

TITLE OF REPORT: **Appointment of Public Analysts**

REPORT OF: **Peter Udall, Group Director, Economy Innovation and Growth**

Purpose of the Report

1. To ask the Cabinet and Council to consider the appointment of 6 Public Analysts.

Background

2. Gateshead Council has a statutory duty under the Food Safety Act 1990 to appoint one or more persons to act as Public Analyst. Under the Constitution of the Council appointment of Public Analysts is reserved to the full Council.
3. The contract with Public Analyst Scientific Services Ltd, the accredited laboratory that Gateshead uses for Environmental Health and Trading Standards sampling purposes recently expired and a procurement process was undertaken supported by the Councils Procurement Service. Public Analyst Scientific Services (PASS) were the only company to tender for the contract and as such have been awarded a 2-year contract.
4. There have been some changes in staffing at PASS and it is therefore necessary to re-confirm the appointment of Public Analysts for Gateshead Council.
5. In order to maintain a flexible service, it is proposed that all Public Analysts in PASS are appointed as Public Analysts for Gateshead Council.

Proposal

6. It is proposed that the following analysts are appointed as Public Analysts for Gateshead Council:
 - Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC
 - Michelle Evans BSc, MChemA, CChem, MRSC
 - Donna Hanks BSc, MChemA, MRSC
 - Mary Butts MSc MChemA MRSC

Recommendations

7. It is recommended that Cabinet recommends that the Council approve the appointment of the 6 Public Analysts listed above.

For the following reasons:

- (i) It is a statutory requirement for Gateshead Council to appoint one or more public analysts who have a minimum qualification.
- (ii) Public Analyst Scientific Services Ltd have successfully tendered to be the Public Analysts For Gateshead Council.

Policy Context

1. The work of Environmental Health is directly linked to 'THRIVE', in particular, through the Economic Strategy, by providing a level playing field for businesses to operate in and giving businesses suitable advice on legal compliance and improving their business.

Background

2. Gateshead Council is a food authority under the Food Safety Act 1990 and as such is required by Section 27 of that Act to appoint one or more suitable qualified persons to act as Public Analysts.
3. The Food Safety Act 1990: Food Law Code of Practice (England), requires all food samples taken with the intention of initiating formal enforcement action for contamination, composition or labelling to be submitted to an appointed Public Analyst at a laboratory accredited for the purpose of analysis and which appears on the list of official food control laboratories.
4. The engagement of Public Analyst Scientific Services Limited as official food control laboratory and the proposed appointment of their analysts have been agreed following a procurement process in line with relevant policy and Financial Regulations.

Consultation

5. Consultation has taken place with the Leader and Deputy Leader and the Joint Adult Social Care and Health and Wellbeing Portfolios.

Alternative Options

6. It is a statutory requirement for the Council to appoint a Public Analyst. No other suitably qualified persons were identified through the relevant procurement process.

Implications of Recommended Option

7. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Resources and Digital, confirms that there are no additional financial implications arising from this report.
 - b) **Human Resources Implications** – There are no implications arising from these statutory appointments.
 - c) **Property Implications** - There are no implications arising from this report.
8. **Risk Management Implication** - Failure to appoint a Public Analyst would be against the requirements of the Food safety Act 1990 and may result in government intervention.

9. **Equality and Diversity Implications** - There are no implications arising from these statutory appointments.
10. **Crime and Disorder Implications** – Appointment of Public Analysts is a statutory requirement that enables effective enforcement of the Council’s responsibilities under food law and will help protect the community from food that contravenes compositional and labelling legislation.
11. **Health Implications** - Appointment of Public Analysts is a statutory requirement that enables the Council to lawfully analyse food samples with the aim of preventing harmful food being consumed.
12. **Climate Emergency and Sustainability Implications** - There are no implications arising from these statutory appointments
13. **Human Rights Implications** - There are no implications arising from these statutory appointments.
14. **Ward Implications** - This report affects all areas and wards equally.

Background Information

15. The following statutory instruments are relevant.
 - Food Safety Act 1990
 - Food Safety (Sampling and Qualifications) Regulations 1990
 - Food Standards Agency: Framework Agreement on Official Feed and Food Controls by Local Authorities
 - Food Safety Act 1990: Food Law Code of Practice (England)
 - Council’s standing orders on contracts for the purpose of section 135 of the Local Government Act 1972