

Delegated Decisions by Cabinet Member for Safer & Stronger Communities

Monday, 5 July 2010 at 4.30 pm, or on the rising of the Safer & Stronger Communities Scrutiny Committee if later

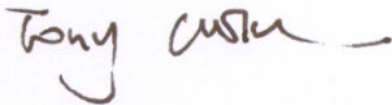
County Hall

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 13 July 2010 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Tony Cloke
Assistant Head of Legal & Democratic Services

June 2010

Contact Officer: ***Kath Coldwell***
Tel: (01865) 815902; E-mail: kath.coldwell@oxfordshire.gov.uk

Note: Date of next meeting: 6 September 2010

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am on the working day before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

2. Declarations of Interest

3. Petitions and Public Address

4. Village Hall and Community Centre Grants 2010/11 (Pages 1 - 6)

4.30 pm or on the rising of the Safer & Stronger Communities Scrutiny Committee if later

Cabinet Member: Safer & Stronger Communities

Forward Plan Ref: 2010/031

Contact: Richard Munro, Head of Community Services Tel: (01865) 323580

Report by Head of Community Services (**CMDSSC4**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:

- (a) approve the grants proposed in Annex 2 to the attached report; and***
- (b) delegate the allocation of the balance of £9,000 from 2007/08 and £1,137 from 2010/11 to the Head of Community Services, following consultation with the Oxfordshire Rural Community Council and the Cabinet Member for Safer and Stronger Communities.***

5. Approval of the Trading Standards and Food Law Enforcement Plan (Pages 7 - 30)

Forward Plan Ref: 2010/035

Contact: Richard Webb, Acting Head of Trading Standards & Community Safety, Tel: (01865) 815791

Report by Acting Head of Trading Standards and Community Safety (**CMDSSC5**).

The Cabinet Member for Safer and Stronger Communities is RECOMMENDED

to approve the Trading Standard's Service Food Law Enforcement Plan contained in Annex 1.

6. Trading Standards Service and Food Law Enforcement Plan and Tobacco Enforcement Plan (Pages 31 - 34)

Forward Plan Ref: 2010/051

Contact: Richard Webb, Acting Head of Trading Standards and Community Safety,
Tel: (01865) 815791

Report by Acting Head of Trading Standards and Community Safety (**CMDSSC6**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service proposals for action to reduce the availability of tobacco products to people under 18 years of age.

7. Primary Authority Arrangements with the Trading Standards Service (Pages 35 - 40)

Forward Plan Ref: 2010/080

Contact: Richard Webb, Acting Head of Trading Standards and Community Safety,
Tel: (01865) 815791

Report by Acting Head of Trading Standards and Community Safety (**CMDSSC7**).

The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service entering into a formal Primary Authority agreement with Sainsbury's Supermarkets Limited as detailed in report CMDSSC7.

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 5 JULY 2010

VILLAGE HALL/COMMUNITY CENTRE GRANTS 2010/2011

Report by Head of Community Services

Introduction

1. The County Council's grant scheme for the improvement of village halls and other community buildings is administered by the Oxfordshire Rural Community Council (ORCC). This Report summarises the applications received and recommends allocations from the grant fund for 2010/11.

Applications Received

2. Sixteen applications were received and were checked against the established eligibility criteria of the scheme (Annex 1).
3. Notes of each application are in the Members' Resource Centre.

ORCC Grant Recommendations

4. ORCC's grant recommendations are attached in the table at **Annex 2**. These have been discussed with ORCC's Village Halls Advisory Group consisting of representatives of village hall committees countywide.

Third Party Funding as a trigger for Landfill Tax Credit support for projects

5. It is possible that in a few cases part of a grant recommended for a project will be needed as Third Party Funding in order to trigger a grant from the Trust for Oxfordshire's Environment. This is a productive use of the Council's financial support in order to lever in other funds. A note about Third Party Funding is included in the Guide to the application notes in the Members' Resource Centre.

Progress on grants allocated in previous years

6. Ten grants were allocated in 2007/08 totalling £57,100. Of these, only two remain outstanding. One project, Charney Bassett, has already made a part claim and is expected to claim the balance in 2010/11. The second, North East Abingdon, was awarded £9,000 in principle with the final grant decision being deferred until the outcome of applications to other funding organisations was known. Owing to these applications for match funding being unsuccessful, the North East Abingdon project has been reduced dramatically and it is recommended that this grant is withdrawn. ORCC are awaiting

further information with regard to new proposals from this applicant and others before making any recommendation on the reallocation of this sum.

7. All grants allocated in 2008/09 have now been claimed.
8. Twenty two grants were allocated in 2009/10 totalling £58,843. Of these six projects totalling grants of £18,500 are still in progress: Brownes Hall Carterton, Chesterton, Fencott, Hornton, Merton, and Upper Heyford.

Financial Implications

9. The annual budget for these grants in 2010/11 is £59,137. The grants recommended in this report total £58,000. It is proposed that use of the balance of £1,137 be discussed with ORCC and allocated under delegated powers by the Head of Community Services, in consultation with the Cabinet Member for Safer & Stronger Communities.
10. Funds from 2007/08 and 2009/10 budgets have been carried forward to meet the commitments made to projects approved in those financial years.

RECOMMENDATION

11. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to:**
 - (a) **approve the grants proposed in Annex 2 to this report; and**
 - (b) **delegate the allocation of the balance of £9,000 from 2007/08 and £1,137 from 2010/11 to the Head of Community Services, following consultation with the Oxfordshire Rural Community Council and the Cabinet Member for Safer and Stronger Communities.**

RICHARD MUNRO
Head of Community Services

Background papers: Notes on Applications
 Grant Summary 2010-2011

Contact Officer: Richard Munro, Head of Community Services
 Tel: (01865) 323579

June 2010

OXFORDSHIRE COUNTY COUNCIL
SOCIAL AND COMMUNITY SERVICES

GRANT AID FOR VILLAGE HALL/COMMUNITY CENTRE BUILDING
PROJECTS

CRITERIA AND GUIDELINES

The County Council has a small annual budget for grants towards village hall and community centre building projects.

WHAT KIND OF PROJECTS ARE ELIGIBLE?

1. What kind of hall?

Village halls and community centres i.e. buildings in urban and rural areas which are available for use by a wide range of local people and organisations. The managing body of the building should be a properly constituted voluntary organisation representative of users or a town/parish council in a community of under 10,000 population.

Buildings managed by one particular sectional organisation will not normally be eligible. If such a building serves a wider role in the community and no publicly-owned facility is available, an application can be considered on its merits.

In the case of any building not held on trust for public use, the managing body must undertake to make the building available for general public use for at least 21 years.

2. What kind of building work?

Grants will be considered for:

- acquisition of land or buildings
- adaptation and improvement of existing buildings and their accessibility
- erection of new buildings
- professional fees, including assistance with initial design and costing work
- other associated expenses, e.g. fencing, car park
- major replacement items such as a new floor, new roof, new heating system

Grants will not be considered for:

- routine repairs or maintenance work
- associated outdoor facilities, such as play areas, sports facilities and associated changing rooms, which are not related to the indoor use of the building



3. Other criteria

- i. There should be sufficient security of tenure of the building – a freehold or long lease
- ii. Planning permission and building regulations approval should have been obtained. [Applicants will be responsible for arranging for compliance with all planning and building control regulations. Any approval by the County Council of grant aid for building or related work should not be taken to imply that any relevant permissions have been or will be granted.]
- iii. The property should not be subject to a mortgage or a loan secured on the property
- iv. Grant aid is not available for any expenditure on the project which has already been committed or incurred (except, if necessary, on professional fees). (Exceptionally in urgent cases "without prejudice permission" to incur specific liabilities may be sought from the Council.)
- v. Applicants will have to show that:
 - there is a need for the project which could not be met by any other means
 - there is financial need for a grant
 - other sources of finance are available to supplement the grant requested from the County Council to meet the total cost of the project. It will normally be expected that grant aid support will be sought from the Town/Parish Council and District Council
 - the project is technically feasible and reasonably priced. At least 3 estimates or a costing by a quantity surveyor should have been obtained
 - the design and construction meet health and safety and other relevant regulations
 - all building work whether or not it requires building control approval should comply with Part M (2004) of the Building Regs. 2000
 - the property is adequately insured

WHAT LEVEL OF GRANT AID IS AVAILABLE?

The County Council seeks to make available grants of up to 35% of total project costs, normally up to a maximum cash limit of £10,000. For projects to provide access/facilities for people with disabilities, the Council seeks to make available grants of up to 50% of total project costs (normally subject to the same cash limit). For schemes affected by the maximum cash limit there is the possibility of applying for grant aid phased over more than one year.

HOW WILL APPLICATIONS BE ASSESSED?

All applications should indicate how projects will result in accommodation which is more effective and better able to meet local needs. The County Council will give priority to the following:

- Projects where there is no existing publicly-owned provision and no other suitable alternative facilities or where existing provision is seriously inadequate
- Work on existing accommodation which if not carried out would seriously threaten the future of the building or seriously restrict its use
- Work required for health and safety reasons
- Work to provide access/facilities for people with disabilities and to ensure, as a minimum, compliance with the Disability Discrimination Act

WITHIN WHAT PERIOD MUST GRANTS BE CLAIMED?

It is expected that building work should commence within 12 months from the date on which grant aid is agreed. Work should be completed within 2 years from that date.

ARRANGEMENTS FOR THE RECLAIM OF VAT

If suitable arrangements are made locally with the advice of ORCC, the Council is willing to receive a grant application from a town/parish council in order to assist an independent village hall/community centre committee, so that the council can use the grant to order and pay for part of the building work on the instructions of the hall/centre committee and reclaim the VAT for the benefit of the project. An ORCC information paper on this subject is obtainable from ORCC who can advise further on procedures.

TIMETABLE AND PROCEDURE FOR APPLICATIONS

Applications for grant should be made through the Oxfordshire Rural Community Council. The ORCC has been asked by the County Council to liaise with applicants and make sure their application forms are fully completed. **Applications should be submitted to the ORCC as soon as possible but no later than 12 April 2010 for the financial year 2010/11.** The Council is likely to consider applications in June/July 2009.

All enquiries about the grant aid scheme should be made to the ORCC not to the County Council.

Oxfordshire Rural Community Council
 Jericho Farm, Worton, Witney, Oxon OX29 4SZ
 Tel: 01865 883488
 Fax: 01865 883191. E-mail: lynne.newin@oxonrcc.org.uk

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COUNTY COUNCIL GRANT AID FOR VILLAGE HALL/COMMUNITY CENTRE PROJECTS 2010-11

HALL	PROJECT	COST	GRANT SOUGHT		GRANT APPROVAL	
		£	£	%	£	%
Higher priority						
Balscote (Ch)	Equip new kitchen, install disabled ramp and pathway	13,700	5,000	36	2,500	18
Great Milton Pavilion (S)	Refurbish pavilion/hall to include new disabled facilities	192,398	10,000	5	7,500	4
Ipsden (S)	Install disabled w.c. and refurbish existing toilets	16,199	8,100	50	5,000	31
Shenington (Ch)	Improve disabled access	16,450	8,225	50	5,000	30
Wigginton (Ch)	Build new toilet block to include new disabled toilet	28,241	10,000	35	7,500	27
Lower priority						
Arncott (Ch)	Refurbish kitchen	16,638	4,000	24	1,500	9
Bampton (W)	Refurbish kitchen	25,000	2,500	10	2,000	8
Checkendon (S)	Update heating, insulation, electrics and flooring	45,993	2,000	4	1,500	3
Childrey (V)	Refurbish kitchen	15,967	5,588	35	3,000	19
Combe (W)	New storage	34,756	10,000	29	5,000	14
East Oxford Comm Centre (O)	Refurbish Centre	35,000	10,000	29	defer	
Farmoor (V)	Refurbish hall, to include new lighting and new heaters	16,388	3,000	18	2,000	12
Filkins (W)	Upgrade heating and refurbish kitchen	31,250	7,000	22	5,000	16
Ramsden (W)	Meeting Room Developments	42,300	10,000	24	5,000	12
Rotherfield Peppard (S)	Replace existing windows	17,000	4,000	24	2,500	15
Steeple Aston (Ch)	Update heating and fit secondary glazed windows	15,381	5,000	33	3,000	20
TOTAL		562,661	104,413		58,000	

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 5 JULY 2010

TRADING STANDARDS SERVICE FOOD LAW ENFORCEMENT PLAN

Report by Acting Head of Trading Standards & Community Safety.

Introduction

1. The County Council is designated as a food authority under section 5 of the Food Safety Act 1990 ('the Act'). As such, under section 6 of this Act the Council has a duty to enforce various food law provisions that are either specifically designated the responsibility of the County Council or which are made under the Act but are not designated as the responsibility of any particular food authority.
2. The Food Standards Act 1999 gives powers to the Food Standards Agency (FSA) to oversee the enforcement of the Act and provisions made under it. In doing so, the FSA has a responsibility to oversee local enforcement activities by food authorities. To discharge this responsibility, the FSA sets and monitors standards and audits authorities to ensure that enforcement activities are effective and consistent.
3. The Framework Agreement on Local Authority Enforcement provides the FSA with the mechanism for implementing its powers under the Food Standards Act. This framework agreement was developed in conjunction with the Local Government Association and the Local Authorities Coordinators of Regulatory Services.
4. Under the Framework Agreement, food authorities are required to develop an annual food law enforcement plan. The plan should contain information on the arrangements in place within the authority to ensure food law enforcement activities are effective. The plan should be submitted for member approval in the authority to ensure local transparency and accountability.

Food Law Enforcement

5. The Trading Standards Service discharges the County Council's food law enforcement responsibilities outlined above. The District Councils in Oxfordshire are also designated food authorities. In general terms, the County Council has responsibility for enforcing the legal provisions relating to food labelling and quality standards (including descriptions applied to food) whilst the District Councils are responsible for food hygiene.
6. The Trading Standards Service has 17 members of its enforcement teams that are qualified and competent to enforce food law in Oxfordshire. None of these officers are dedicated food law enforcement officers, and all undertake

food law enforcement as only one part of their broad range of responsibilities. The service has a budget of £40,000 allocated for the purchase and analysis of food products to ensure that the labels and descriptions applied to these products are accurate and not misleading and that food standards are maintained.

7. The Trading Standards Service publishes its food law enforcement plan within the overall Trading Standards Service Plan. This Service plan is published annually and details the Service's priorities for the year ahead, performance and outcome measures for these priorities and summarises the previous year's performance data. The food law enforcement plan also provides a summary of the demographics of Oxfordshire and details the overall arrangements for enforcing food law as required by the framework agreement.
8. The Trading Standards Service's food law enforcement activities fall into 4 broad categories. These are outlined below and are demand driven activities, intelligence-led actions, pro-active inspection plans and education initiatives. In fulfilling its responsibility to ensure compliance with food law in Oxfordshire, the Service will obtain samples of food products and ingredients and submit these for expert analysis to verify composition and safety.
9. Demand driven activities constitute a significant element of the food law enforcement work that is undertaken. Demand for food enforcement activity may come from complaints, business requests for advice or support or food safety alerts. During 2009/10 the service received and responded to 76 complaints relating to food and feeding stuff matters.
10. The Trading Standards Service is developing a more intelligence-led approach to business planning and intelligence-led food law enforcement is a key element of this development programme. Intelligence on food safety is available from a wide range of sources, including complaints received from the public, food safety alerts, the public analyst appointed for food sample analysis and from other food authorities. This intelligence is used to target sampling and other enforcement activities at products or sectors presenting a higher risk.
11. As the Trading Standards Service adopts a more intelligence-led approach to business planning, it undertakes less proactive routine inspections of Oxfordshire businesses. However, an inspection plan is still part of the food law enforcement plan. The Service applies a national risk assessment scheme to businesses in Oxfordshire and aims to proactively inspect all high risk businesses each year. Businesses assessed as low or medium risk are only inspected as part of a visit to that business for other purposes (e.g. in response to a complaint) or as a part of a targeted project. In addition, Oxfordshire Trading Standards works with District Councils and the Fire and Rescue Service as part of the Smarter Inspection Scheme. Under this scheme when an enforcement visit is undertaken to a business a simple inspection is carried out on behalf of the other enforcement bodies in order to identify any infringements or other risk factors relevant to those other bodies.

12. The Trading Standards Service also undertakes food education work during the year. This is aimed at raising awareness about particular issues related to food that may be relevant at that time or to a particular audience. For example, the Service supplies literature to schools on healthy eating and understanding the nutritional information on food labels.

Food Law Enforcement Plan

13. The Trading Standards Service Food Law Enforcement Plan for 2010/11 is included at Annex 1 to this report. Subject to approval this plan will be included in the overall Trading Standards Service Plan.
14. Approval for this plan is being sought.

Financial and Staff Implications

15. The proposed plan for 2010/11 does not require additional financial or staff resources to deliver from that of previous years.

RECOMMENDATION

16. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service Food Law Enforcement Plan contained in Annex 1.**

RICHARD WEBB

Acting Head of Trading Standards & Community Safety.

Background papers: Nil

Contact Officer: Richard Webb, Acting Head of Trading Standards & Community Safety Tel (01865) 815791

May 2010

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TRADING STANDARDS SERVICE

Food Law Enforcement Plan 2010/11

(Draft for approval)

Index

		Page
1	Service Aims and Objectives	3
2	Background	4
3	Service Delivery	7
4	Resources	11
5	Quality Assessment	12
6	Review	13
	APPENDIX 1: Food sampling Plan	15
	APPENDIX 2: Feeding stuffs Improvement Plan	17

1. Service Aims and Objectives

1.1 Aims and Objectives

The aim of Oxfordshire County Council Trading Standards Service is –

"To safeguard communities, consumers, businesses and the farming industry from unsafe, unfair and unacceptable business practices."

Our vision is –

"To be the leading Trading Standards Service in the UK."

Oxfordshire Trading Standards Service is responsible for the enforcement of a wide range of legislation controlling the advertising, marketing, distribution and supply of goods and services throughout the manufacturing, importation, distribution and service delivery chain. Its remit covers civil, criminal and contract law and includes food standards, product safety, trade descriptions, consumer credit, animal health and welfare, weights and measures, trade mark protection, electronic commerce and unfair trading practices.

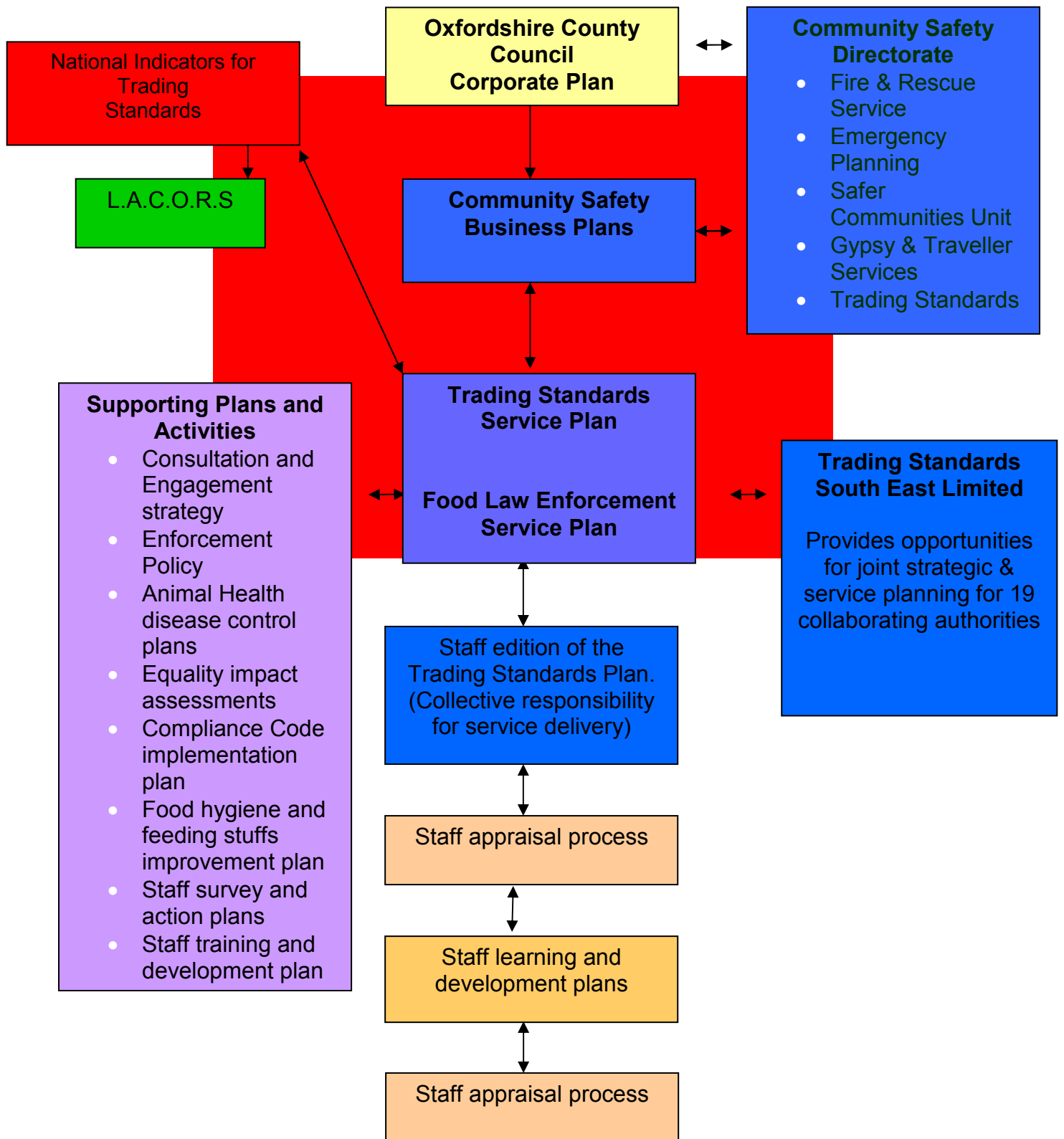
1.2 Link to Oxfordshire County Council Corporate Plan 2010/12.

Oxfordshire County Council's priorities are-

- A World Class Economy
- Healthy and Thriving Communities
- Environment and Climate Change
- Better Public Service

Cutting across all these objectives is a broad theme of 'Breaking the Cycle of Deprivation'.

The structure chart following shows how the Service links with other corporate plans and priorities and cross boundary regional working for improving the environmental, economic and social well being of the community.



2. Background

2.1 Profile of the Local Authority

- In mid-2006, an estimated 632,000 people lived in Oxfordshire.
- Oxfordshire is the most rural county in the South East with the lowest population density in the region (2.4 people per hectare (1 per acre) compared to 3.8 people per hectare (1.5 per acre) in Kent) and over 50% of people in Oxfordshire live in settlements of less than 10,000 people.
- Our largest settlement is Oxford City with a population of 149,100, with 42,500 students attending either Oxford University or Oxford Brookes University¹.
- Around one quarter of the population live in our market towns (as defined by the South East England Development Agency (SEEDA)).

2.2 Oxfordshire's Environment

- 78% of the land in Oxfordshire is under agricultural management and almost a quarter of the land is designated an area of outstanding natural beauty.
- The number of cars owned by people living in Oxfordshire increased from 175,000 to over 300,000 (+78%) between 1981 and 2001.
- Traffic on Oxfordshire's roads increased by 12.5% in the 10 year period to 2006.
- 10.2 tonnes of carbon dioxide per person were emitted in Oxfordshire in 2005: 26.5% of the emissions were from domestic sources i.e. our homes, 38.2% from industry and 35.3% from road transport.



2.3 Economic Profile of the County

Oxfordshire has one of the lowest levels of unemployment for any county with many jobs based in agriculture, service industries, research and development and high-tech industries, particularly the electronics industry. The agricultural economy is important to the County and, despite generally low unemployment; poverty in some rural areas continues to be an issue.

The estimated yearly spend on food alone in Oxfordshire is £753 million - that equates to over £15 million per week (*based on the Expenditure and Food Survey of 2006*).

¹ Total students, Higher Education Statistics Agency - not students in residence.

There is a typical spread of businesses for a shire county ranging from small self-employed sole traders to large multi-national food manufacturers. The profile of food businesses recorded on our database is outlined below: -

Total number of businesses	14696
Total number of food premises	4972
Number of food premises that are manufacturers/packers/importers	214
Number of registered feeding-stuffs premises	306
Number of livestock holders	2074
Number of livestock holders required to keep animal movement records	2001

3 Service Delivery

3.1 Scope of the Service

This plan reflects the enforcement programme for food standards (including materials and articles in contact with food), food hygiene at primary producers, animal feeding-stuffs and on farm medicine records legislation. District councils have responsibility for food hygiene (except in relation to 'primary producers', namely farmers and growers) and some health and safety enforcement. Liaison and referral arrangements are in place with the District Councils in Oxfordshire to ensure good co-ordination, exchange of information and referrals on relevant matters.

All enforcement services are provided in-house and supported by external expertise when necessary.

3.2 Profile of Businesses

A revised national risk assessment scheme was introduced in 2004/05 which is used to target enforcement activities towards businesses and trade sectors presenting higher levels of risk.

The following table illustrates the number of businesses in Oxfordshire assessed to be either high or medium risk.

RISK CATEGORY	NUMBER OF BUSINESSES 2009/10 (includes livestock premises but excludes petroleum spirit storage premises)
High Risk Businesses	64
Medium Risk Businesses	3216
High Risk Food Businesses	9
Medium Risk Food Businesses	1914
High Risk Feed Businesses	2
Medium Risk Feed businesses	304

3.3 Interventions at Food and Feeding Stuff establishments

The Service plans to comprehensively inspect all high risk businesses annually (including high risk food and feed premises). In addition, the service aims to have some enforcement contact with 2900 businesses overall, including 1480 food businesses. Other than planning to inspect all high risk businesses, the service takes an intelligence-led approach to planning its enforcement activities.

3.4 Business Advice

The Business Advice and Regulation Team consists of 3 officers providing advice to Oxfordshire businesses, including food businesses. The team includes a Business Liaison Officer who provides advice to local business groups and networks promoting the support that the Trading Standards Service can provide.

We promote the "Home Authority Principle" which is supported by local authorities throughout the U.K. This means we place special emphasis on the legality of goods and services originating in Oxfordshire, thus helping businesses meet legal obligations without unnecessary expense.

This Service will provide free advice and assistance on matters within the Trading Standards Service's scope to any business that trades from premises within Oxfordshire. We will not, however, provide advice on matters such as employment, health and safety, food hygiene or data protection legislation. We will give advice on civil legislation concerning contractual matters, but not other areas of civil law, such as negligence or other torts.

Where the Head Office or trading centre of a business is situated in Oxfordshire, we will adopt a Home Authority approach to our business support. This process enables us to assist businesses to operate within the law and 'get it right first time' thereby reducing the impact of marketing goods or services that do not meet legal requirements. We will also act as a point of contact for other Trading Standards Services to refer issues to us about that business to coordinate these enquiries and reduce the regulatory burden on the business, rather than the company being approached by a number of different authorities. Whilst a business may not wish to engage in the Home Authority principle, failure to do so may result in more enquiries being received direct from other Trading Standards authorities, placing an extra burden on that business to react.

3.5 Enforcement Policy

The Service has a balanced approach towards law enforcement. We are signed up to the Enforcement Concordat agreed between local and central government. We also adhere to the principles of the statutory Regulator's Compliance Code. In all enforcement decisions we abide by the County Council's Enforcement Policy which has been agreed by elected members and is published on the County Council's website. It reflects the principles of

the Enforcement Concordat and recognises that most businesses and traders want to comply with the law. However if stronger action is necessary, investigations are undertaken in accordance with legal requirements and Home Office guidelines. Before instituting legal proceedings the County Council applies the Code for Crown Prosecutors to ensure decisions about prosecutions are made in a fair and consistent manner.

3.6 Food and Feed Sampling

Food sampling

The lead officer for food standards has responsibility for the food sampling plan, and ensuring all sampling targets are met. The food sampling plan (appendix 1) is based on national, regional and local intelligence. The Service also actively participates in national and region co-ordinated sampling projects throughout the year.

Samples taken will generally fall into one of the following categories: -

- formal samples for analysis;
- formal samples for examination;
- informal samples for analysis or examination.
- samples submitted to the Service by a purchaser and which are the subject of a complaint.
- Other project work.

It is anticipated that 280-380 samples will be taken this financial year. Many of these samples are taken in response to intelligence or complaints rather than through planned project work.

The service has 17 officers that are food qualified, and all have personal sampling targets set for 2010/11.

Feed sampling

In 2010/11 the Service aims to undertake 50 feed hygiene audit inspections and take 50 feeding staff samples.

The feed sampling and inspection programme targets feed manufacturers, on-farm mixers, producers/sellers of co-products and surveillance of farm feeding stuffs. Through the year, priority is given to responding to Food Standards Agency feed hygiene alerts, complaints, regionally coordinated projects and acting on intelligence and guidance received from the Public Analyst. In order to operate efficiently and effectively within the sampling budget, sampling will be a mix of formal analysis and in-house screen-testing.

3.7 Public Analyst Appointments

Worcestershire Scientific Services are appointed as the Service's Public Analyst for food and Agricultural Analyst for feeding stuffs.

Staffordshire scientific services are also appointed as the Service's Agricultural Analyst for feeding stuffs.

3.8 Food and Feed Complaints

All food complaints are investigated in accordance with guidelines issued by the Local Authorities Coordinators of Regulatory Services. Departmental work instructions set out the division of responsibility between the County and Districts in relation to investigation of food complaints.

An early decision will be made as to whether a food complaint should be investigated by Trading Standards or Environmental Health. Joint investigation of complaints will be conducted where appropriate.

There were 75 food complaints investigated in 2009/10. Food complaints may be allocated to, and investigated by, any suitably authorised, qualified and competent officer.

All feed complaints are investigated by the lead officer for feed.

There was 1 feed complaint investigated in 2009/10.

3.9 Food/Feed Hazard Warnings

The Service has a written Food/Feed Alert Policy, in accordance with the Food Law Code of Practice. This policy is part of the Service's ISO 9001 accredited quality system.

Food/feed alerts will be received by the relevant Group Manager or Food Law Specialist in electronic form either by e-mail or text alerts. Where the Food Alert is received in electronic form, a hard copy shall be produced by the Group Manager or the Food Law Specialist.

3.10 Joint and Partnership Arrangements.

Co-ordination of activities is achieved at local, regional, national and European level through the Local Authorities Co-ordinators of Regulatory Services (LACORS). Liaison groups operate at regional level. Oxfordshire is a member of the Trading Standards South East group, which is a partnership of the 19 local authorities that cover the GOSE Government Region. Oxfordshire is also a member of the Midland Shires Benchmarking Club. This is a group of 10 shire authorities that shares best practice and facilitates continuous improvement.

Food enforcement liaison exists with the five district councils and other relevant Oxfordshire organisations.

4. Resources

4.1 Financial expenditure

	2008/09 (Actuals)	2009/10 (Actuals)	2010/11 (Budget)
Gross Expenditure	2,605,604	2,525,599	2,250,945
Income	305,511	267,161	291.101
Net Expenditure	2,300,093	2,258,438	1,959,844

4.2 Sampling and Testing Budgets

The overall budget is devolved for specific areas of sampling and testing of goods and services. For 2010/11 the following budgets have been set aside for these purposes:

Purpose	Budget 2009/10	Budget 2010/11
Food Testing and Analysis	£44,588	£40,000
Livestock Feeding Stuffs and Fertilizers Testing	£14, 756	£10,000

4.3 Staffing Allocation

Trading Standards currently employs 17 officers who hold the statutory Trading Standards qualification. A total of 17 staff are qualified to enforce the Food Safety Act in relation to high-risk businesses. The Business Advice and Regulation Team Leader is the designated lead officer for food standards. Members of staff are encouraged to work across teams and in other areas so as to enhance their skills and understanding of the Service.

A total of 14 staff are qualified to enforce feeding stuff legislation to level one. Of these 2 are qualified to complete level two enforcement roles.

The Animal Health and Farming Standards Team conducts all food hygiene at primary production and feeding stuffs enforcement. The Lead Officer for Feeding Stuffs is the manager of this team.

4.4 Staff Learning and Development Plan

All suitably qualified staff are authorised officers for the purposes of enforcing the provisions of the Food Safety Act and are trained in the full range of trading standards legislation. Authorisation of Food Law Enforcement Officers is controlled and audited under the Service's Quality Management System.

Oxfordshire's Trading Standards Service has benefited in recent years from being able to train locally based students through to fully qualified Trading Standards Officers. The Service aims to have two Trainee Trading Standards Officers, which is essential to limiting recruitment and retention difficulties experienced in the Trading Standards Service throughout the region. At this time both trainee positions are vacant.

4.5 Continuous Professional Development

All officers engaged in food standards/feeding stuffs enforcement complete their mandatory Continual Professional Development (CPD) each year through a variety of different training processes.

The total CPD hours required per subject is as follows:

- 10 hours-food standards
- 10 hours- feeding stuffs
- 4 hours- food hygiene at primary production

5 Quality Assessment

5.1 Assessment and Self-Assessment.

The Service is a registered ISO9001: 2000 organisation and has a robust internal audit schedule to monitor compliance and a documented complaints procedure to deal with complaints about the Service. All Trading Standards Officers are trained to be lead auditors. The Service has also been awarded the Charter Mark for excellence in public service for over 10 years and has Investors in People Status (more lately as part of the County Council).

In 2009/10 the Service reviewed its internal audit programme to provide a robust challenge to all our processes. This identified efficiencies that can be delivered by removing any duplication or unnecessary processes.

The principles of the European Foundation for Quality Management model (EFQM) are also applied to assess strengths and areas for improvement. Cross service auditing with other local authorities on various aspects of the Service is also undertaken to facilitate the process to improve and ensure best value.

Oxfordshire piloted the DTI "Peer Assessment Scheme for Local Authority Trading Standards Services" in 2004/05 and completed a second self-assessment and peer review during 2008/9. This process led to a number of the improvement and development actions contained within an internal improvement plan.

Other local indicators and good practice guides are being used to benchmark services within the Midland Shires Benchmarking Club. Results of this

benchmarking are used to drive continuous improvement and share best practice.

6 Review

6.1 Review of Performance

Throughout the year, monthly and quarterly monitoring of performance identifies any potential areas of failing activity allowing corrective or preventive management action to be taken. Any external factors that may have a severe impact on the Service, such as an animal health and welfare disease outbreak or significant staff shortages are reported to the County Council Cabinet Member for Community Safety to agree changes to service delivery.

End of year performance returns are submitted to the Food Standards Agency and Department for Environment, Food and Rural Affairs. A statistical return is submitted to the Charter Institute of Public Finance and Accounting.

6.2 Performance in 2009/10

Activity	Target	Result
Comprehensive inspections at high risk food premises	13	13
Comprehensive inspections at high risk feed hygiene premises	2	2
Food hygiene at primary producer interventions	40	57
Comprehensive inspections feed hygiene	15	14
Food samples	400	321
Feed samples	40	31
Food complaints	n/a	75
Feed complaints	n/a	1

Key achievements for the year include-

- 100% of high risk premises for food/feeding stuffs were inspected
- Food hygiene at primary producer interventions exceeded targets set

- An intelligence-led sampling programme approach resulted in 6 intelligence-led food projects, 5 projects based on Public Analyst intelligence, and 5 national/regional co-ordinated sampling projects.
- One of the projects; the value food project, led to a national press release - "Low price but just as good for you".

Targets were not met in relation to-

- Feeding stuffs audits and corresponding samples.
- Food samples

Early in the 2009/10, the original targets for feed hygiene inspections and feed sampling were agreed as too ambitious. However, the revised feed sample targets were still not met, due to work load pressures within the team.

The decision was taken to not chase food sampling targets, but ensure all sampling was either intelligence-led or regional/national projects or complaint samples. This year, sampling targets are guide figures, rather than performance targets.

6.3 Areas of Improvement for 2010/11

Food qualified officers all have individual sampling targets for 2010/11 to ensure all take an active part in delivering the Food Sampling Plan.

A review of feeding stuffs enforcement and activity was conducted in 2009/10 following a European Commission audit of the arrangements in place within the UK as a whole. A Feeding Stuffs Improvement Action Plan has been drawn up, with a number of improvements to be made during 2010/11, to enable the Service to meet feeding stuffs targets set. (Appendix 2).

Appendix 1- Food Sampling Plan

Explanatory Note- Following is a table of planned food sampling projects. Other sampling will be undertaken throughout the year in response to intelligence, food alerts or complaints.

<u>Month</u>	<u>Team/Officer</u>	<u>Source</u>	<u>Sampling Theme</u>	<u>Test to be applied to sample</u>	<u>Number of Samples proposed</u>	<u>Cost per sample</u>	<u>Total</u>
TBC	TBC	FSA/TSSE funded	Imported foods	Soya Sauce = 3MCPD content	5	£ 195.00	£ 975.00
TBC	TBC	FSA/TSSE funded	Imported foods	Fresh Vegetables & nuts = Cadmium content	20	£ 117.00	£ 2,340.00
TBC	TBC	FSA/TSSE funded	Imported foods	Rice from China = bt63content £ 195 per sample £1950	10	£ 195.00	£ 1,950.00
TBC	TBC	FSA/TSSE funded	Imported foods	Spices = Ochratoxin A content	20	£ 156.00	£ 3,120.00
June/July	Business Advice & Regulation Team	Worcestershire Scientific Services intelligence newsletter April 10	Sulphur Dioxide in jams from small	Sulphur Dioxide	10	£ 35.00	£ 350.00

			producers				
July-September	Business Advice & Regulation Team	FSA part funded	FSA small business advice project. Sandwich shop project.	Salt, fat, saturated fat, sugar profile. Calorific content	20	tbc	tbc
Sept	PP1	Worcestershire Scientific Services project	Genetically Modified Organisms (GMOs) in Foods containing Soya	DNA Analysis for Roundup Ready soya	10	£ 139.00	£ 1,390.00
				Total	75		£ 10,125.00

ANIMAL FEEDING STUFFS ENFORCEMENT ACTION PLAN

ACTIVITY/ISSUES	ACTION	RESPONSIBLE OFFICER	TARGETS & TIMELINES PERFORMANCE MEASURES/COMMENTS
Lack of co-ordination between Animal Medicines Inspectorate (AMI) and local authorities.	Make contact with local AMI. Discuss memorandum of understanding, and difference in roles. Agree joint activities where appropriate.	SL/MG/ TH (intelligence)	
Requirement to demonstrate dedicated resource allocated to feeding stuffs results in adequate checks, including sampling and inspections.	Review previous enforcement activity levels as part of business planning cycle. Need to show increase in activities in comparison with previous years, and meeting targets set.	MG	<i>SE Region- bench marking against other authorities.</i>
FSA to prepare a program of audits re feed law including checks on internal monitoring procedures	Draw up internal monitoring check sheet for use by TL and group manager.	SL	<i>Begin from 1st April</i>
Follow up activities are not always recorded and does not demonstrate that corrective actions have been carried out.	General issue of correct use of codices for non compliant/brought in to compliance. Training and guidance to be provided. Internal monitoring check sheet above will help to monitor this.	SL/MG	<i>Begin from 1st April</i>
Visits to be carried out without prior notice The FVO were unhappy with the amount of notice given to businesses of a primary inspection. Primary inspections should be carried out without prior notice.	Visits by appointment for livestock premises as part of wider farm inspection. Two mills in area. One weeks notice given due to practicality issues for full audit.	MG	<i>Samples taken/spot checks unannounced</i>
Risk assessment of premises is not always carried out in a consistent manner (between LA's) and they are not taking into account all risk factors. FSA to verify by audit that authorities are operating	Review application of risk assessment with appropriate regional group. Use internal monitoring to ensure consistency between officers.	MG	<i>Raise at Regional Group</i>

to such systems			
FVO are not satisfied with that all businesses are not being visited at an appropriate frequency and that some are excluded from feed hygiene controls.	Review premises on APP to ensure all those liable for feed hygiene controls are flagged for inspection/intervention, and risk rated. This may involve further training on HACCP for member of the team who are not routinely carrying out feed enforcement.	CP	<i>Recorded check, ensure all premises flagged. DVO-Livestock premises Rural Payments Agency</i>
National List of Registered Feed Businesses	Are premises tagged on APP. Will need to prove can provide list when required. E.g. generate report from APP. Test report to be produced annually.	CP	<i>Complete for start of 2010/11 financial year.</i>
To ensure that businesses operate under HACCP principles	Use aide memories/inspection checklists for HACCP principles on feed hygiene. Annex 1 farm inspections. Internal monitoring to ensure consistent use.	MG	<i>Share aide memoires with other LA through LACORS.</i>
To take all products into account when carrying out enforcement on imports The FVO noted that import controls were largely being carried out on feeds and feed materials and that additives and premixtures were not being adequately monitored.	Imports of Premix's and Zootechnical additives will mostly fall to the AMI. We do not see many feed materials being imported but must look for these on inspection at premises. Targeted sampling programme for imported feed and additives/pre mixtures.	SL/MG	<i>Feed into annual sampling plan</i>
AMI re: Coccidiostat and histomonostats. FVO were not satisfied that sufficient checks are being carried out on unauthorised Zootechnical additives and Antibiotics	Mainly falls to AMI. Could share intelligence with AMI. Act as eyes and ears by carrying out visual checks for use of banned growth promoters on farm	SL/MG	<i>Book training from PA and AMI so staff competent to recognise this.</i>
To ensure that sampling covers the full range of feed products Sampling is recognised as being an important aspect of the monitoring of the compliance of feed	Require regional groups to consider this issue with respect to individual authorities sampling plans. Audit to verify sampling is risk based. Sampling plan must be based on national sampling		

<p>especially undesirable substances. Authorities plans covered sampling for undesirable substances did not cover the full range of products (e.g. premixes and additives). The FVO also stated that very limited samples were taken for Dioxins and PCB's.</p>	<p>priority areas.</p>		
<p>To ensure that packaging waste is not present in feed. FVO were not happy that packaging waste continues to be present in certain feed materials (e.g. bread 'waste'). Packaging waste is banned in feed. This is a general issue across the EU. The commission are apparently trying to come up with some guidance. In spite of the legal requirement (packaging waste is a prohibited substance), zero tolerance is not practical, neither is a set (say 0.01% by weight) tolerance. More likely would be a risk assessment on each circumstance (e.g. nature of packaging and intended target feed species).</p>	<p>One premise under review, as may fall into this category of producer. Officers to look out for this practice on inspection.</p>	<p>MG</p>	<p><i>Review premise that may fall into this category.</i></p> <p><i>Include packaging waste in sampling plan.</i></p>
<p>More and more focussed FSA audits most likely focussed on authorities that do not send in their returns, who send in lower than expected figures and do not meet the Agencies targets.</p>	<p>Play an active part in regional group activities</p> <p>Enforcement attention to be focussed in risk areas, imports and former food stuffs, as per FSA guidance.</p>	<p>NS</p>	<p><i>NS to raise at TSSE</i></p>

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 5 JULY 2010

TRADING STANDARDS SERVICE TOBACCO ENFORCEMENT REPORT AND PLAN

Report by Acting Head of Trading Standards and Community Safety

Introduction

1. The Trading Standards Service is the principal body for the enforcement of legal controls over age-restricted products in Oxfordshire. There are a broad range of age controlled products including alcohol, fireworks, knives, lottery tickets, solvents, spray-paints, tobacco, videos & video games.
2. The Children and Young Persons Protection from Tobacco Act 1991 requires local authorities to consider annually what programme of enforcement action relating to the underage sale of tobacco is appropriate.
3. This report sets out the work carried out over the last twelve months to enforce the tobacco age restrictions and proposes a way forward for the next 12 months.

Tobacco

4. A holistic approach is taken in discharging our responsibilities relating to the control of age restricted products. This includes proactive and re-active enforcement, running alongside an awareness and advice campaign with retailers and the wider community.
5. Unlike the sale of alcohol, tobacco is not strictly regulated through a licensing regime. This means any business can sell cigarettes and tobacco and this is often done without adequate training for staff or appreciation of the dangers of selling the product to children. For this reason an extensive test purchasing regime is considered necessary to ensure compliance.
6. In 2009-10 the Trading Standards Service participated in a Department of Health funded tobacco project. This project included a range of actions aimed at reducing the availability of tobacco products to people under 18 years of age. The project included test purchasing, compliance checks on advertising controls and product labelling at retail level and on vending machines, mailing 1,700 advice newsletters to retailers, general awareness raising work with the public and advisory visits to local businesses. With over 80,000 smoking related deaths each year, the Department of Health is particularly concerned to prevent young people taking up smoking.
7. For the period from 1 April 2009 to 31 March 2010, 23 consumer complaints about the illegal sale of cigarettes were received and 80 test purchases were

undertaken using underage volunteers. Out of the 80 test purchases 18 illegal sales were made (22%). This compares with 28% illegal sales the previous year. Test purchases were also made from 34 cigarette vending machines and 25 illegal sales were made (74%). This high failure rate illustrates the difficulty of supervising such machines in busy public houses and restaurants and the government has now issued regulations banning such machines from October 2011. The reduction in illegal sales of cigarettes from newsagents and supermarkets has been achieved through advisory visits to raise general awareness of the problem.

Wider Strategic Links

8. The work undertaken by the Trading Standards Service contributes to some wider priorities for the County Council and its partners. It is entirely prevention focused, reducing the likelihood of young people being able to obtain cigarettes and therefore reducing the likelihood that a person under 18 years of age will start smoking. Oxfordshire PCT state that young people are less likely to try to attempt to quit smoking with few smokers under 25 years of age accessing the smoking cessation programmes. Increasing the number of people who quit smoking is a national performance indicator and is a target in the Oxfordshire 2030 delivery plan. Therefore, the work of Trading Standards contributes towards this partnership priority.
9. The needs analysis informing the Children and Young People's Plan 2010-13 refers to Oxfordshire PCT research identifying that in 2008 the percentage of mothers aged under 18 years smoking at the time of delivery was 27.3%. This was the highest rate amongst all age groups. The Trading Standards Service's success at reducing the availability of cigarettes to under 18s will contribute to reducing this rate.

Proposals

10. It is proposed that the Trading Standards Service continues to raise awareness of the issues relating to the misuse of age-restricted products by young people through the provision and distribution of advice leaflets. It is also proposed that the Service continues to undertake business advice visits to retailers to advise on how to best achieve compliance with the legislation relating to the sale of age-restricted products and to continue to assist in the training of checkout operators in large retailers when appropriate. Wherever possible, these activities will be undertaken in partnership with, or with the support of, other organisations with an interest in this issue.
11. It is further proposed that in conducting our enforcement work we will continue to have regard to intelligence, whether from partner agencies or the wider community. Routine checks on compliance will also be conducted through test purchasing with young volunteers. Officers believe that carrying out test purchasing programmes of age-restricted products using underage volunteers is an important part of the enforcement programme.

12. Further Department of Health funding is available for 2010-11 to support tobacco related enforcement activities. The Trading Standards Service intends to access this funding to support its work and link actions to reduce the availability of tobacco products to persons under 18 years of age to this nationally funded initiative.
13. Endorsement is sought to continue with this method of enforcement.

Financial and Staff Implications

14. No additional financial or staff implications arise from this proposed course of action. The Trading Standards Service invests resources in actions to prevent age restricted goods being sold illegally each year and these proposals form part of those activities.

RECOMMENDATION

15. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service proposals for action to reduce the availability of tobacco products to people under 18 years of age.**

RICHARD WEBB

Acting Head of Trading Standards and Community Safety

Background papers: Nil

Contact Officer: Richard Webb, Acting Head of Trading Standards and Community Safety, Tel: (01865) 815791

May 2010

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Division(s): All

CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 5 JULY 2010

PRIMARY AUTHORITY PARTNERSHIP BETWEEN OXFORDSHIRE TRADING STANDARDS SERVICE AND SAINSBURY'S SUPERMARKETS LIMITED

Report by Acting Head of Trading Standards & Community Safety

Introduction

1. The Regulatory Enforcement and Sanctions Act 2008 establishes a statutory scheme for businesses trading across local authority boundaries called the Primary Authority Scheme. Under this scheme a business can enter into a formal partnership with a local authority. Having entered into a Primary Authority partnership, the advice provided by the local authority has to be taken into account by other councils before enforcement action can be taken against the business concerned.
2. Oxfordshire Trading Standards Service has been in discussions with Sainsbury's Supermarkets Limited ('Sainsbury's') about entering into a Primary Authority partnership. Sainsbury's have been in discussions with other local authorities but discussions with Oxfordshire Trading Standards have reached an advanced stage. The detail of this potential partnership is outlined below. Under this proposed partnership, Oxfordshire Trading Standards will provide advice and support to Sainsbury's. Sainsbury's will meet the costs of this service.
3. This report explains the background to Primary Authority partnerships, the benefits and risks of entering into a partnership with Sainsbury's and requests approval in principle to enter into this partnership should agreement be reached between the parties.

The Primary Authority Scheme

4. The Primary Authority scheme was introduced in April 2009 following the Government's acceptance of the findings of a review of regulatory burdens undertaken by Philip Hampton. His report, entitled 'Reducing Administrative Burdens: Effective Inspection and Enforcement', identified that businesses should be able to receive authoritative regulatory advice and too often the advice of one local authority could be challenged by another local authority adopting a different interpretation to legislation.
5. The Primary Authority scheme is operated by the Local Better Regulation Office (LBRO). Once a business and a local authority have agreed to form a Primary Authority partnership and have agreed the basis of this relationship they have to apply to the LBRO for the local authority to be 'nominated' as the business's Primary Authority. The LBRO will ensure that the proposed

partnership is suitable and appropriate, in particular having regard to the resources available to support the partnership's requirements. Having satisfied itself that the local authority is suitable for the partnership concerned, LBRO will nominate that local authority as the Primary Authority for that business. The LBRO also appoint an account manager to assist the partnership.

6. Primary Authority partnerships are available in respect of several regulatory fields; Trading Standards, Environmental Health and Health and Safety. A Primary Authority partnership can cover the full scope of the business's regulated activities in these fields or be limited to specific aspects of the business's activity. The scope and detail of each partnership is determined by the business and the local authority concerned.
7. Once a partnership has been accepted by the LBRO, the Primary Authority assumes responsibility for providing advice and guidance to the business in respect of the regulated functions within the scope of the partnership. The Primary Authority also assumes responsibility for providing advice and guidance to other local authorities in relation to how the other authorities should exercise their enforcement functions in respect of that business.
8. Other local authorities considering formal enforcement action against the business concerned must inform the Primary Authority before taking that enforcement action. If the action proposed by the enforcing authority is inconsistent with any advice or guidance given by the Primary Authority in respect of that aspect of the business's activity, the Primary Authority may direct the enforcing authority not to take that enforcement action. In the event of a dispute arising between enforcement authorities and Primary Authorities, the matter may be referred to the LBRO. In this respect the LBRO has a statutory role to make the final determination on whether enforcement action can proceed or whether the Primary Authority's direction not to take action should be upheld.
9. Primary Authority partnerships may also result in the publication of inspection plans. Inspection plans are agreed by the business and Primary Authority and contain information on the aspects of the regulated business that should be considered by other local authorities when conducting inspections of that business's operation. They are intended to allow the business to focus regulator's activities on particular business processes or risks that they would wish to be closely monitored. This provides the business with more information about how particular aspects of their procedures are actually operating in their branches.
10. In a secure section of the LBRO website, Primary Authorities can publish documents relating to their partnerships. This may include, with the business's consent, company procedures and policies. In publishing such documents the business may reduce burdens arising from repeated requests from regulators to provide certain information.

Home Authority Relationships

11. The Local Authorities Coordinators of Regulatory Services introduced the Home Authority Principle in the 1980s. The Home Authority Principle states that the local authority for the geographic area in which a business's main decision making office is based assumes responsibility for liaison with that business on behalf of other local authorities and for providing advice and guidance to that business.
12. Oxfordshire Trading Standards Service has operated Home Authority relationships with Oxfordshire based businesses for many years. A Primary Authority partnership differs to Home Authority support in a number of respects. Principally, Home Authority relationships are not supported by legislation. Typically, Home Authority relationships are informal and are not underpinned by service level commitments. Other local authorities do not have to refer to the Home Authority for a business before taking formal action against that business.
13. Oxfordshire Trading Standards Service intends to continue to offer Home Authority support to Oxfordshire businesses and will, if appropriate, convert those relationships into formal Primary Authority partnerships should the business concerned wish to do so. At this time it is not intended that Oxfordshire Trading Standards will charge an Oxfordshire based business that it already supports with Home Authority advice should this relationship become a Primary Authority partnership. This supports the County Council's 'World Class Economy' strategic priority.

Primary Authority Partnership with Sainsbury's

14. Discussions have taken place between the Trading Standards Service, Cherwell District Council and Sainsbury's concerning a potential primary Authority partnership. Final agreement is yet to be reached. However, all parties have agreed the broad detail of a potential partnership. The proposed Primary Authority partnership with Sainsbury's is as follows:
15. Oxfordshire Trading Standards will enter into a Primary Authority partnership with Sainsbury's to provide advice and guidance on all aspects of this business's activity that falls within the regulatory scope of Trading Standards Services. At the same time, Cherwell District Council will enter into a similar agreement with Sainsbury's in respect of Environmental Health and Health and Safety matters.
16. Both Oxfordshire Trading Standards Service and Cherwell District Council will employ specialist officers (a qualified and experienced Trading Standards Officer and a similar Environmental Health Officer) to provide the service to Sainsbury's. The Environmental Health Officer will be seconded from Cherwell District Council to the Trading Standards Service. They will remain an employee of Cherwell District Council but will be based with the Trading Standards Service and work alongside the Trading Standards Primary Authority officer. This arrangement will ensure that there is some resilience to

the partnership, providing for the partnership to be supported whilst either officer is absent with only minimal support from existing Trading Standards staff.

17. The Primary Authority officers will work closely with Sainsbury's staff. Their role will include providing advice and guidance on product specific issues (e.g. labelling requirements on new products), assisting the company in relation to any new legislative requirements and advising on procedures introduced to meet regulatory requirements. They will also act as the first point of contact for other local authorities with questions or issues relating to Sainsbury's.
18. It is intended that through the partnership Sainsbury's will seek to change their relationship with the enforcement community. They wish to develop a working relationship with the enforcement community which is based on collaborative approach to resolving local issues. This will be achieved through the primary authority facilitating an openness between Sainsbury's and the enforcement community through publishing information on Sainsbury's operation and through facilitating a joint problem solving approach towards local issues, moving away from the more traditional adversarial enforcement focused approach.
19. A key element of the partnership will be the primary authority officers' understanding of Sainsbury's business. It is believed that the regulatory burdens placed on Sainsbury's could be reduced if the officers primarily acting as a conduit for enquiries from the enforcement community had an in-depth knowledge of the company, including retailing, warehousing, logistics, etc. In addition, through understanding Sainsbury's business, the primary authority officers could more readily change Sainsbury's relationship with the enforcement community.
20. In order to develop this understanding, the Primary Authority Officers will initially spend 3-6 months with Sainsbury's learning the company's operations in depth. This will include time within retail stores, their head office, warehouses and logistics sections.
21. Through discussions with Sainsbury's it has been concluded that supporting the Primary Authority partnership will require 2 full time officers. On the basis that Sainsbury's are not an Oxfordshire based business and therefore this role will entail an entirely new workload, Sainsbury's have agreed to meet the costs of providing this service. The financial implications are discussed in more detail below.

Benefits of a Primary Authority Partnership with Sainsbury's

22. A Primary Authority Partnership with Sainsbury's will bring a number of benefits to Oxfordshire Trading Standards. Through the partnership, the primary authority officers will develop an exceptional understanding of the operations of a large national retailer. The Service already provides a considerable amount of business support to Oxfordshire businesses and this improved knowledge of business operations will result in better business

advice services to Oxfordshire businesses. Similarly, whilst Trading Standards has existing working relationships with Environmental Health teams in the County, having an Environmental Health Officer based in the service will improve our knowledge of environmental health work and should ensure stronger links develop between regulatory services in Oxfordshire. In addition, Sainsbury's have spoken with a number of local authorities regarding Primary Authority partnership and it will bring increased prestige and profile to Oxfordshire County Council through being chosen by Sainsbury's for this partnership.

23. Furthermore, for some time there has been a national emphasis on improving regulatory outcomes through targeting resources at problem businesses whilst supporting legitimate businesses through better advice and guidance (the Better Regulation agenda). Entering into this partnership with Sainsbury's will put Oxfordshire County Council at the heart of this agenda, again supporting the Council's 'world class economy' priority.

Risks

24. Entering into a formal partnership does introduce additional risks for the Council. Through a review of the Primary Authority scheme information published by the LBRO the following risks have been identified:
25. **Professional negligence claims.** Although the Trading Standards Service already provides advice and guidance to businesses, doing so under a formal partnership arrangement which is paid for by the business concerned introduces a professional negligence liability. This risk is limited under the formal agreement to the total amount paid by the business for the service in a single year. This financial risk will be transferred through appropriate insurance.
26. **Contractual breach.** Primary Authority partnerships are underpinned by service level agreements. In the event that these service levels are not met there is a potential consequence for Oxfordshire Trading Standards Service. This risk has been mitigated by the assessment of resources required to perform the service under the agreement and will be further managed by ensuring that the service level agreement is consistent with that assessment. Financial liability is again limited under the formal partnership agreement. The most likely consequence of failing to fulfil the contractual arrangements will be a termination of the contract.
27. **Personnel risks.** To support this agreement Oxfordshire Trading Standards will be employing an additional member of staff. In the event that the partnership is terminated, this member of staff may need to be made redundant with consequential financial liability falling on Oxfordshire County Council. Arrangements will be required to eliminate this financial liability but these have not yet been agreed. Approval is sought to enter into a formal partnership subject to this liability being transferred under the agreement.

Financial and Staff Implications

28. As stated above, the proposed partnership will be supported by the appointment of a dedicated Trading Standards Primary Authority Officer. The cost of this post will be met in full by Sainsbury's under the agreement. Similarly, the cost of the Environmental Health Officer post will be recovered by Cherwell District Council.
29. Under the legal framework for Primary Authority partnerships, the local authority can recover all costs reasonably incurred. As such, the agreement will provide for travel and subsistence costs for the primary authority officers to be met by Sainsbury's and will contain an allowance for management overheads.

RECOMMENDATION

30. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service entering into a formal Primary Authority agreement with Sainsbury's Supermarkets Limited as detailed in this report.**

RICHARD WEBB

Acting Head of Trading Standards & Community Safety

Background papers: Nil

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June 2010