

Dear Councillor

LICENSING AND PROTECTION COMMITTEE - TUESDAY, 21 JUNE 2016

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 2016/17** (Pages 3 - 34)

To consider the 2016/17 Service Plan for Food Law Enforcement.

- 5. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2016/17** (Pages 35 - 56)

To consider the Service Plan for Health and Safety Regulation 2016/17.

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Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	The Service Plan for Food Law Enforcement 2016-17
Meeting/Date:	Licensing and Protection Committee - 21 June 2016
Executive Portfolio:	Executive Councillor for Community Resilience - Cllr Steve Criswell
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Competent Authority and National Regulator for food safety and hygiene issues within England and it requires every local authority (food authority) to outline how it will fulfil its duty to deliver official food controls, national priorities and standards within the district. The arrangements detailing how and at what level the official controls will be delivered must be laid down in the form of a Service Plan for Food Law Enforcement ('Food Enforcement Service Plan'), and approved by the Council.

Guidance on the content of the Food Enforcement Service Plan is contained within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.

The food safety and hygiene enforcement function within the Council is delivered by the Commercial Team of the Community Division and the purpose of the Food Enforcement Service Plan is to explain how that enforcement function will be delivered. It also details the resources required to deliver it, together with a review of the previous year's performance.

Recommendation(s):

Members are requested to:-

1. Approve the 'Service Plan for Food Law Enforcement 2016-17' in accordance with the Council's Constitution.

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Food Law Enforcement Service Plan 2016-17 ("the Service Plan") to the members of the Licensing and Protection Committee. It invites their comments on the plan and their approval for the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2. The Council's new Constitution allows for the approval of the Food Law Enforcement Service Plan 2016-17 by the Licensing and Protection Committee.

2. WHY IS THIS REPORT NECESSARY?

- 2.1. Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement within the district. The Food Standards Agency (FSA), as the England's Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2. The food safety and hygiene function within the Council is delivered by the Commercial Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.

3. OPTIONS CONSIDERED

- 3.1. The Service has considered the requirements of the FSA Framework Agreement, the data from the 2015-16 Service Plan and the Corporate Plan 2016-18.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1. The work in the Service Plan will be delivered during the financial year 2016-17. It will be delivered alongside the Commercial Team's other core regulatory functions, namely health and safety, food-related infectious disease control, smoking in public places and private water supplies.

6. LINK TO THE CORPORATE PLAN

- 6.1. The Service Plan supports the Council's Corporate Plan and contributes to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1. The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 7.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3. This plan replaces the 2015-16 Service Plan approved by Council on 29 July 2015. Service Plans must include a review of performance in order to address any variances from meeting the requirements of the service plan and to identify areas for improvement.
- 7.4. The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2016-17 is 3.74% higher than for 2015-16 but this is almost entirely attributable to a 12% increase in the cost of overheads. This is due to changes in the methods of internal recharging which have been driven by the need to harmonise arrangements between the shared service partners. See section 4.1 of the Service Plan for a detailed breakdown of these figures.
- 8.2 The budget is within the approved budget for 2016-17

9. OTHER IMPLICATIONS

- 9.1. The FSA expects local authorities to carry out official controls in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1. Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. The 2016-17 Service Plan is challenging but achievable within the aspirations of the Council and the approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 - The Food Safety Service Plan 2016-17

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COMMUNITY DIVISION

SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2016-17

**Drawn up in accordance with the
Food Standards Agency Framework Agreement**

June 2016

INTRODUCTION

This is Huntingdonshire District Council's sixteenth Food Safety Service Plan. It covers all the elements of food safety and hygiene for which the Council has statutory responsibility.

The requirement to have a Service Plan is laid down by the Food Standards Agency (FSA) in its *Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*. One of the FSA's aims is to make Local Authorities' delivery of official controls effective, risk-based, proportionate and consistent.*

This Service Plan sets out how Huntingdonshire District Council will deliver its food law official controls in 2016-17. It will be reviewed and updated on an annual basis.

** Framework Agreement on Official Feed and Food Law Controls by Local Authorities, 2010, Amendment number 5*

Chris Stopford
Head of Community

EXECUTIVE SUMMARY 2016-17

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and consumers to secure the production, distribution and service of safe and wholesome food within Huntingdonshire. The plan is linked to Huntingdonshire District Council's Corporate Plan 2016-18.

These are the key activities which contribute to the overall aim.

- Planned and reactive inspections of registered and approved food establishments
- The investigation of service requests and complaints relating to food and food premises
- Where necessary, the submission of samples of food and water and environmental swabs for analysis
- The investigation of cases and outbreaks of food-borne and food poisoning illnesses.

Table One: Comparison of resources for 2015-16 and 2016-17

STAFF (Full Time Equivalent (FTE))	2015-16	2016-17
Environmental Health Officers (EHO)*	2.75	2.75
Environmental Health Protection Officers (EHPO)	1.45	1.45
Commercial Team Leader	0.50	0.50
	4.70	4.70
Admin Support Staff	1.30	1.17
	Total	6.0
		5.87
FINANCIAL	2015-16	2016-17
Direct Costs (salaries, NI and pensions)	£263,445	£264,329
Overheads (FLARE, Printing, Admin Support Central Support)	£148,069	£166,050
Other Direct costs (specialist equipment, laboratory services and sampling)	£6,250	£6,530
Total	<u>£417,764</u>	<u>£436,909</u>
Income (Primary Authority Partnership, health certificates)	<u>-£10,000</u>	<u>-£13,880</u>
NET EXPENDITURE	<u>£407,764</u>	<u>£423,029**</u>

* These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.8 FTE) since 31 December so in practice only 1.95 FTE EHO posts have been available to deliver the service since then.

** The overall budget for 2016-17 is 3.74% higher than for 2015-16 but this is almost entirely attributable to a 12% increase in the cost of overheads. This is due to significant changes in the methods of internal recharging which have been driven by the need to harmonise arrangements between the shared service partners. See section 4.1 for a detailed breakdown of these figures.

Table 2 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Actual 2015-16	Estimate 2016-17
Planned food hygiene inspections (risk group A-D, in addition to those below)	340	300
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	144	130
Revisits	119	100
Inspections of new food businesses	122	100
Visits to Approved Establishments	9	10
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	13	15
Other proactive visits (food, water and environmental samples/advisory)	165	150
Prosecutions	2	1
Formal action (service of notices)	23	20
Food safety and public health promotion	Project work linked to delivery of corporate aims; targeted food business support visits following inspections; advice given at the time of each inspection and the delivery of the targeted interventions; National Food Hygiene Rating Scheme (FHRS); Alternative Interventions to specific business groups including newsletters; development of targeted advice, newsletters, leaflets, website; promoting food safety initiatives; and leaflets providing information on preventing the spread of infectious diseases.	

*Each activity is charged to Cambridgeshire Catering and Cleaning Services (CCS) in accordance with the agreed cost recovery arrangements.

Table 3 – Unplanned (reactive) Activity

Reactive Tasks	Level of activity	
	Actual 2015-16	Estimated 2016-17
Food-related service requests/ complaints and service requests/ complaints re: food businesses	657	600
Food, water and environmental sampling (reactive)	28	100
Infectious disease control - notifications of food-borne/food poisoning illnesses	169	150
FSA food alerts for action	3	5

The administrative support workload includes producing post-inspection letters; data entries to Flare and Anite; taking and recording enquiries and service requests; collating data on infectious diseases; and collating information for the Food Standards Agency.

A balanced programme of work is proposed for 2016-17 which incorporates a full range of official food controls. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service being fully staffed.

DEVELOPMENT PLAN 2016-17

The following developments are planned during 2016-17. This work is in addition to the proactive and reactive work identified in tables 2 and 3. It is linked to the objectives and outcomes identified in the Corporate Plan and any regional or national strategies.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA's National Food Safety Week
- Review the basis upon which complaints and service requests are investigated
- Increase our proactive commitment to the provision of business support and compliance advice to new businesses

SECTION 1: FOOD SAFETY SERVICE - AIMS AND OBJECTIVES

1.1 Aims and Objectives

The overall aim of the service is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts For Action (FAFA) subject to available resources

1.2 Links to Corporate Objectives and Plans

The Service Plan supports the Council's Corporate Plan 2016-18. It contributes to several of the Strategic Objectives, with particular reference to the following:

Create, protect and enhance our safe built environment – dealing with significant breaches of food safety requirements which have the potential to put the public at risk

Develop more resilient communities to help people help themselves – the provision of information and advice to businesses and to the wider public

Accelerate business growth and remove barriers to growth – the provision of compliance advice to new and emerging businesses in order to help them “get it right first time” (see 3.5.2)

Become a customer focused organisation – dealing with new businesses in an advisory and educative way in order to build sustainable and trusting relationships at an early stage (see 3.5.3)

SECTION 2: BACKGROUND

2.1 Authority Profile

2.1.1 Covering almost 360 square miles and situated in the valley of the Great Ouse, the District of Huntingdonshire forms the most westerly part of Cambridgeshire.

2.1.2 Huntingdonshire has a population of around 173,600* which will rise as the local economy continues to expand. The employment rate in the district is 82.4% with 84.2% of people being economically active. The main centres are the historic market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

2.2 Organisational Structure

2.2.1 The food safety service is one of the services provided by officers within the Commercial Team which in turn is part of the Community Division. The Commercial Team is one of a number of teams which reports to the Head of Community.

2.2.2 Through the Council's Scheme of Delegation the food safety service has delegated responsibility for food safety enforcement and the Head of Community has the authority to instigate legal proceedings according to the Council's Constitution. The Council's current structure is shown in Figure 1.

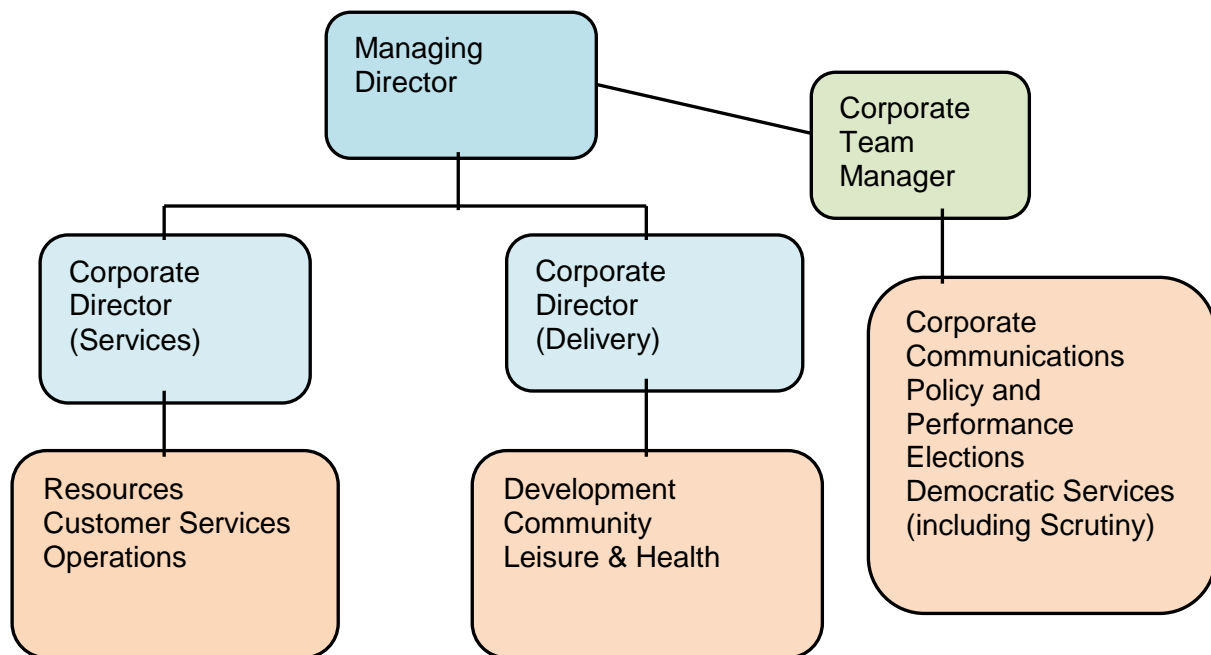


Figure 1: Huntingdonshire District Council's Organisational Structure

2.2.3 The Commercial Team Leader (CTL) is responsible for the operational management and co-ordination of the food safety service. The CTL also fulfils the statutory role of Lead Food Officer.

2.2.4 The resources in the budget that are allocated to the Commercial Team for the delivery of official food controls are shown in Table 4 below:

Commercial Team Leader (CTL)	The Council's Lead Food Officer. Strategic management of the team and development of the annual Service Plan. Day-to-day management of the service, performance monitoring, training and development, and delivery of an operational caseload. (0.5 FTE)
Environmental Health Officer	Proactive and reactive food safety work. (0.8 FTE) NB – post vacant since 31/12/14
Environmental Health Officer	Proactive and reactive food safety work. (0.75 FTE)
Environmental Health Officer	Proactive and reactive food safety work. (0.8 FTE)
Environmental Health Officer	Proactive and reactive food safety work. (0.40 FTE)
Environmental Health Protection Officer	Proactive and reactive food safety work. (0.8 FTE)
Environmental Health Protection Officer	Proactive and reactive food safety work. (0.65 FTE)
	Total of 4.7 FTE Officers

Table 4: Commercial Team resources

2.2.5 Based upon previous years it is anticipated that just over half of the available resources will be allocated to planned work, of which 75% will be for programmed inspections of food premises. This equates to 2.7 FTE for planned work and 2.0 FTE for unplanned (reactive work).

2.2.6 The vacant post means that the resources available to actually deliver the plan are 0.8 FTE less. This means that the available resources amount to 3.9 FTE.

2.2.7 Table 5 below gives details of the services provided by external agencies:

Name of Organisation	Type of Service	Frequency of Service
Public Health England (PHE), Thetford and Colindale.	Microbiological food and water sampling and advice on infection and disease control	As required
Anglian Water, Huntingdon	Chemical and microbiological water sampling	Ad hoc
Campden BRI	Food and foreign body/contaminant examinations and identifications	Ad hoc
Chartered Institute of Environmental Health (CIEH)	Information and advice. Materials for food hygiene courses	Ad hoc
Food Standards Agency (FSA)	Monitoring of performance, Information and advice	Ad hoc

Table 5: External Service Provision (Food Safety Function)

2.3 Scope of the Food Service

Officers delivering the food service form part of the Commercial Team and are responsible for these areas of work:

- Food safety advice and enforcement, proactive and reactive, including interventions, inspections, requests for service and working with businesses, including event organisers, other regulators and members of the public
- Provision of health certificates for exported foods
- Investigations and control of food poisoning and food-borne disease and other relevant infections as a result of information from businesses, members of the public and at the request of the Consultant in Communicable Disease Control (CCDC)
- Responding to food alerts and requests for action from the Food Standards Agency
- Sampling of food and water supplies
- Working with the Neighbourhoods Team to investigate complaints about refuse, drainage and odour nuisance associated with food businesses
- Consultee for premises licences and planning applications.

2.4 Demands on the Food Service

2.4.1 At the time of writing there are 1514 food businesses on the database. This figure includes home-based cake-making businesses, child-minders and businesses based outside of the district but which trade within it. It does not

include businesses which only trade occasionally or temporarily within the district such as at Continental Markets or at events such as the Secret Garden Party. The breakdown of businesses by type according to the Food Standards Agency (FSA) classification is shown in Table 6.

Primary Producers (e.g. farms)	26
Manufacturers/Packers	41
Importers	1
Distributor/Transporters	40
Food Retailers	268
Food Caterers	1080
Outside district	58
Total	1514

Table 6: Breakdown of food businesses in Huntingdonshire by FSA classification

2.4.2 The breakdown of premises by inspection rating category is shown in Figure 2 below.

	Cat A	Cat B	Cat C	Cat D	Cat E	Unrated	Total
As at 31/03/2015	18	42	274	427	651	106	1518
As at 31/03/2016	13	53	268	427	552	129	1442

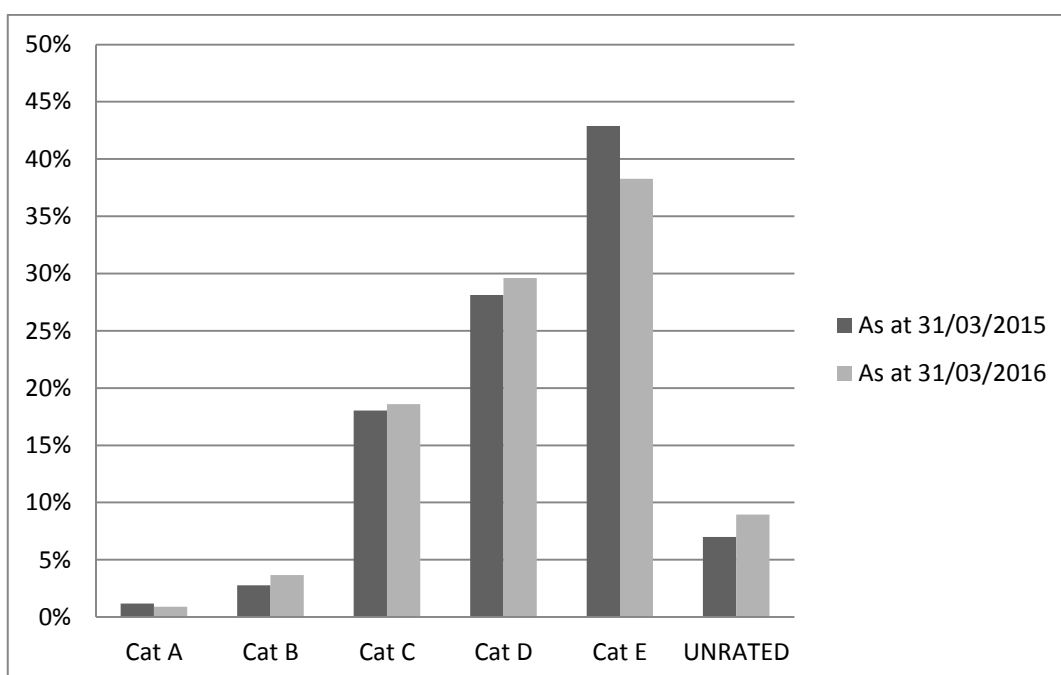


Figure 2: Category of food premises by Risk Rating 2014-15 and 2015-16 (as % of Total Premises)

2.5 Approvals and Specialist/Complex Processes

2.5.1 Food hygiene regulations require certain premises which handle food products of animal origin to be approved by virtue of their nature, scale or complexity. Within Huntingdonshire there are nine approved premises: four establishments approved for meat products; three establishments approved for egg packing; one establishment approved as a cutting plant and one as a cold store.

2.5.2 There are also businesses that use complex equipment such as vacuum packing machines and businesses carrying out complex processes such as cook-freeze and the curing of meat products. Suitably qualified and trained officers carry out interventions in businesses associated with specialist and complex processes and equipment.

2.6 Delivery of the Service

2.6.1 The Commercial Team is based on the first floor of Pathfinder House, St Mary's Street, Huntingdon. Customers can contact officers in the following ways:

- In person or by telephone between 9am and 5pm Monday to Thursday, 9am and 4.30pm Friday (01480 388302)
- By fax on 01480 388361
- By email: EnvHealth@huntingdonshire.gov.uk or food@huntingdonshire.gov.uk
- Advice and information about good practice and the service is available on the Council's website.

Officers are not on standby outside office hours but arrangements have been made with the FSA, Cambridgeshire Police and Public Health England so that officers can be asked to respond to major incidents and emergencies during evenings and weekends.

2.6.2 The following factors can have an impact on the delivery of the Service Plan:

- There were 169 food poisoning notifications in 2015-16, 42 of which required an investigation. Officers could also be called upon to investigate a serious workplace accident
- There are several outdoor events during the course of a year which involve food safety, water and health and safety considerations. These include events at Huntingdon Racecourse, Wood Green Animal Shelter and the Secret Garden Party together with an increasing number of festivals, continental markets, fêtes, fairs and events which create an additional workload for the team
- In 2015-16 officers responded to three Food Alerts for Action from the FSA. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain
- A routine complaint investigation identified significant breaches of legislation at a business producing vacuum packed food. The follow up investigation resulted in a national food product recall together with some

food sampling and lengthy liaison with the business and the FSA. The investigation took 75 hours to complete.

- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. In 2015-16 107 certificates were issued.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements and compliance with the FSA and BRDO have resource implications for the service
- The service has a Primary Authority Partnership agreement with Cambridgeshire County Council's School Meals Service which may have resource implications (see section 3.4 for more detail).

2.7 Enforcement Policy

2.7.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and follows the principles laid down in the Department of Business, Innovation and Skills Regulators' Code. The Food Safety Enforcement Policy has been approved according to the Council's Constitution.

2.7.2 In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group. The Commercial Team Leader represents the council at those meetings and subgroups can be set up to develop specific enforcement protocols and peer review models.

SECTION 3: SERVICE DELIVERY

3.1 Delivery Mechanisms

3.1.1 There are four key drivers which contribute to the service outlined in Section 1. In broad terms they are as follows.

- **Intervention driven:** work which is largely determined by the FSA Food Law Code of Practice. In the main this consists of programmed inspections and interventions at frequencies prescribed by the Code of Practice together with revisits and enforcement action in accordance with the Enforcement Policy
- **Demand driven:** work in response to complaints and requests for advice and guidance; investigation of food poisoning notifications; responses to FSA Food Alerts (in particular those which require action); and liaison with other Council services in support of wider corporate objectives
- **Intelligence driven:** responses to credible or verifiable information which suggests a risk to public health
- **Education driven:** the provision of advice, education and support to businesses and consumers; supporting national campaigns and strategies which are in the interests of public health and/or consumer safety (e.g. Food Safety Week).

3.1.3 Each officer has been allocated a specific geographical area which contains a diverse range of food businesses. The number and type of businesses is consistent with the officer's knowledge and experience together with any limitations imposed by the Code of Practice. In the case of larger businesses or those with unusual processes, there is a "buddy" system in place which ensures that at least two officers have some knowledge of those businesses.

3.2 Interventions at food businesses

3.2.1 These consist of the "official food controls" specified in the Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law. At the time of writing there are just over 400 businesses that will require some sort of intervention during 2016-17.

3.2.2 Unannounced full inspections are carried out at businesses in categories A and B. Category C premises will be assessed using a mixture of full and partial inspections: where possible partial inspections will be used for those with the best inspection history. Category D premises will be assessed using partial inspections and other official controls such as food sampling, surveillance visits and audits. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for low risk businesses.

3.2.3 Category E businesses are suitable for AES approaches which typically involve the completion of a self-assessment questionnaire by the business. Of the 414 businesses due for an intervention in 2016-17, 166 are in category D and 52 are in category E.

3.2.4 There are approximately 230 premises on the database at which the nature of the operation is transient, so low as to present little or no public health risk or unlikely to be viewed as a food business by the general public. These premises

cannot be removed from the database but could be classified as “No Inspectable Risk” (NIR). The available resources mean it is very unlikely that they will be inspected but they may be captured by AES approaches or visited in response to complaints.

- 3.2.5 The planned inspections in Table 2 do not include inspections of brand new businesses or those which change hands during the year. Nor do they include inspections of temporary or occasional businesses at markets, fairs or large public events. These will account for about 200 unplanned interventions in 2016-17.
- 3.2.6 It is estimated that about 25% of interventions will require some sort of follow up action to check compliance. This equates to about 150 revisits.
- 3.2.7 The frequency at which businesses must be inspected is outlined in Annex 5 of the Code of Practice and this information is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the FSA Brand Standard. Businesses can appeal against their rating can also request a rescoring visit after the inspection upon which their rating was based. In 2015-16 there were 23 re-score requests, two appeals and seven other enquiries and at least as many should be anticipated in 2016-17.
- 3.2.8 All officers who carry out official food controls are authorised in accordance with the Code of Practice.
- 3.2.9 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Complaints

3.3.1 These generally fall into one of the following categories:

- Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)
- Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)
- Complaints about food labelling and food information (‘use by’ dates and allergen information).

3.3.2 Based on previous years it is estimated that there will be about 200 such complaints in 2016-17. Table 3 shows the total number of food-related service requests, complaints and queries: this has risen steadily over the last five years and is up by just over a third since 2009-10.

3.4 Primary Authority Scheme

3.4.1 The service supports the Primary Authority Scheme. The Commercial Team Leader is the Council’s nominated officer for its partnership with Cambridgeshire County Council’s School Meals Service.

3.4.2 The partnership was established in August 2013. It was agreed that the Council would provide a maximum of 100 hours of support per year and that the cost would be recovered in accordance with BRDO Guidance. In 2015-16 the service provided 49.45 hours of support which brought in £2,600.

3.5 Advice to Businesses

3.5.1 Officers provide information and advice to businesses to help them comply with the law and to encourage the use of best practice. This is part of our enforcement policy and is achieved through a range of activities including:

- Advice to new businesses
- Advice during the course of inspections and other visits
- Targeted business support visits to poor performing businesses
- Site visits on request and where appropriate (e.g. prior to the opening of a brand new business)
- Reference to published and online resources such as the FSA 'Safer Food Better Business' (SFBB) pack
- Responding to enquiries from food business operators and food handlers
- Proactively contacting businesses to comment on plans at the planning stage
- Proactively contacting businesses to comment on applications for premises and temporary licences
- Targeted mail shots about legislative and policy changes and in response to FSA food alerts for action
- Twice yearly publication and distribution of a food and safety newsletter to all businesses
- Maintenance and development of the website with links to the Food Standards Agency's website.

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. In 2015-16 there were 297 requests for advice and training and is anticipated that there will be at least as many in 2016-17. .

3.5.3 In 2016-17 the team will adopt a more proactive approach to providing compliance advice to businesses. Where possible, the first contact with a new business will focus on the provision of advice which in turn should mean that subsequent inspections will be less likely to result in time consuming enforcement action or challenges to FHSR scores.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2016-17 there will be an increased commitment to sampling and where possible it will be used as an alternative to carrying out a full inspection, especially at category D premises.

3.6.2 Public Health England (PHE) covers the cost of analysing the samples. In 2004 an MTP bid was approved to cover the cost of sampling in the event that PHE reversed its policy. To date it has not been necessary to release this funding. The service did not incur any charges for sampling in 2015-16 but this cannot be guaranteed in the future. The team will take approximately 100 samples this year.

- 3.6.3 All sampling will be carried out in accordance with relevant legislation, the Code of Practice issued under the Food Safety Act 1990 and the departmental Standard Operating Procedure (SOP).
- 3.6.4 Samples will be analysed or examined by one of the laboratories authorised by the Council, details of which are set out in Table 5.

3.7 Control and Investigation of Food-related Infectious Diseases

- 3.7.1 Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.
- 3.7.2 An estimated 150 notifications will be received in 2016-17. This figure reached a peak of 310 in 2010-11 and dropped to 146 in 2012-13, since when there has been a small increase year-on-year. In 2015-16 there were 169 notifications only 42 of which required an investigation. In the event of a large outbreak there would be significant resource implications.
- 3.7.3 The Council has appointed the Consultant in Communicable Disease Control (CCDC) from Public Health England as the 'Proper Officer' under the Public Health (Control of Disease) Act 1984.
- 3.7.4 The departmental Standard Operating Procedure (SOP) and the joint PHE/LA outbreak control plan were both reviewed in 2014.

3.8 Food Safety Incidents

- 3.8.1 FSA food alerts for action will be dealt with in accordance with:
- the departmental SOP
 - the Food Law Code of Practice issued under the Food Safety Act 1990 and
 - any instructions issued by the FSA.
- 3.8.2 Most food alerts are Product Withdrawal Information Notices or Product Recall Information Notices which require little or no action. There are a significant number of allergy alerts but these too require little or no action or are dealt with by Trading Standards Officers (TSOs). Occasionally TSOs may ask for our support. Food Alerts for Action (FAFA) and ad hoc requests for action may have an impact upon programmed work but the numbers are relatively small. In 2015-16 there were only three FAFA requests.
- 3.8.3 Given the nature of food alerts, it is impossible to predict the likely demands and requisite resources with any accuracy. If a food alert is associated with a business based within Huntingdonshire then officers will be expected to devote more time to that alert than to one which originates elsewhere.

3.9 Liaison with Other Organisations

3.9.1 The Council recognises the importance of ensuring its enforcement approaches are consistent with those of neighbouring local authorities. Officers have access to the LGA Knowledge Hub and there is dialogue and liaison in a number of settings:

- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group (CPFOHSMG)
- Cambridge Water Company Liaison meetings
- Anglian Water Liaison meetings
- Flare User Group
- Food Standards Agency regional events
- Public Health England/Environmental Health liaison days
- Trading Standards/Environmental Health liaison days
- Chartered Institute of Environmental Health update events

3.9.2 The CPFOHSMG promotes consistency between officers and authorities, and where possible produces common policies and procedures. Where appropriate, subgroups can be convened to deal with a specific issue. The membership includes Lead Food Officers from Cambridgeshire and Peterborough as well as representatives from Public Health England, the Food Standards Agency and Trading Standards.

3.9.3 There is routine liaison and contact with officers from Planning and Building Control, Business Rates, the Fraud Team, Licensing and Legal as well as liaison and consultation with the Town Centre Managers where appropriate.

3.10 Food Safety and Public Health Promotion

3.10.1 Subject to resources, the proposals for 2016-17 include the following:

- FSA Food Safety Week – hygiene promotion targeted at consumers
- Food safety advice and information aimed at local consumers to support any FSA national campaigns
- Promotion of online food hygiene training and provision of CD ROMs
- The delivery of Level 2 and Level 3 food hygiene training courses
- Promotion of FSA Safer Food Better Business packs and associated training
- Promotion of the National Food Hygiene Rating Scheme (FHRS)
- Production of food safety newsletters sent to all businesses on our database
- Ad hoc lectures to schools and community groups upon request
- Seasonal hygiene and food safety linked press releases
- Maintenance and development of relevant information on the Council's website
- Providing support to existing businesses and to new businesses on food safety legislation, compliance and best practice
- Briefing sessions for new and existing food business operators on the implications of new and changing food safety legislation and in response to national events

- Attendance at relevant trade and business seminars to promote the work of the service

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements help the businesses in question but they are not official controls and do place additional burdens on the service. The businesses are charged a fee for each certificate and in 2015-16 this brought in just over £8,000.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2016-17 is shown in Table 7 below:

Direct Costs	£
Employees	
Salary (NI, Pension, training)	249,457
Supplies, transport	14,872
	264,329
Other	
Books & Publications	450
Printing	200
Materials	3,000
Equipment	1,500
Laundry	500
Water sampling	600
Catering	280
	6,530
Overheads	
Admin Support	76,730
Legal	0
Application charge - FLARE	0
Financial Services	4,789
Printing	0
Head of Community	7,891
Central Support	76,640
	166,050
Total	436,909
Income	
Costs recovered (Health Certificates; Primary Authority Partnership)	-13,880
Total Expenditure	423,029

Table 7: Food Safety Service Budget 2016-17

- 4.1.2 The overall budget for 2016-17 is 3.74% higher than for 2015-16 and this is almost entirely attributable to a 12% increase in the cost of overheads. This is due to significant changes in the methods of internal recharging which have been driven by the need to harmonise arrangements between the shared service partners. See section 4.1 for a detailed breakdown of these figures.
- 4.1.3 The estimated income of £13,880 comprises income from the Primary Authority Partnership and charging a fee to food businesses for the cost of certificates for food which is exported outside the EU.
- 4.1.4 All officers requesting remote access to the Council network have access to a laptop computer (PC) containing database, word processing, internet and intranet access, and email and spreadsheet packages. All the laptops have been upgraded with remote access to the Council network so that they are available for use by staff for out-of-office working and wireless enabled for touchdown working in HDC controlled premises.
- 4.1.5 In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers from the Commercial Team will assist in the first instance and if necessary additional officers can be drafted in from the Neighbourhoods Intervention Team. Reciprocal arrangements are in place across Cambridgeshire to allow staff to assist neighbouring authorities should the need arise.
- 4.1.6 The sum allocated to legal costs is based upon anticipated demand assessed over previous years, but should it prove insufficient then a request would be made to the Council for extra funds. This hasn't been necessary to date and there are no financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and compliance advice activities are provided by officers from the Commercial Team (6.23 FTE). There are seven posts in the team. One post has been vacant since 31 December 2014 and one is linked to a fixed term contract up to 31 March 2017. Of the 4.7 FTE posts in the budget for 2015-16, only 3.9 FTE were available to actually deliver the service. The available administrative support is 1.13 FTE.
- 4.2.2 Of the seven posts, five are currently EHO posts and two are EHPO posts.

4.3 Staff Development Plan

- 4.3.1 Officers are provided with whatever training is necessary to fulfil the requirements of the Code of Practice and any other centrally issued guidance. Where possible this is provided in-house.
- 4.3.2 Accredited CIEH food hygiene courses can only be delivered by suitably qualified and competent trainers who have satisfied the CIEH requirements. There are four registered trainers in the Commercial Team.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. External and third party monitoring is also used. In general terms these consist of:

- Reviews of premises inspection records in accordance with SOP CT04
- Commercial Team Leader (CTL) carries out observation visits with other officers
- Periodic reviews of policies and procedures
- Six weekly team meetings – programmed work is monitored against targets; reactive work is monitored with reference to management and closure of service requests
- Annual PDR meetings and six monthly review meetings
- Peer review and consistency exercises led by the CPFOHSMG
- Peer review and consistency exercises led by the FSA.

5.1.2 SOPs have been developed to cover the whole service. There are five combined SOPs, the scope of which also covers the health and safety service and 17 SOPs which refer specifically to the food safety service. They were all reviewed in 2014 and will be reviewed again in 2016-17.

SECTION 6: REVIEW

6.1 Review against the Service Plan

6.1.1 The Service Plan is supported by an action plan and performance measures. Progress will be reported to the Head of Community on request and to the Council's Management Team on a regular basis.

6.1.2 Progress will be reported in terms of the following indicators:

- Any agreed performance targets
- Any agreed targeted outcomes
- The Service Plan from the previous year.

6.2 Variation from the 2015-16 Service Plan

6.2.1 The Food Standards Agency Framework Agreement requires every Local Authority to review the previous year's performance against its service plan. The review must identify where the Authority was at variance from the service plan and, where appropriate, the reasons for that variance.

6.2.2 This review details the performance of the food service during 2015-16 and outlines any significant issues that impacted on the delivery of the service.

6.3 Programmed Work

6.3.1 The 2015-16 Service Plan estimated that almost 700 planned inspections of food businesses would be carried out, 451 of which would be full or partial inspections of premises in categories A, B, C and D.

6.3.2 All the inspections of category A and B premises were completed. Just over two thirds of the category C premises were inspected and three quarters of the category D premises.

6.3.3 Nine inspections were carried out at approved establishments which produce and/or handle products of animal origin (including meat-cutting plants, meat products, and egg packers).

6.4 Reactive Work

6.4.1 There were some unexpected or excessive demands on the service. Three businesses were prosecuted and three businesses volunteered to close temporarily because of poor conditions which presented a risk to public health.

6.4.2 In another case, a routine complaint investigation identified significant breaches of legislation at a business producing vacuum packed food. The follow up investigation resulted in a national food product recall together with some food sampling and lengthy liaison with the business and the FSA. The investigation took 75 hours to complete.

6.4.2 The commitment to the Food Hygiene Rating Scheme (FHRS) does place unforeseeable demands on the service. Food businesses can request a rescored visit or can appeal against a rating and the Brand Standard specifies the ways in which those requests must be handled. There were 25 such requests in 2015-16 each of which generated at least two additional visits.

6.4.2 The service received just over 650 complaints, enquiries and requests for service or advice. Just under a quarter related to suspect or contaminated food, unhygienic premises or poor hygiene practices. Just under one third were enquiries from existing or potential businesses and the remainder were made up of requests for export certificates, Primary Authority Partnership enquiries, FHRS enquiries and enquiries about the provision of food hygiene training.

6.5 The 2015-16 Development Plan

6.5.1 Section 6.10 of the 2015-16 Service Plan contained an action plan for the year. The following tables outline those commitments together with a review of performance.

Table 8 - Service Improvements

Commitment	Performance
Maintain, review and update the food premises database and include business email addresses so as to improve communication with businesses and identify savings	<i>The food premises database is managed in accordance with Standard Operating Procedure F02. It is updated using information collected during routine interventions, reviewed periodically (via team meetings) and subjected to an annual check prior to the submission of the annual return to the Food Standards Agency. There are just over 1500 food business records on the database of which 59.24% contain an email address: this is up from 55.4% last year. An increasing amount of routine correspondence is sent via email subject to the constraints of any legal processes.</i>
Maintain and review the Council's food service website content and access to information using social media	<i>A variety of social and web-based media were used to promote the Food Hygiene Rating Scheme. Typically these promotions were timed to coincide with Christmas, Mothers' Day, Valentine's Day and Bank Holidays but also to support national strategies such as Food Safety Week. The team secured a grant of £1300 from the FSA to promote the visibility of FHRS stickers and the CTL promoted the scheme in a live radio interview. The team now has its own Twitter account and regularly submits articles to Key Issues and other council publications</i>
To consider the outcome of the Food Standards Agency's review of the Food Law Code of Practice (England); to assess the implications of that review; and to determine the extent to which they impact upon the Council's role as a food authority	<i>The FSA competency frameworks were finally published in October 2015. Each officer's knowledge and experience has been assessed against the competency frameworks and whilst there were some minor shortfalls, these related to duties which are rarely if ever required, didn't prejudice the council's role as a food authority and have since been addressed</i>
Reintroduction of a programme of food and water sampling at selected premises	<i>28 food samples were submitted for analysis: thirteen were associated with a high profile case which involved liaison with the Food Standards Agency; eight were associated with some suspected illegally imported food and five were taken from food businesses trading at the Secret Garden Party.</i>
An assessment of the impact of	<i>The first stage was to remind businesses about their duty to</i>

the Food Standards Agency (FSA) E.coli Guidance on SMEs	<i>consider the guidance. We sent specific information to 308 businesses because of their poor compliance history. There was also an article in our last winter business newsletter a copy of which was sent to every business on our database. This approach can be evaluated at the time of the next routine inspection.</i>
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Table 9 – Business Support

Commitment	Performance
Facilitate delivery of, or deliver, relevant training to businesses.	<i>Five CIEH Level 2 courses have been delivered – 69 people attended the courses and this generated just over £4,100 of income Two short briefing sessions were delivered for the benefit of businesses with poor FHRS scores.</i>
Consider the development of a unit within the team to provide business support and to promote economic development.	<i>Not considered because of a lack of resources</i>

Table 10 – Partnership Working

Commitment	Performance
Maintain the Primary Authority Partnership (PAP) with Cambridgeshire County Council's School Meals Service and consider the feasibility of extending the Primary Authority Partnership Scheme to additional businesses.	<i>The partnership is now into its third year. Last year the introduction of Universal Infant Free School Meals (UIFSM) affected CCS's contribution to the partnership as it sought to manage the impact across its service. The profile of the partnership has been maintained by regular contact with senior CCS staff and with other local authorities and also by uploading more information to the secure website.</i> Extending the scheme to other businesses <i>All officers were encouraged to explore opportunities as they arose during the course of routine work but there are no new partnerships to report.</i>
Continue collaborative working with strategic partners, including Trading Standards and Public Health England, in areas of mutual interest such as Food Information Regulations, allergens, illegal meat, imported foods and the Public Health Agenda.	<i>This is ongoing work through the established networks and groups. The team took part in two peer review exercises to promote the consistent application and interpretation of food hygiene requirements and also secured a grant for £1300 from the Food Standards Agency to promote the Food Hygiene Rating Scheme (FHRS).</i>

Table 11 – Supporting the National Agenda

Commitment	Performance
To support any relevant national strategies such as the FSA's National Food Safety Week.	<i>The team has used social, online and broadcast media as follows:</i> <ul style="list-style-type: none"> • <i>To promote the visibility of FHRS window stickers</i> • <i>To promote businesses that have achieved an FHRS score of 5</i> • <i>To support the national "Our Day" project</i> • <i>To support national campaigns such as Food Safety Week</i> <i>One member of the team is a Council Communications</i>

	<i>Champion.</i>
Carry out a project to assess the management of allergen risks in food businesses within the wider childcare sector.	<i>Some joint visits with Trading Standards Officers were carried out but they were difficult to arrange and time consuming. The visits confirmed that EH staff were already assessing compliance during their own inspections and no further joint visits were carried out.</i>

6.6 Action Plan for 2016-17

6.6.1 The service is committed to the delivery of “official food controls” in accordance with the Code of Practice in order to fulfil the Council’s role as a food authority. The service will also respond to complaints, enquiries and requests for service in accordance with internal procedures and with regard to public health risk.

6.6.2 Subject to resources the service will also make the following commitments to the Council’s corporate aims and objectives.

- Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings
- The delivery of a programme of training courses to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- To review and develop the Primary Authority Partnership with Cambridgeshire Catering and Cleaning Services and to raise the profile of the partnership with relevant partners
- Maintain collaborative work with our key partners and fellow regulators
- To promote the service as widely as possible using all available media outlets
- To support any relevant national strategies such as the FSA’s National Food Safety Week
- Review the basis upon which complaints and service requests are investigated
- Increase our proactive commitment to the provision of business support and compliance advice to new businesses

Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	The Service Plan for Health and Safety Regulation 2016-17
Meeting/Date:	Licensing and Protection Committee - 21 June 2016
Executive Portfolio:	Executive Councillor for Community Resilience - Cllr Steve Criswell
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (rev5).

Recommendation:

Members are requested to:-

1. Consider the ‘Service Plan for Health and Safety Regulation 2016-17’ and if in agreement, approve the Service Plan for 2016-17.

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Service Plan for Health and Safety Regulation 2016-17 (“the Service Plan”) to the members of the Licensing and Protection Committee, invites their comments and their approval of the Service Plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2 (rev5).
- 2.2 The council’s role as a health and safety regulator is delivered by the Commercial Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year’s performance.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The Service has considered the national Enforcement Code, LAC 67/2 (rev5), the data from the 2015-16 Service Plan and the direction of travel for Huntingdonshire District Council in its Corporate Plan 2016-18.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE’s Local Authority Unit.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The work in the Service Plan will be delivered during the financial year 2016-17. It will be delivered alongside the Commercial Team’s other core regulatory functions, namely food safety, food-related infectious disease control, smoking in public places and private water supplies.

6. LINK TO THE CORPORATE PLAN

- 6.1 The Service Plan supports the Council’s Corporate Plan and contributes to the three strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.
- 7.2 The HSE’s National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.

7.3 The Health and Safety Service Plan is developed annually to ensure compliance with the Code. This plan updates the previous plan approved by the Licensing and Protection Panel on the 23 June 2015. Service plans must include a review of performance in order to address any variances from meeting the requirements of the service plan and identify areas for improvement.

7.4 This authority has a statutory duty to comply with the Code. These duties include requirements for the planning, management and delivery of the health and safety regulation service

8. RESOURCE IMPLICATIONS

8.1 The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads which is due to changes in the methods of internal recharging. These have been driven by the need to harmonise arrangements between the shared service partners.

8.2 The budget is within the approved budget for 2016-17

9. OTHER IMPLICATIONS

9.1 The HSE expects local authorities to carry out its regulatory activities in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Service Plan will meet those expectations.

10. REASONS FOR THE RECOMMENDED DECISIONS

10.1 Huntingdonshire District Council is required to produce, and approve a Service Plan for Health & Safety Regulation. The Service Plan for Health & Safety Regulation 2016-17 presents a robust plan which is achievable, but challenging, within the aspirations of the Council and approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 - The Service Plan for Health and Safety Regulation 2016-17

CONTACT OFFICERS

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COMMUNITY DIVISION

THE SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2016-17

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev5)**

June 2016

EXECUTIVE SUMMARY 2016-17

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and employees to protect people from unsafe working conditions.

The service is linked to the Council’s Corporate Plan and aims to comply with the Health and Safety Executive’s (HSE) “National Local Authority Enforcement Code”. Much of this work is directed by a national circular (LAC 67/2 (rev45 which outlines the ways in which local authorities should comply with the national code.

The health and safety service is one of the functions carried out by officers within the Commercial Team of the Community Division. Those officers also deliver regulatory and advisory functions in the fields of food safety, infectious disease control, drinking water safety and smoke free legislation.

RESOURCES

STAFF

	2015-16	2016-17
Environmental Health Officers (EHO)*	1.15	1.15
Environmental Health Protection Officers (EHPO)	0.35	0.35
	1.50	1.50
Admin Support Staff	0.75	0.16
Total	2.25	1.66

* These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

FINANCIAL

	2015-16	2016-17
Direct Costs		
Employees (salaries, NI and pensions)	£78,830	£79,614
Other (Legal fees, sampling, equipment etc.)	£10,848	£10,028
Overheads	£48,934	£22,063
TOTAL	<u>£138,611</u>	<u>£111,705</u>

Table 1 – programmed activity

Activity	Level of activity	
	Actual 2015-16	Estimated 2016-17
Premises inspections and interventions (including revisits)	197	100
Health and safety complaints	38	40
Accident and dangerous occurrence investigations	19	20
Specific smoke free enforcement visits	6	10
Health and safety promotion and advice to business/enquiries	e.g. provision of training courses, development of newsletter, leaflets, website, educational initiatives (in addition to those identified in “interventions”)	
Liaison with other organisations	Maintenance and development of existing links and initiatives both internal and external	
Staff development and training	Internal and external training courses, and development	
Service management	Overall supervision and management of service, policies and procedures	

The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads which is due to changes in the methods of internal recharging which have been driven by the need to harmonise arrangements between the shared service partners.

The administrative support comprises the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

A balanced workload has been proposed for 2016-17 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed.

Unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and staffing issues such as long term sickness.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Health and safety regulation represents an important mechanism for reducing accidents and ill health in the workplace as well as contributing directly to economic success and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.

1.2 The service aims to:

- Fulfil the statutory duty imposed on the council as a “Health and Safety Enforcing Authority” and ensure the effective regulation of health and safety standards and;
- Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.

1.3 The service seeks to meet these aims through a number of key actions which include:

- Securing compliance with health and safety law, having regard to Approved Codes of Practice and guidance
- Investigating complaints and taking appropriate action
- Delivering a programme of interventions in accordance with statutory guidance
- Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
- Maintaining a register of premises for which the Council has enforcement responsibility
- Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
- Responding to statutory notifications about the removal of asbestos or asbestos-containing material
- Taking samples of articles and substances as they relate to a working environment
- Providing advice and guidance, in particular to new businesses
- Working in partnership with other organisations to promote health and safety in the workplace.

1.4 The plans and initiatives to which the service must have regard include:

- The HSE's strategy "Help GB Work Well"
- The Council's Corporate Plan 2016-18
- The HSE's National Local Authority Enforcement Code
- The Better Regulation Delivery Office's (BRDO) Regulators' Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Commercial Team of the Community Division.
- 2.1.2 The team will deliver a mixture of proactive and reactive interventions which will be consistent with government guidance. In practice this will comprise programmed inspections of the highest risk workplaces alongside targeted projects aligned with LAC 67/2 (rev5). These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Whilst the need to work in accordance with national guidance is recognised, the service will also honour the Council's long standing commitment to provide support for businesses.

2.2 Health and safety inspections

- 2.2.1 There are 2371 premises on the database for which the Council is the health and safety enforcing authority. A breakdown by HSE classification is shown below. According to the database 71 businesses are due for an inspection during 2016-17. However, the National Local Authority Enforcement Code supported by LAC 67/2 (rev5) states that unannounced proactive inspections should only be used for the highest risk premises, those on HSE's published list of specific local authority enforced sectors and where there is local intelligence which shows that risks are not effectively managed. This means that many of the premises which are due for an inspection will not be visited unless they are within the specified categories.

Table 2 - Analysis of premises by type

Retail Shops	502
Catering, restaurants and bars	497
Offices	376
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	365
Wholesale, warehouses and fuel depots	218
Leisure and cultural services (e.g. cinema, place of worship)	151
Hotels, camp sites and other short-stay accommodation	54
Provision of permanent residential accommodation	53
Other premises (not classified above)	51
Not classified	104

2.2.2 It is the Council's policy that unannounced health and safety inspections are restricted to the highest risk premises and to those sectors identified in the national code. Other interventions will be used in accordance with the National Local Authority Enforcement Code.

2.2.3 Proactive inspections can also be carried out at premises where a food hygiene inspection and a health and safety inspection are both due in the same year. These premises will be inspected accordingly.

2.2.4 These are the high risk sectors that according to the National Code are suitable for unannounced inspections

- Open farms and animal visitor attractions
- Independent tyre fitters
- High volume warehousing and distribution
- Large scale public events
- Commercial catering premises that use solid fuel cooking equipment

2.3 Other health and safety interventions

2.3.1 LAC 67/2(rev5) identifies several other intervention types which can be used as an alternative to unannounced proactive inspections. These include the following:

- Visits by appointment
- The provision of advice and information
- Sector-specific initiatives which target local problems
- Responding to "local intelligence" which gives cause for concern.

2.3.2 We will continue to support HSE's wider strategic aims subject to available resources.

2.4 New business enquiries and inspections

2.4.1 Health and safety legislation does not require new businesses to notify the Council when they start up. The service has an online form which a business can complete instead and there is liaison with the NNDR team where necessary. All planning applications are circulated to officers for review and advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

2.4.2 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment

- Complaints about welfare-related issues such as working hours and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees
- Adverse Inspection Reports about lifting equipment and pressure vessels

2.5.2 They are investigated in accordance with internal procedures and central guidance.

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Enforcement Policy.

2.7 Licensing and registration

2.7.1 The service acts as a consultee for applications, representations for new premises licences, or variations to existing licences. Any public safety aspects of the proposals are considered and reported to the Licensing Officer. Visits are also carried out following applications for registration of skin-piercing and tattooing activities. The service also carries out inspections under the Zoo Licensing Act and Riding Establishments Act and administers the licensing processes.

2.8 Formal notifications

2.8.1 The Council receives formal notifications from specialist engineers relating to lifting equipment; work with asbestos; pressure systems and location of cooling towers. Follow-up work is often required in all these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 This year the service will increase its commitment to the provision of advice to new businesses. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

2.9.2 The Council supports the philosophy that effective regulation involves working with businesses. Officers will work with businesses to help them to comply with the law and to encourage the use of best practice. This is achieved through a range of activities which include:

- Awareness seminars and targeted mail shots prompted by changes in legislation
- Maintenance and development of the department's web site.
- Provision of training when resources permit
- A periodic business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups

2.10 Health and Safety Partnership Working

- 2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP). A company with multiple outlets in different local authority areas can invite one to set up a PAP. The local authority is not obliged to do so but if it agrees then it must be mindful of the significant demand on resources that will result.
- 2.10.2 Nationally there are almost 2000 direct partnerships with 176 different local authorities. It is estimated that there are about 60 companies in Huntingdonshire with partnerships. The Council doesn't have any health and safety partnerships but will consider doing so if approached. Such partnerships are resource intensive but costs can be recovered from the business partner.
- 2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group.

2.11 Enforcement Policy

- 2.11.1 Huntingdonshire District Council has signed up to the Enforcement Concordat. The Division endorses the principles laid down in the Better Regulation Delivery Office's Regulators' Code. .

2.12 Smoke free Implementation

- 2.12.1 Smoke free enforcement work has now become integrated into routine inspection activity and in response to specific complaints.
- 2.12.2 In the year up to 31 March 2016 our officers responded to 10 complaints about non-compliance with the regulations. Standards are also assessed during routine food hygiene and health and safety visits of which there were just over 900.

3.0 RESOURCES

3.1 Staffing

3.1.2 The Commercial Team comprises seven posts, one of which has been vacant since 31 December 2014. Administrative support is provided by the Community Administration Team.

	2016-17
Environmental Health Officers (1 post vacant since 31/12/14)	1.15
Environmental Health Enforcement Officers	0.35
	1.50
Admin support staff	0.16
TOTAL	1.66

3.1.3 These figures represent the full time equivalent posts on the establishment. There has been a vacancy (0.2 FTE) since 31 December so in practice only 0.95 FTE EHO posts have been available to deliver the service since then.

3.2 Financial

	2015-16	2016-17
Direct Costs		
Employees	£78,830	£79,614
Other (Legal fees, sampling, equipment etc.)	£10,848	£10,028
Overheads	£45,747	£22,063
TOTAL	<u>£138,611</u>	<u>£111,705</u>

3.2.1 The overall budget for 2016-17 is 19% less than in 2015-16. This is almost entirely attributable to a reduction in the cost of overheads caused by changes in the methods of internal recharging. These have been driven by the need to harmonise arrangements between the shared service partners.

3.2.2 The administrative support workload includes the production of detailed post-inspection letters, data entry to Flare, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE and CIEH returns and internal monitoring.

3.2.3 A balanced workload has been proposed for 2016-17 which incorporates a range of activity. Long-term sickness, vacancies and other absenteeism will prejudice our ability to meet the requirements of the service plan. These would impact on the completion of inspection targets and the delivery of the plan of work outlined in Section 5.4.

3.2.4 The impact of large-scale events such as the Secret Garden Party, carnivals and local heritage events also needs to be recognised. They

require significant staff resources during the planning and operational phases.

3.3 Competency and Professional Development

3.3.1 All members of staff are involved in a staff review and development process with annual appraisals and six-monthly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each contributes to the training programme.

3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2016-7 they will have access to any training which is necessary to fulfil the requirements of the Chartered Institute of Environmental Health (CIEH) Continuing Professional Development (CPD) scheme and the requirements of the Regulators' Development Needs Assessment and HSE Competency Frameworks.

4.0 QUALITY ASSESSMENT

4.1 The following methods are used to assist with the quality assessment of the service:

- Standard Operating Procedures
- Periodic benchmarking and peer review exercises
- Review of post-inspection paperwork by the Team Leader
- Periodic assessment of competencies
- Accompanied visits with the Team Leader
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues, consistency of enforcement, training issues.

5.0 REVIEW

5.1 Review of Performance

- 5.1.1 The Health and Safety Executive (HSE) has issued guidance to all local authorities. This requires them to review their performance in order that any variances from the requirements of the Service Plan can be identified.
- 5.1.2 The Service was not fully staffed for the year. A vacancy has been held open since 31 December 2014.
- 5.1.3 The Secret Garden Party, a licensed annual music and arts festival attracting over 25,000 visitors, required significant resources and officer involvement. This included the inspection of site infrastructure, displays, event areas, water and lake-based activities, car parking and camping areas. A large number of vendors were visited, and several food and water samples were taken. Formal action was taken where appropriate.

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Two improvement notices were served for significant breaches of health and safety requirements and one prohibition notice was served for an imminent risk to health and safety.

Table 3 shows a comparison with the enforcement activity carried out in the previous two years.

Table 3 – enforcement action

	2013-14	2014-15	2015-16
Total number of inspections, visits and revisits	259	172	99
Number of letters	104	104	42
Improvement notices	12	8	2

	2013-14	2014-15	2015-16
Prohibition notices	2	6	1
Simple cautions	3	0	0
Prosecutions	0	0	0
Health & Safety complaints	87	66	38
Accident Notifications	84	82	68

5.2.3 The reduction in the number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises. The number of letters includes all written notifications to employers, whether or not there were contraventions of health and safety requirements. Of these, 27 related to breaches of health and safety requirements.

5.3 A Review of the Service Plan

5.3.1 Section 5.4 of the 2015-16 Service Plan contained the plan of work for the year. The following is a summary of that work.

5.3.2 Several groups of premises were visited in order to assess the management of risks associated with the following

- Respirable dusts and fumes (including asthmagens).
- Vehicle movements in and around warehouses
- Work at height
- Lone working

No enforcement action was necessary.

5.3.3 A system was developed that allows officers to deal with “Matters of Evident Concern” (MEC) which are noted during other routine activities such as food hygiene visits. These include electrical and gas safety hazards, slip and trip risks and unguarded equipment. This ensures that potentially dangerous situations can be dealt with quickly without imposing unnecessary burdens on the business.

5.3.4 The databases of skin piercers and skin piercing premises were reviewed. There are several fundamental discrepancies which until resolved will hamper further work in this area.

5.3.5 All the highest risk (category A) premises were inspected. Enforcement action was taken to deal with any breaches of legal requirements.

5.3.6 Of the 68 accidents that were reported, 19 required an investigation. One of these involved a fatality at a local ski club and the investigation has been necessarily time consuming. It has involved extensive liaison with the Police and the Coroner's Office. The investigation has already accounted for over 100 hours of officer time and has yet to be completed.

5.4 Plan of work for 2016-17

5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (rev5), the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.

5.4.2 Whilst we recognise the need to work in accordance with national guidance we will also honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work. Where possible and according to risk, the first contact with a new business will focus on the provision of compliance advice.

5.4.3 Proactive inspections of existing premises can be carried out where a food hygiene inspection and a health and safety inspection are both due in the same year. There are 16 such premises and they will be inspected accordingly.

5.4.3 The work will be a mixture of conventional inspections and targeted interventions which will focus on the priority sectors and activities identified in the HSE Code together with support for the HSE's Help GB Work Well strategy.

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