

SCRUTINY BOARD (SAFER AND STRONGER COMMUNITIES)

REVIEW OF HEALTH AND SAFETY AND FOOD SAFETY REGULATORY SERVICES WITHIN ENVIRONMENTAL HEALTH

DRAFT TERMS OF REFERENCE

1.0 Introduction

- 1.1 In July 2011, the Director of Environment and Neighbourhoods and Head of Environmental Action made a referral to the Safer and Stronger Communities Scrutiny Board to undertake a review of the health and safety and food safety regulatory services provided by the Council to businesses across the city.
- 1.2 The Council is responsible for health and safety enforcement on more than 16,500 commercial premises in Leeds. The Health and Safety Team within Environmental Action Services deals with most non-industrial workplaces such as catering, wholesale and retail premises, consumer services, leisure and cultural sites, offices, religious premises, cosmetic treatment businesses and various other types of workplace. The Health and Safety Executive is responsible for health and safety enforcement at larger industries, such as factories, farms, hospitals and the railways.
- 1.3 The Government recognises that the Health and Safety Executive (HSE) and local authorities, as joint co-regulators for health and safety legislation, have a vital role to play in ensuring that the regulatory system:
- is focused on better health and safety outcomes and not purely technical breaches of the law;
 - makes it straightforward as possible for business, and in particular, small businesses, to deliver a healthy and safe working environment;
 - is enforced in a manner which is proportionate to risk;
 - avoids placing unnecessary burdens on businesses which manage health and safety effectively; and
 - maintains a strong deterrent against those who fail to meet their health and safety obligations and put their employees at material risk thereby also deriving an unfair competitive advantage.
- 1.4 As part of the Government's wider deregulatory agenda, it believes that the burden of health and safety red tape has become too great, with too many inspections of relatively low risk and good performing workplaces, frequently poor health and safety advice to businesses from badly qualified consultants, and a complex structure for regulation.

- 1.5 Under Government reforms announced in its publication 'Good Health and Safety, Good for Everyone' (March 2011), protecting people in the workplace and wider society still remains a key priority. However, the Government's aims for health and safety reform include reducing the inspection burden on businesses alongside focusing on better health and safety outcomes whilst still complying with statutory expectations.
- 1.6 In line with the Government's aims for health and safety reform, this Scrutiny review will evaluate how health and safety regulatory services are currently undertaken by the Council with a view to identifying where improvements can be made to achieve a better value for money service and avoid placing unnecessary burdens on small and medium businesses within the city.
- 1.7 As part of this review, consideration will also be given to the regulation of food safety. The Food Standards Agency (FSA) works closely with local authority food law enforcement officers to make sure that food law is applied throughout the food chain, In particular, the FSA ensures that local authority enforcement activity is carried out effectively.
- 1.8 The FSA has an expectation that new food establishments will be inspected within 28 days of registration. FSA also expects existing premises to be inspected within 28 days of the programmed date. Within Leeds it is the policy to reduce the number of unrated premises by inspection and through cleaning of the food premises data base. Particular attention is given to those premises which are likely to be high risk and those which have remained uninspected on the data base for the longest period of time.
- 1.9 The Council also supports the 'Scores on the Doors' scheme for advising the public of food hygiene standards at inspected premises. This scheme is dependent on scores resulting from inspection/audit. Its continuing viability requires that as far as practicable risk rating is carried out during interventions which support the scheme.
- 1.10 This Scrutiny review will be considering where improvements can be made to achieve a better value for money service in relation to the Council's food safety regulatory service.

2.0 Scope of the inquiry

- 2.1 The purpose of the review is to make an assessment of and, where appropriate, make recommendations on the following areas:
 - Current position of the Government in relation to health and safety and food safety regulation.
 - The quality and accuracy of information used by the Health and Safety Team to identify and regulate new and existing businesses;
 - The quality and accuracy of information used by the Food Safety Team to identify and regulate new and existing businesses;

- The approach used by the Council in delivering health and safety and food safety regulatory services and where potential improvements could be made;
- The principles surrounding the Council's current policy for health and safety and food safety inspections;
- The resources available for health and safety and food safety inspections.
- The extent to which the Council provides health and safety and food safety advice to small and medium businesses and the value of this service;
- Exploring other best practices used across local authorities and feedback received from local businesses.

3.0 Comments of the relevant Director and Executive Member

- 3.1 In line with Scrutiny Board Procedure Rule 12.4 comments from the Director and Executive Member will be reflected in the final terms of reference.

4.0 Timetable for the inquiry

- 4.1 The Inquiry will take place over a number of sessions. These sessions will also involve smaller working group meetings or visits with stakeholders, which will provide flexibility for the Board to gather and consider evidence that will aid the discussions during the public Board meetings.
- 4.2 The length of the Inquiry is subject to change. However it is anticipated that a final report will be produced in April 2012.

5.0 Submission of evidence

- 5.1 The Board will receive evidence through a combination of formal Board meetings and smaller working group meetings or visits with stakeholders.

5.2 Session one – November/December 2011

To consider evidence in relation to the following:

- Current position of the Government in relation to health and safety and food safety regulation.
- The quality and accuracy of information used by the Health and Safety Team to identify and regulate new and existing businesses;
- The quality and accuracy of information used by the Food Safety Team to identify and regulate new and existing businesses;
- The approach used by the Council in delivering health and safety and food safety regulatory services

- The principles surrounding the Council's current policy for health and safety and food safety inspections.
- The resources available for health and safety and food safety inspections.

5.3 **Session two – November/December/January**

For nominated Members of the Board to accompany officers within the Health and Safety Team and Food Safety Team to gain an insight into the inspection regime.

5.4 **Session three – February 2012**

To consider evidence in relation to the following:

- The extent to which the Council provides health and safety and food safety advice to small and medium businesses and the value of this service;
- Exploring other best practices used across local authorities and feedback received from local businesses.

5.5 **Session four - April 2012**

To agree the Board's final report.

6.0 Witnesses

6.1 The following witnesses have been identified as possible contributors to the Inquiry:

- Director of Environment and Neighbourhoods
- Executive Member for Environmental Services
- Head of Environmental Action
- Environmental Health Manager
- Health Protection Manager, Health and Environmental Action Services
- Representative from the Leeds Chamber of Commerce

7.0 Equality, Diversity and Cohesion and Integration Issues

7.1 Where appropriate, all terms of reference for work undertaken by the Scrutiny Boards will include:

'To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the council's Equality and Diversity scheme and on the Council's Cohesion and Integration Priorities and Delivery Plan'.

- 7.2 The objectives of this inquiry particularly reflect the following theme from the council's Equality and Diversity scheme:
Service Delivery – Leeds City Council provides fair access to services which meet the needs of our diverse communities and individuals.

8.0 Post inquiry report monitoring arrangements

- 8.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.

- 8.2 The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.

9.0 Measures of success

- 9.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.