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| REPORT TO: | Community Services Committee | AGENDA ITEM: 8 |
| DATE OF MEETING: | 4th October 2001 | CATEGORY: DELEGATED/ |
| REPORT FROM: | Sandra Whiles | OPEN/ PARAGRAPH NO: N/A |
| MEMBERS' CONTACT POINT: | Carl Jacobs 5717 | DOC: health and safety at work act2 |
| SUBJECT: | Authorisation of Officer for Health And Safety at Work Act 1974 and Food Safety Act 1990 | REF: |
| WARD(S) AFFECTED: | All | TERMS OF REFERENCE: CS2 |

1.0 Recommendations

1.1 Health and Safety at Work etc. Act 1974

Resolve:-

That the Committee confirm the Authorisation of the following Officer, Catrin Jones and that she be authorised as an Inspector to undertake the following duties:-

- a) As an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of administering the relevant provisions of Section 20(2) of the said Act, i.e. Section 20(2), (a), (b), (c), (d), (e), (f), (g), (h), (i) (j), (k), (l), and (m), and authorise them to institute legal proceedings in respect of contravention's arising out of the exercise of their duties under (b) Section 20 of the said Act.
- b) Further, that they are Authorised to serve Improvement Notices under Section 21 and Prohibition Notices under Section 22 of the Act.
- c) Also that they be Authorised for the purpose of:
- (d) Any Health and Safety Regulation
- (e) The provisions of the Acts mentioned in Schedule 1 of the Health and Safety at Work Act 1974 which are specified in Schedule 1 of the 1974 Act which are specified in the third column of that Schedule and of the Regulations, Orders, or other instruments of a legislative character made or having effect under any provisions so specified.
- (f) In respect of any act done by them in execution or purported execution of their duty, if they are satisfied that the Officer honestly believed that they were acting within the legislation.

1.2 Food Safety Act 1990

Resolve:-

That the Committee confirm the Authorisation of the following Officer:- Catrin Jones and that she is authorised as an Officer to undertake the following duties:-

- (a) Section 32(1) (a), (b), and (c) which are powers in relation to an Officers right to enter food premises.
- (b) Section 9 – powers in relation to the inspection and seizure of suspected food.
- (c) Further, that they be Authorised to serve Improvement Notices under Section 10 and emergency Prohibition Notices under Section 11 and 12 of the Act.
- (d) Also that they be Authorised for the purpose of enforcing or executing any regulations or orders made under the Act:
- (e) Section 29 – powers in relation to the procurement of samples.
- (f) That in accordance with Section 44 of the Act, the Council indemnify each Officer in respect of any act done by them in execution or purported execution of their duty, if they are satisfied that the Officer honestly believed that they were acting within the powers and duties required by them.

and authorise her to institute legal proceedings in respect of contravention's arising out of the exercise of their duties.

2.0 Purpose of Report

- 2.1 To Authorise certain newly appointed Officers under both the Food Safety Act 1990 and Health and Safety at Work etc. Act 1974. These Officers where appropriately qualified will be authorised to serve Improvement and Prohibition Notices under their own name, in respect to the Health and Safety at Work etc. Act 1974, and Improvement Notices and Emergency Prohibition Notices under the Food Safety Act 1990.
- 2.2 Both pieces of legislation require that Officers who enforce the powers contained within the Acts are appropriately indemnified from any action that they take provided they have acted within their powers

3.0 Detail

3.1 Health and Safety at Work etc. Act 1974

Any Local Authority which is an Enforcing Authority under the Health and Safety at Work Act 1974 (HSWA) has the power under Section 19(1) of that Act to:

'Appoint as Inspectors such persons having suitable qualification as it thinks necessary for carrying into effect the relevant statutory provisions within it's field of responsibility and may terminate any appointment made under this section'.

HSWA requires that each Inspector has a written instrument of appointment, known as a 'Warrant' in accordance with Section 19(2) of the Act. The Warrant should specify the powers conferred on the Inspector and should be under the common seal of the Authority. These are the only powers the Inspector may exercise.

3.2 Food Safety Act 1990

Any Local Authority which is an Enforcing Authority under the Food Safety Act 1990 has the power under Section 5 of that Act to:

'Appoint as Inspectors such persons having suitable qualification as prescribed by Code of Practice No. 19 'Code of Practice on the qualifications and experience of authorised Officers and experts'. Consequently, the authorisation of Officers under Section 5 of the Act, and the conferring of powers under Section 9, 10, 11, 12, 29, and 32 of the Act where applicable.

4.0 Financial Implications

4.1 None

5.0 Corporate Implications

5.1 None

6.0 Community Implications

6.1 None

7.0 Background Papers

8.1 None

