



CABINET - 16TH OCTOBER 2013

SUBJECT: AMENDMENTS TO AUTHORISATION OF OFFICERS WITHIN THE PUBLIC PROTECTION DIVISION

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of required changes to the legal powers for officers of the Public Protection Division to aid their ability to protect the public and legitimate businesses and to seek the necessary authorisation.

2. SUMMARY

- 2.1 Officers within the Public Protection Division require additional authorisation under The Food Hygiene Rating (Wales) Act 2013 in order to enforce the legislation and carry out their duties.

3. LINKS TO STRATEGY

- 3.1 Food law enforcement is a statutory duty of the authority and contributes towards the Healthier Caerphilly priority within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers.

4. THE REPORT

4.1 Authorisation Of Officers

- 4.1.1 As a result of the introduction of new legislation it is considered that the Council's Constitution should be amended to include the following legislation:

- **The Food Hygiene Rating (Wales) Act 2013**

This Act and associated Regulations establish a mandatory Food Hygiene Rating Scheme for Wales. The scheme provides for food authorities in Wales to inspect, and produce food hygiene ratings for food business establishments in their areas. It also introduces mandatory display of food hygiene ratings within these businesses. Adding this Act to the Constitution will enable officers to fully carry out the duties imposed on local authority officers.

5. EQUALITIES IMPLICATIONS

None directly arising from this report and its recommendations. Officers from the Public Protection Division already carry out their enforcement duties taking due regard of any relevant equalities and language considerations.

6. FINANCIAL IMPLICATIONS

- 6.1 None directly arising from the authorisation of officers under this Act. There may be an increase in the number of requests for rescore visits when the scheme becomes mandatory. Rescore applications will cost £150 and would result in some additional income. Depending on the number of rescore applications received this may have an impact on the ability of the team to be able to carry out the high risk food hygiene inspection programme. The work programme will be monitored and resources allocated to this function will be reviewed as appropriate.

7. PERSONNEL IMPLICATIONS

- 7.1 None directly arising from the authorisation of officers under this Act; enforcement activities are carried out within normal work programme. However, it is unclear how many applications for revisits for rescore purposes might be received from food businesses once the mandatory Food Hygiene Rating Scheme is introduced. Any increase in revisit applications will have a negative impact on the ability of the service to meet inspection obligations under the Code of Practice, where the priority is dealing with high risk and non-compliant businesses. The workload will be monitored and consultation with staff and their representatives will be undertaken as appropriate.

8. CONSULTATION

- 8.1 The report has been sent to Consultees listed below, and there are no consultation responses, which have not been reflected in the recommendations.

9. RECOMMENDATIONS

- 9.1 That Cabinet consider the contents of this report and agree that the Interim Monitoring Officer incorporate the relevant changes to the Council's Constitution and terms of reference.
- 9.2 That the Council's Constitution and terms of reference be amended by adding the following:
Food Hygiene Rating (Wales) Act 2013.

10. REASONS FOR RECOMMENDATION

- 10.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

11. STATUTORY POWER

- 11.1 Food Hygiene Rating (Wales) Act 2013. The discharge of duties under the above legislation is a Cabinet function.

Author: Michele Wehden, Food and Health and Safety Team Leader
Consultees: Councillor David Poole, Cabinet Member for Community & Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive
Rob Hartshorn, Head of Public Protection
Daniel Perkins, Head of Legal Services
Ceri Edwards, Environmental Health Manager
Gail Williams, Interim Monitoring Officer
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, HR Manager
Mike Eedy, Finance Manager