

Dear Councillor

LICENSING AND PROTECTION PANEL - TUESDAY, 20 OCTOBER 2015

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

**4. SERVICE PLAN FOR FOOD LAW ENFORCEMENT AND HEALTH
AND SAFETY MONITORING 2015 -16 (Pages 13 - 26)**

To consider a monitoring report against approved service plans.

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Public

Key Decision - No

* Delete as applicable

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Service Plan for Food Law Enforcement and Health and Safety Service Plan Monitoring 2015 -16
Meeting/Date:	Licensing & Protection Panel – 20 th October 2015
Executive Portfolio:	Executive Councillor for Strategic Economic Development and Legal - Councillor Roger Harrison
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

The Licensing & Protection Panel has approved the Health and Safety Service Plan for 2015/16, and following consultation with the Panel, Council approved the Food Safety Service Plan for 2015/16.

This report provides Members of the Licensing & Protection Panel with a performance update against the approved plans at the end of Quarter 2, April – September 2015.

At this point in the year, it is considered that the Service is behind target on delivery of the plan, due to factors discussed in the report but including a combination of both available resources in terms of staff, and also the impact of unforeseen reactive workload including a fatal accident investigation, a food recall relating to a Huntingdonshire food business, a high than expected increase in the number of food businesses, and a higher than anticipated level of formal enforcement actions being undertaken.

Recommendation(s):

1. That Members of the Licensing & Protection Panel provide feedback on the format and content of this monitoring report, such that comments can be considered in the preparation of future reports.
2. That Members of the Licensing & Protection Panel provide comments on the current achievement of the planned food safety, and health and safety activities.

1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This is a 'progress report' about the delivery of the 2015-16 Food Safety Service Plan, and the 2015-16 Health and Safety Service Plan. The two plans collectively describe how the Council discharges its duty as a "Food Authority" and a health and safety "Enforcing Authority". The report relates to work delivered between 1 April and 30 September.
- 1.2 The Health and Safety Plan was agreed by the Licensing and Protection Panel on 23 June 2015 and the Food Safety Plan was agreed at the meeting of Council on 29 July 2015. In giving their approval to the plans, Members of the Licensing and Protection Panel requested that 'monitoring reports' form part of the agenda for future meetings, this report is the first of such monitoring reports

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The content of the Food Safety Service Plan is based upon the requirements of the Food Standards Agency (FSA) Framework Agreement for the Delivery of Official Feed and Food Controls. The Health and Safety Service Plan is based upon the requirements of the Health and Safety Executive (HSE) National Local Authority Enforcement Code.
- 2.2 The Council is required to periodically review those plans, to address any variance from the requirements of the original plans and to identify any areas for improvement.
- 2.3 It is important that members are made aware of anything which may prejudice the delivery of the plans.

3. ANALYSIS

- 3.1.1 Growth within Huntingdonshire – the Food Law Code of Practice states that new premises must be included within the inspection programme, and an assessment based on previous year's data was made in setting the Service Plans. In the case of Food Safety this was estimated at 100 new premises over the year.

The data shows that the 'annual churn' (the net change in the number of registered food premises) has been more this year than in the previous year, this must be considered to be a positive indication on the health of Huntingdonshire economy, with more new businesses opening, and the net reduction in businesses being less than last year.

	Current Year to Date	Last Year to Date
New Food Businesses	64	48
Food Business Closures	95	92
Net Impact	-31	-44

- 3.1.2 The work of the Commercial Team is a balance between the proactive inspection which can be programmed, and the reactive activities one which assumptions can be made but which is reactionary in nature. In the year to date, the team have been involved with:

- A fatal accident investigation which has taken around 75 hours of resource,

- A 'food recall' relating to food manufactured within Huntingdonshire but which failed to meet the required safety standards which has taken around 60 hours of resource, and number of food samples being taken to test the safety of the food being produced
- An accident at a major distribution centre taking around 60 hours of resource
- The commencement of prosecutions for three Food Businesses that fell short of the requirements of the Food Safety Act 1990 amounting to around 25 hours each, year to date. During 2014/15 for the whole year, only two prosecutions were commenced.
- A zoo licensing application for a new premises, which whilst not forming part of either of the approved plans, is work undertaken by the Commercial Team and therefore impacting on the available resources

3.1.3 The reactive workload in terms of requests for service and information, the investigation of infectious disease notifications, and the notification and investigation of accidents was again based on assumptions from previous year's data. These reactive items are currently trending above the predicted level of demand on the service.

In addition, whilst the number of reported accidents has decreased based on previous year to date, the severity of the incidents has increased with a fatal accident being reported, and an increase in the specified major injuries

	Current Year to Date	Last Year to Date
Food Related Service Requests	330	324
Infectious Disease Notifications	123	120
Accident Notifications	33	43
	Fatality – 1 Specified Major – 9 Over 7 days lost – 15 Public Incident – 8	Specified Major – 4 Over 7 days lost – 23 Public Incident – 15 Dangerous Occurrence - 1
Accidents requiring investigation	9	11
	Fatality – 1 Specified Major – 1 Over 7 days lost – 1 Public Incident – 6	Specified Major – 1 Over 7 days lost – 4 Public Incident – 5 Dangerous Occurrence - 1

3.1.4 Whilst it was known at the start of the monitoring year that the Commercial Team has a vacancy and adjustments were made to activities; further in year loss of resource has occurred from one Member of the team having a period of long- term sickness absence

4. OPTIONS CONSIDERED

4.1 Process Engineering (LEAN)

4.1.1 Consideration has been given to the prioritisation of inspections of existing food premises, and that the available resources have been targeted at those premises which present the most significant risks.

The programmed inspections of food businesses in categories A-D are reported as being behind schedule. The inspections of the highest risk (Food

category A & B) businesses have been completed, it is the lower risk (Food category C & D) that form inspections that are outstanding at this point in the year.

With regards to Health and Safety, most of the preparatory work in connection with targeted health and safety interventions has been completed and the remainder of this work will be delivered in Q3 and Q4.

4.1.2 The district boundaries, the areas across which the Food Inspectors each work, have been reorganised in an attempt to improve efficiency by reducing the amount of time spent travelling to and from premises. This is particularly important for part time members of staff where travelling was previously a significant part of the working day

4.2 Risk Based Premises Inspection Frequencies

4.2.1 With regards to Food Safety the Council has fully adopted the Food Standards Agency Food Law Code of Practice, and its accompanying risk based inspection regime. Inspections are being undertaken in accordance with the approved schemes, but are not being targeted to achieve any more than the statutory minimum.

Category	Minimum intervention frequency
A	At least every six months
B	At least every 12 months
C	At least every 18 months
D	at least every 24 months
E	A programme of alternative enforcement strategies or interventions every three years

Category	Number of Premises (as at 12 th October 2015)
A	15
B	43
C	267
D	431
E	631
Awaiting Risk Rating	176

4.2.2 With regards to Health & Safety the Council works within the guidance issued by the Health and Safety Executive regarding the undertaking of its regulatory activity. This promotes an approach of only inspecting the highest risk premises, and then undertaking regulatory activities based on local intelligence, and specific nationally identified risks. Again, the service plan, as approved is based on achieving the statutory minimum.

Category	Number of Premises (as at 12 th October 2015)
A	6
B1	55
B2	212
C	1148
Awaiting Risk Rating	936

The undertaking of health and safety regulatory activity based on nationally agreed priorities does however take more planning. This planning has been undertaken during Q1 and Q2 and therefore, subject to the reactive workload, it is expected that there will be an increase in the programmed health and safety interventions between now and the end of March 2016.

5. COMMENTS OF OVERVIEW & SCRUTINY PANEL

- 5.1 No comments have been received from Overview & Scrutiny Panels, however, this report will be included in the Digest of Decisions to the next Overview & Scrutiny Panel.

6 KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 6.1 The failure to produce and review the Service Plans could invite criticism from the FSA and the HSE as the national regulators.
- 6.2 Further monitoring of performance against the service plan will be undertaken and discussed through Corporate Management Team. Through these discussions an action plan will be implemented. This action plan will be reported back to the next meeting of the Licensing & Protection Panel.

7. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 7.1 As discussed above, an Action Plan against the Food Safety and Health and Safety Service Plans 2015/16 will be produced, and will be reported back to the Licensing & Protection Panel on 16th March 2016, the next meeting.

8. LINK TO THE CORPORATE PLAN

- 8.1 The delivery of risk-based and transparent food safety and health and safety regulation contributes to the Leadership Direction. In particular it contributes to a strong economy and helps to improve the quality of life within Huntingdonshire.

9. CONSULTATION

- 9.1 Comments of the Licensing & Protection Panel will be included within the preparation of the report to the Corporate Management Team.

10. LEGAL IMPLICATIONS

(Comments from the Acting Legal Services Manager / Solicitor)

- 10.1 Text

11. RESOURCE IMPLICATIONS

- 11.1 Changes in staffing levels mean that there has been a reduction in the resources which are available to deliver the Service Plans. A full time officer resigned in December 2014 and the post is still vacant. This equates to a reduction of 16% of the resources that were anticipated at the beginning of the year. Whilst this was known in setting the 2015/16 Service Plans, and adjustments made; further impacts through sickness absence have occurred in year which were unexpected.

- 11.2 This has contributed to a significant reduction in the number of scheduled inspections of food businesses. Of those that were identified at the beginning of the year, only half of the scheduled number of visits have been carried out. New food businesses must be included in the inspection programme and as numbers continue to increase, this places an unforeseen demand on resources. A total of 108 new businesses has been added to the database this year compared to 156 for the whole of 2014-15. Only 61 of those new businesses have had their first inspection.

12. OTHER IMPLICATIONS
(Equalities, environment, ICT, etc)

- 12.1 None

13 REASONS FOR THE RECOMMENDED DECISIONS

- 13.1 This report is the first performance monitoring report that has been provided, mid-year, to the Licensing & Protection Panel. It has been produced having regards to the approved service plans. The first recommendation provides Members the opportunity to comment on the format of the report, such that any comments can be included in the preparation of future monitoring reports.

- 13.2 The second recommendation recognises that proactive inspection performance is currently lagging behind the approved service plan performance target, and therefore allows Member the opportunity to comment on the performance report, and discuss and comment on

It is therefore recommended that:

1. That Members of the Licensing & Protection Panel provide feedback on the format and content of this monitoring report, such that comments can be considered in the preparation of future reports.
2. That Members of the Licensing & Protection Panel provide comments on the current achievement of the planned food safety, and health and safety activities.

14. LIST OF APPENDICES INCLUDED

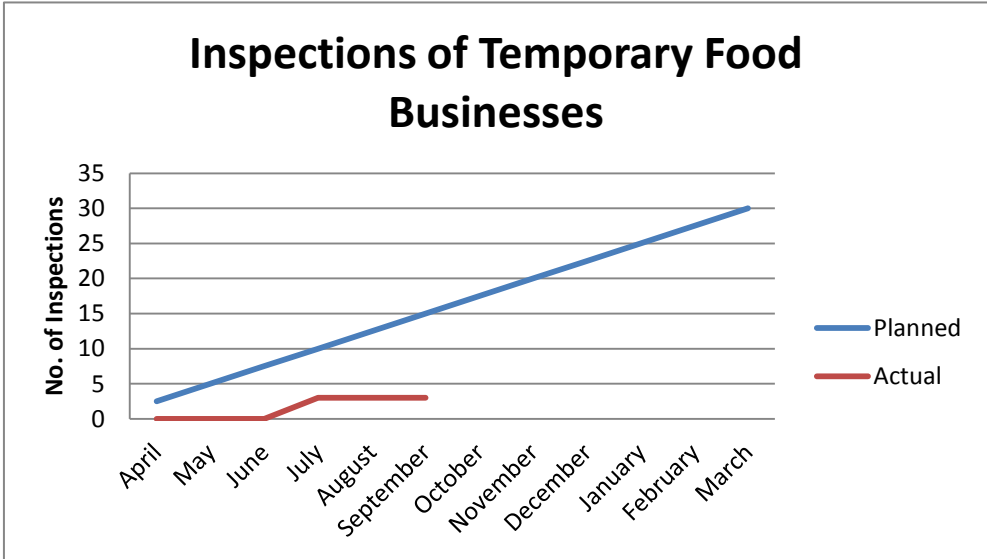
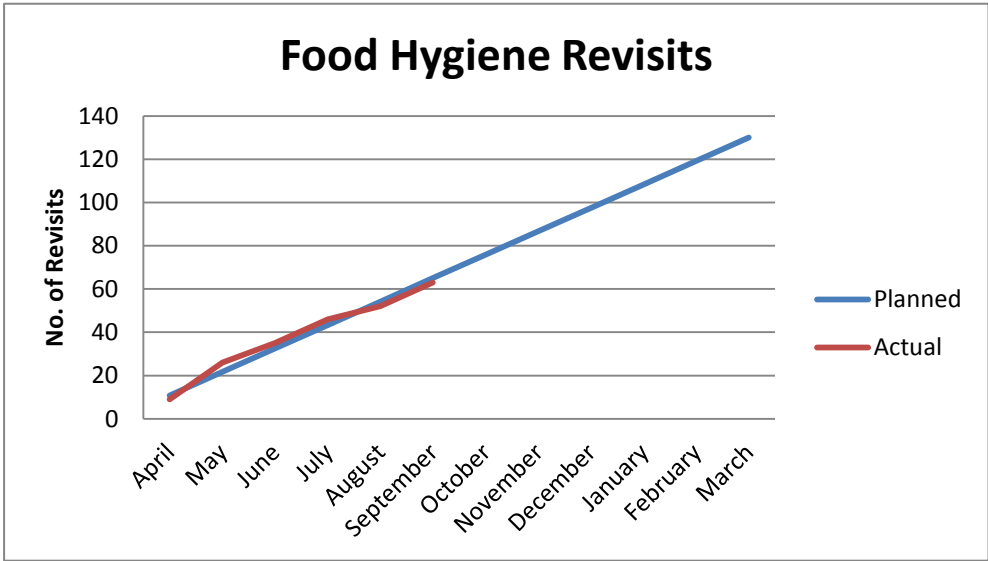
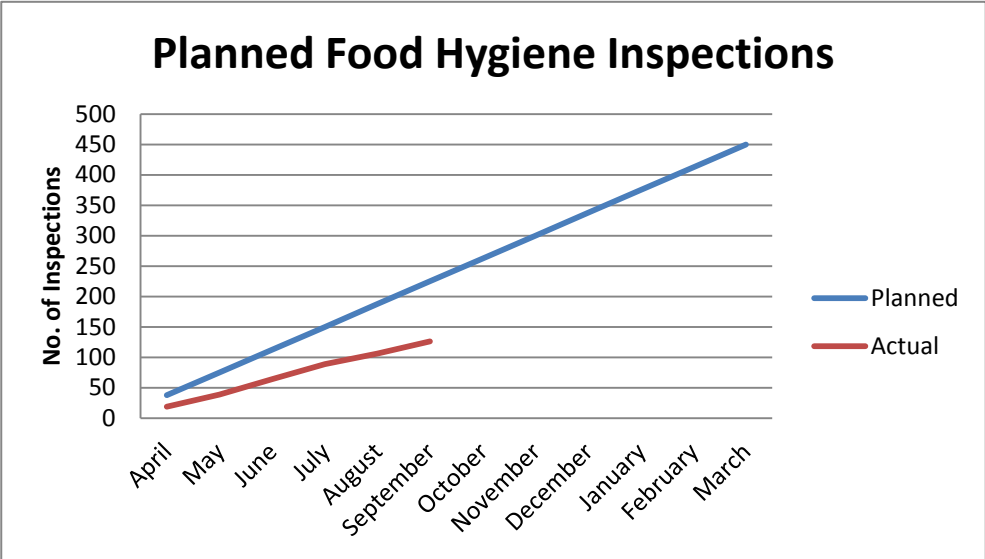
Appendix 1 – Food Hygiene Monitoring
Appendix 2 – Health and Safety Monitoring

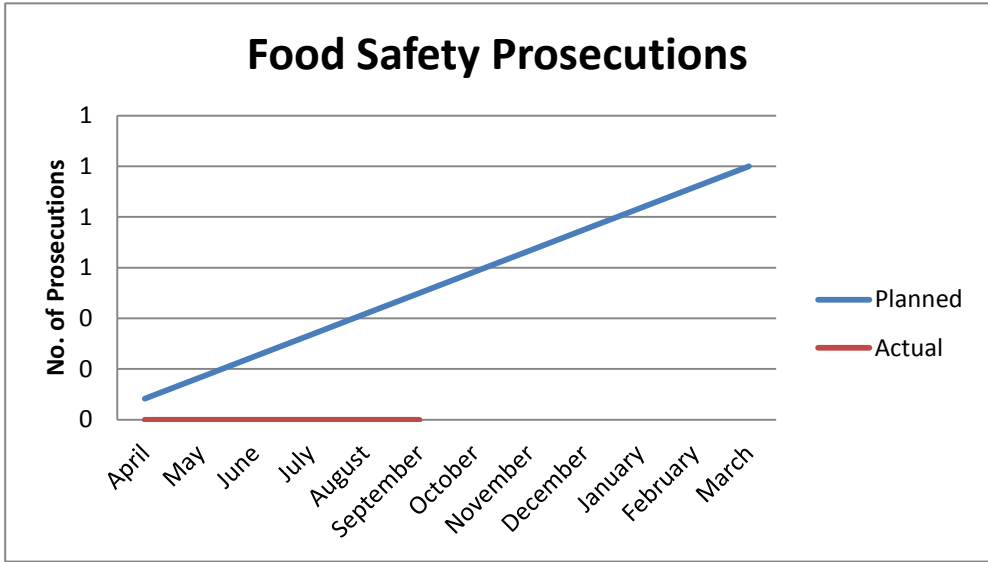
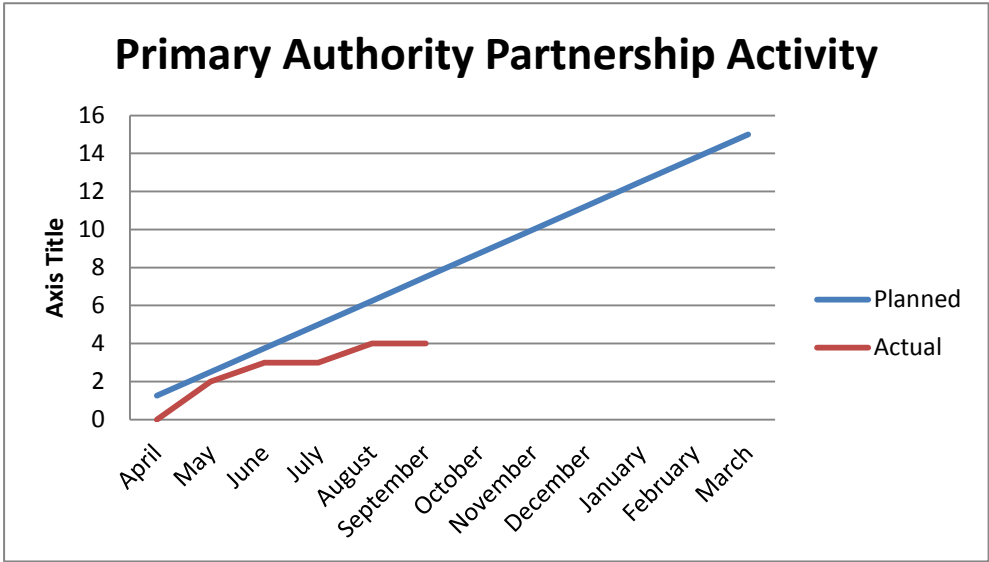
BACKGROUND PAPERS

Licensing & Protection Panel, 23rd June 2015 – approval of Health and Safety Service Plan
Council, 29th July 2015 – approval of Food Safety Service Plan

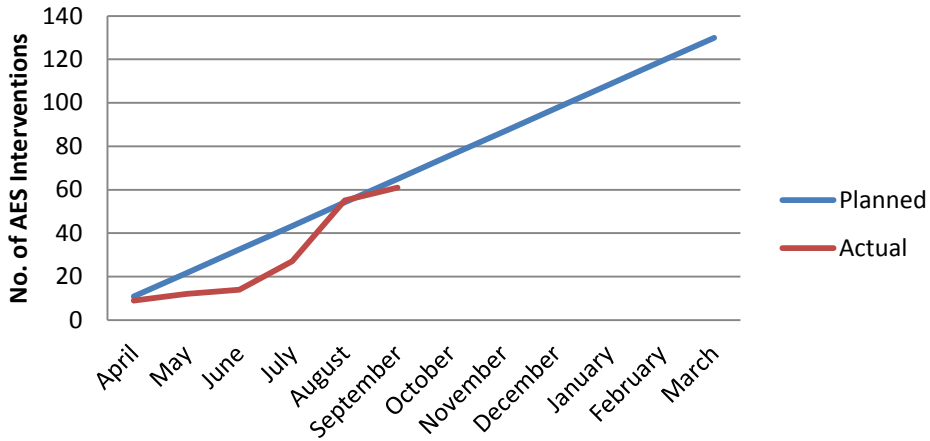
CONTACT OFFICER

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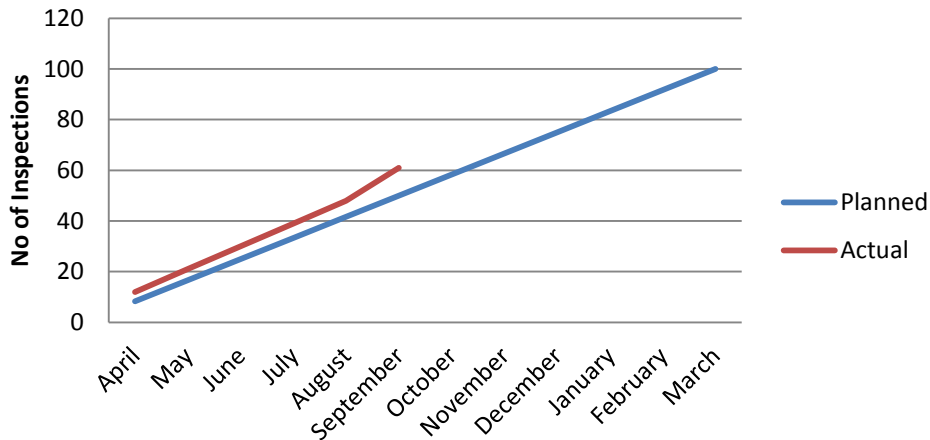




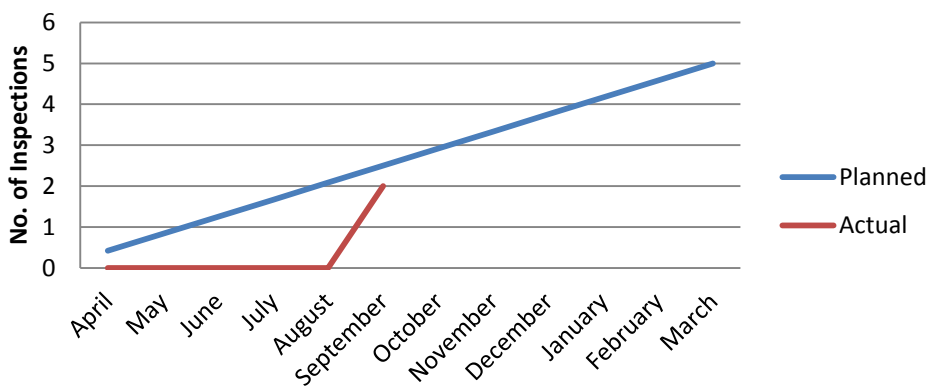
Alternative Enforcement Strategy

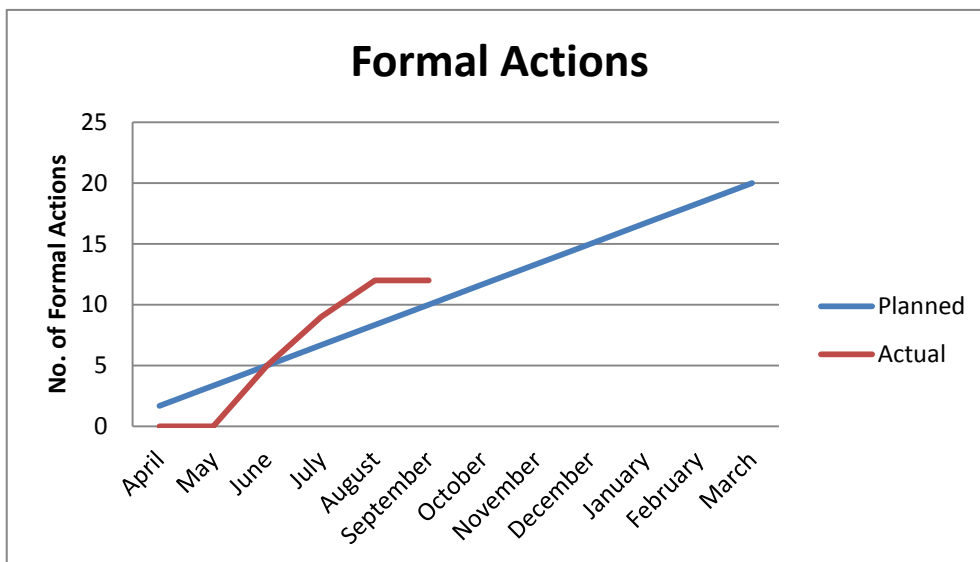
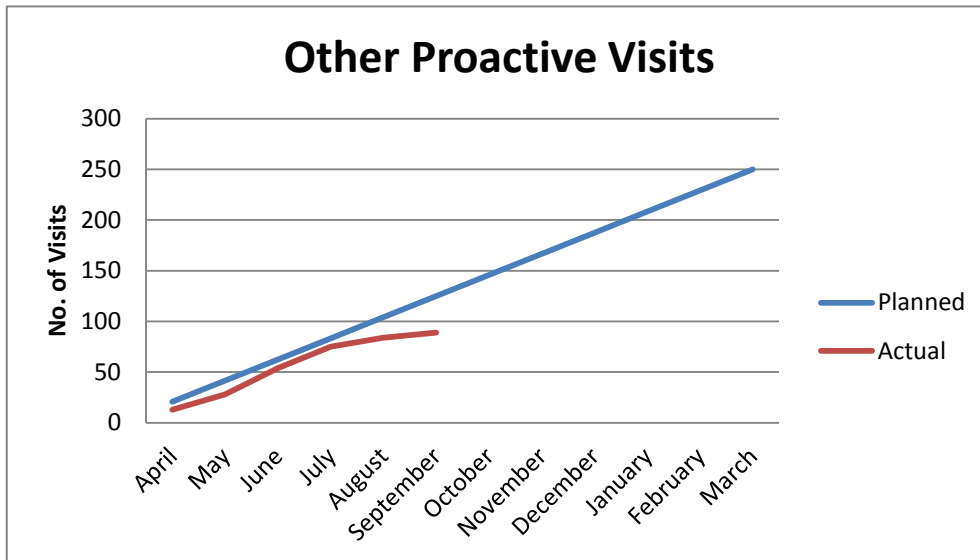


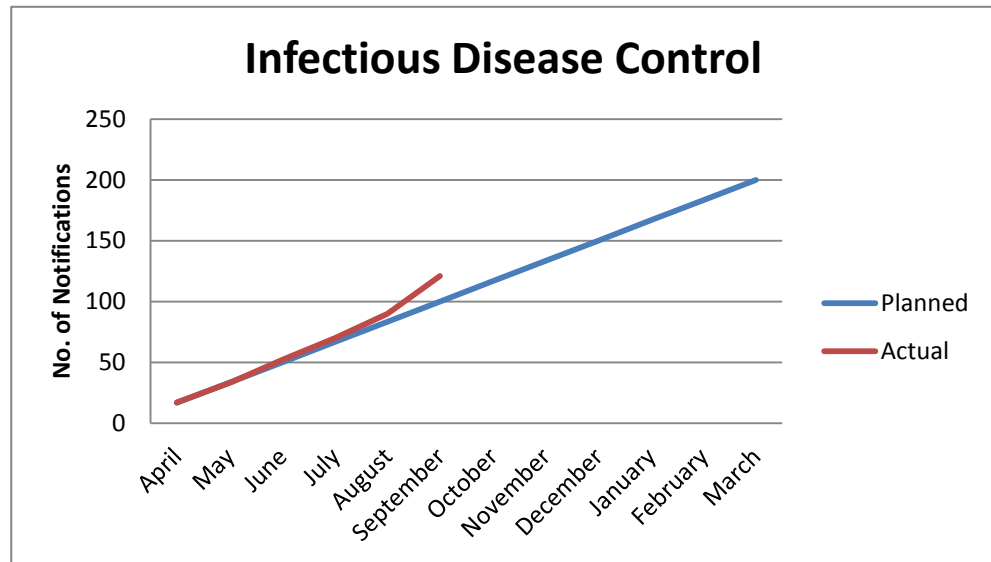
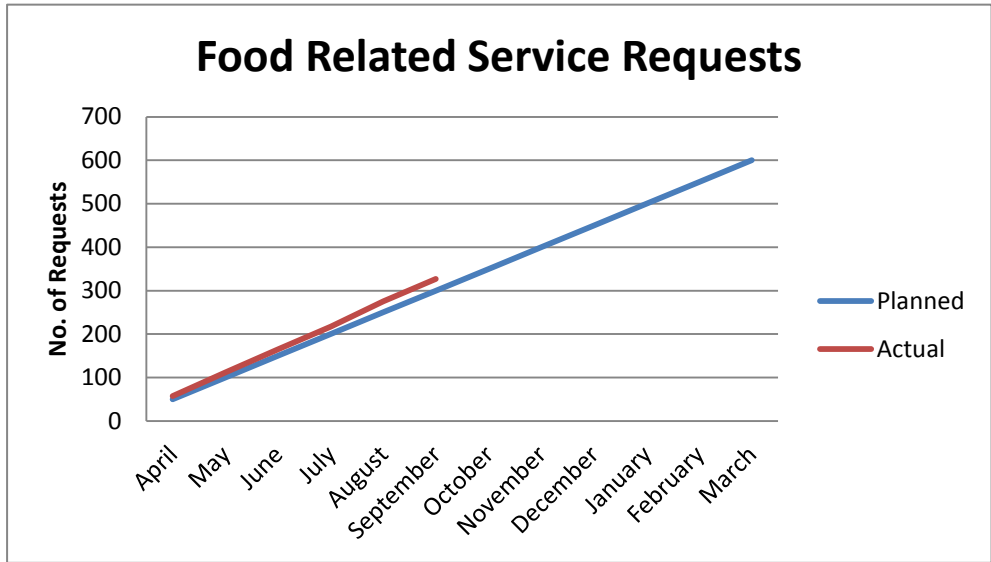
Inspections of New Food Businesses



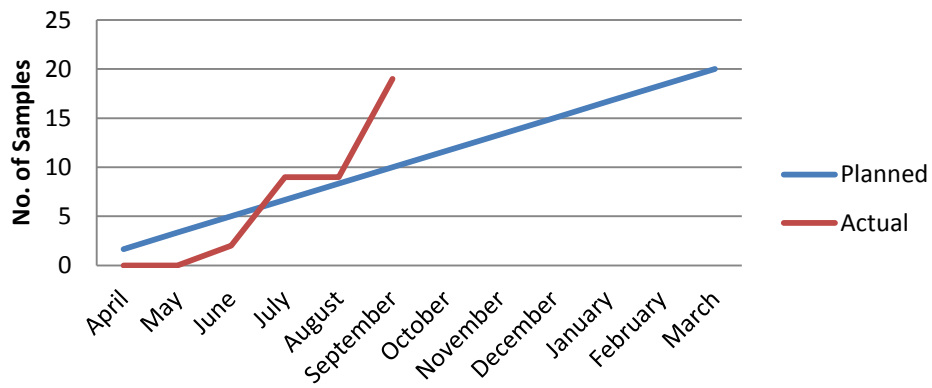
Inspections of Approved Establishments







Food, Water and Environmental Sampling



FSA Food Alerts

