driven and prosecution has traditionally been an effective method of changing or stopping illegal business practices. Prosecution however is a costly and lengthy process, ensuring that the best evidence is obtained to prove offences beyond all reasonable doubt in a criminal court.

- 5.1.4 Trading standards apply the Councils enforcement policy to ensure that a proportionate approach is taken and that prosecution is always used as a last resort or in the most serious of cases.

- 5.1.5 Whilst prosecution will always be necessary in some cases, trading standards are aiming to work more pro-actively with businesses in order to support them in complying with the law and prevent contraventions from occurring in the first place. This is in line with Government policy to reduce the regulatory burden on businesses and minimise red tape.

- 5.1.6 In order to develop this targeted approach we are implementing a regional Intelligence Database in partnership with the East of England Trading Standards Authorities (EETSA). We recognise that crime cuts across local authority boundaries and it is essential that we share and make use of intelligence from partner organisations. This will enable us to identify patterns of behaviour and educate businesses and consumers to prevent further spread or detriment.

- 5.1.7 We are also introducing a Fair Trading Award which is a training course we can offer to businesses, accredited by the national Trading Standards Institute. The training is aimed at teaching businesses practically how to comply with consumer legislation and will initially focus on age restricted sales. It will be delivered by our own officers and will be particularly useful for small businesses. We will also be piloting the course as a sanction for those businesses who have failed an under sales test purchase as an alternative to a criminal penalty notice where it is appropriate to do so.

5.2 Food Safety and Health and Safety

- 5.2.1 **We are asking members to endorse a continuing proactive approach to food safety and health and safety which takes into account local priorities**

- 5.2.2 In November 2011 The Health and Safety Executive issued a direction to local authorities which largely supports the Government reforms moving towards a lighter touch for health and safety regulation. This guidance (LAC 67/2 revision3) is made under section 18 of the Health and Safety etc at Work Act Act 1974. It endorses the risk based approach that the team already use, however goes further to suggest that inspections should only be carried out at the high risk premises and other interventions such as education or industry wide initiatives should be used

for all other businesses.

5.2.3 Whilst the team recognise and endorse the approach that inspections should be carried out with good reason, the team also feel strongly that they should retain the flexibility to address national and local concerns. An example of this is in relation to legionella. In response to recent outbreaks in the UK the team have proactively inspected premises with cooling towers, hot tubs and other known potential sources of legionella to ensure equipment is properly maintained and management procedures are in place. These visits have been undertaken without regard to the risk profile of the premise, with the purpose of protecting public health.

5.2.4 An example of the team prioritising local issues is in respect of ethnic food outlets. Significant issues have been found during routine inspections in relation to the safety of gas tandoori ovens. Common faults in the ignition systems of the ovens lead to workers being put at risk of serious injury or death. The team have therefore pro-actively identified and inspected premises likely to be using this equipment and are working with businesses to correct this. Again, this does not take into account the overall risk profile of the business but is focussed on known local issues.

6. IMPLICATIONS

6.1 This report does not introduce any new implications for other council services

7. CONSULTATION

7.1 No formal consultation has taken place. More detailed proposals of schemes such as the Fair Trading Award will be taken to business forums.

8. NEXT STEPS

8.1 No further steps are required. The purpose of this report is to raise awareness of public protection work and allow members the opportunity to scrutinise how this is carried out.

9. BACKGROUND DOCUMENTS

9.1 *Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA)
Local Authority Circular (LAC) 67/2 revision 3*

10. APPENDICES

10.1 Not applicable