

A meeting of the **LICENSING AND PROTECTION PANEL** will be held in **CIVIC SUITE 0. 1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **TUESDAY, 23 JUNE 2015** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meetings held on 24th March and 20th May 2015.

**C Bulman
388234**

2. MEMBERS INTERESTS

To receive from Members declarations, as to disclosable pecuniary and other interests in relation to any Agenda Item.

3. SERVICE PLAN FOR FOOD LAW ENFORCEMENT (Pages 7 - 44)

To consider a report by the Head of Community Services seeking comments on the draft Service Plan for 2015, the performance outturn for 2014/15 and proposed activity for 2015-16.

**C Stopford
388280
K Lawson
388291**

4. HEALTH AND SAFETY REGULATION SERVICE PLAN 2015-16 (Pages 45 - 70)

To consider a report from the Head of Community Services on the Health and Safety Regulation Service Plan 2015-16.

**C Stopford
388280
K Lawson
388291**

5. REPRESENTATIONS ON EXTERNAL ORGANISATIONS (Pages 71 - 72)

To make nominations to the organisations listed on the report by the Elections and Democratic Services Manager.

**C Bulman
388234**

6. LICENSING AND PROTECTION APPLICATIONS SUB GROUP (Pages 73 - 74)

To receive a summary of the meetings of the Licensing and Protection Applications Sub-Group that have taken place since the last meeting of the Panel.

**C Bulman
388234**

Dated this 12th day of June 2015



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it -*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

(e) any licence for a month or longer to occupy land in the Council's area;

(f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or

(g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

Non-Statutory Disclosable Interests

(4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*

(5) *A Member has a non-statutory disclosable interest where -*

(a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

(b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or

(c) it relates to or is likely to affect any body –

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs Claire Bulman, Democratic Services Officer, Tel: 01480 388234 / email Claire.Bulman@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held in Meeting Rooms 0.1A and B, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Tuesday, 24 March 2015.

PRESENT: Councillor J W Davies – Chairman.

Councillors I J Curtis, R S Farrer, R Fuller,
G J Harlock, Ms L Kadic,
S M Van De Kerkhove, M C Oliver,
T D Sanderson and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillor J P Morris.

22. MINUTES

The Minutes of the meeting of the Panel held on 27th January 2015 were approved as a correct record and signed by the Chairman.

23. MEMBERS INTERESTS

No declarations were received.

24. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2015-16

The Panel considered a report by the Head of Community (a copy of which is appended in the Minute Book) to which was attached a draft Service Plan for Food Law Enforcement for 2015-16. The Plan had been developed to comply with the requirements of the Food Standards Agency (FSA) and incorporated the aims and objectives of the service within the resources available, together with a review of the work undertaken in the previous year.

The Panel were informed that the draft Plan had been completed earlier than in previous years with the intention that it should be approved by the Council at the start of the operational year. Members' attention was then drawn to a number of aspects of the draft plan, which included the projected levels of programmed and un-programmed activity for 2014-15 and the estimated activities for 2015/16.

In terms of the resources that were available to deliver the Plan, the Panel's attention was drawn to the budgetary provision for 2015-16, which represented a reduction of 4.85% on the previous financial year. It was anticipated that the resources provided for 2015-16 would be sufficient to meet the requirements of the service provided. However in the event of a complex investigation or legal case or the introduction of central sampling charges, additional funds may need to be sought. Members were informed that the budgetary provision for legal costs had been incorporated into the Head of Community's Management costs. It was also explained that the Plan had been based upon the service remaining fully staffed and that there was

currently one vacancy within the Team that was proving difficult to fill.

Members' attention was then drawn to the developments that were planned for the service during 2015-16. These would be undertaken in addition to the programmed and reactive work already undertaken by the Council's Commercial Team and the views of the Panel were invited on the suggestions that had been made.

In response to questions from the Panel on specific activities within the Development Plan, Members were informed that it was not envisaged that the outcome of the Food Standards Agency's review of the Food Law Code of Practice (England) would have a significant impact on the authority or that there would be a cost to maximising the use of social and online media to market and promote the service. It was reported that the District Council's Management Team were keen to deliver the programme of training courses to help businesses comply with food hygiene requirements in-house. It was also reported that the use of consultants to assist with the day-to-day / routine inspection activities undertaken by the Team had not proven successful in the past.

In response to a question by a Member, the Panel received an explanation of the Primary Authority Partnership Scheme, which gives businesses the right to form a statutory partnership with a single local authority. It was reported that the District Council was currently in partnership with Cambridgeshire Catering and Cleaning Services (CCS). It was not uncommon for a number of the larger organisation to have several partnerships with different authorities.

Given that the authority had a statutory duty to comply with the Framework Agreement in accordance with the Food Standards Act 1999, Members questioned what flexibility the Authority had to cease undertaking any of its current activities should it be necessary to do so. In response, the Panel were advised that there was a certain degree of room for manoeuvre.

With regard to Members' involvement within the Service Plan, concern was expressed that the Licensing and Protection Panel only consider the Plan on an annual basis. Members were of the opinion that there was a role for Members during the course of the year to monitor performance against the levels of activity that had been estimated at the start and to contribute to the discussions on the work that may not be undertaken if there were to be resourcing issues. A Member also suggested that it would be useful to receive a regular report on the number of enforcement cases and activities currently being undertaken. In terms of the annual approval process for the Plan, the Panel was informed that work was being undertaken to streamline the process such that it would become less bureaucratic.

Having noted that the draft Plan was based upon the service remaining fully staffed and that the service would be under-resourced to meet the requirements of the service plan if staffing levels were not maintained, Members expressed concerns at the failure to recruit to the existing vacancy within the Commercial Team and the impact that this would have on the delivery of the plan for 2015-16. Whilst the Commercial Team Leader was optimistic that it would be possible to fill the vacancy, Members were of the opinion that the Panel should

not approve a Plan whilst the resourcing issues were still uncertain. With this in mind and having noted that there was no statutory timescale for the approval of the Plan and that by their next meeting it would be possible to provide an update on the recruitment situation, it was

RESOLVED

that consideration of the Service Plan for Food Law Enforcement 2015-16 be deferred to the Panel's next meeting in June 2015.

(At 14.14pm during the discussion on this item, Councillor S M Van de Kerkhove took his seat at the meeting).

25. GUIDELINES RELATING TO THE RELEVANCE AND TREATMENT OF CONVICTIONS - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

By means of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel considered a number of proposed amendments to the policy guidelines relating to the relevance and treatment of convictions for hackney carriage and private hire drivers.

The Panel were informed that the existing guidelines had been in place since 2011 and that changes had now been proposed to reflect recent legislative changes and to provide greater clarity on the treatment of convictions received by existing drivers. Having noted that the existence of clear guidelines would enable the Council to provide a consistency of practice and serve to mitigate the likelihood of legal challenge it was

RESOLVED

that subject to the inclusion of 'perjury' and 'perverting the course of justice' in 'Section 44 - the list of Offences of Dishonesty', the revised guidelines relating to the Relevance and Treatment of Convictions as appended to the report now submitted be approved.

26. LICENSING AND PROTECTION APPLICATIONS SUB GROUP

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Panel noted details of the six meetings of the Applications Sub-Group, which had taken place between 11th November and 10th March 2015.

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION PANEL held in Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 20 May 2015.

PRESENT: Councillors D Brown, Mrs S Conboy, J W Davies, R S Farrer, R Fuller, R Harrison, Ms L Kadic, S M Van De Kerkhove, D J Mead, P D Reeve and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillors K M Baker.

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor R Fuller be elected Chairman of the Panel for the ensuing Municipal Year.

Councillor R Fuller in the Chair.

2. MEMBERS INTERESTS

No declarations were received.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor L Kadic be appointed Vice-Chairman for the ensuing Municipal Year.

4. ANNUAL TRAINING

Members noted that the annual training for Panel Members would be held on Wednesday 10 June 2015 at 9.30am in the Civic Suite, Pathfinder House.

Chairman

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Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Service Plan for Food Law Enforcement 2015-16

Meeting/Date: Licensing and Protection Panel – 23rd June 2015
Council – 29th July 2015

Executive Portfolio: Councillor Roger Harrison

Report by: Head of Community

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. Consider the draft 'Service Plan for Food Law Enforcement 2015-16' and provide comments on the performance out turn for 2014-15 and the proposed activity for 2016-16.
2. Subject to the inclusion of comments from Licensing & Protection Panel, recommend that the Service Plan for Food Law Enforcement 2015-16 be presented to Council for approval, in accordance with the Constitution

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1. WHAT IS THE PURPOSE OF THIS REPORT?

- 1.1. The report formally presents the draft Food Enforcement Service Plan to the members of the Licensing and Protection Panel and seeks their comments on the plan, and their approval for the Food Enforcement Service Plan to be presented to Council. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.

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 Competent Authority and National Regulator for food safety and hygiene issues within England, requires every local authority to outline how it will fulfil its duty to deliver official food controls, national priorities and standards within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Food Enforcement 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 Food Enforcement 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 in producing the draft Food Enforcement Service Plan has considered the requirements of the FSA Framework Agreement, the actual outturn data for the 2014/15 Food Enforcement Service Plan, and the direction of travel for Huntingdonshire District Council in its Corporate Plan and Medium Term Financial Strategy

4. COMMENTS OF LICENSING & PROTECTION PANEL

- 4.1. On 24th March 2015, Licensing & Protection Panel considered a draft Food Safety Service Plan for 2015/16. In the knowledge that the Commercial Team was operating with a vacant post, in light of this the Panel deferred any decision on the report until full consideration of the vacant post had been given.
- 4.2. The draft Food Safety Service Plan for 2015/16 has now been updated with the actual outturn data for the 2014/15 financial year, consideration has been given to the resources necessary to delivery the proactive and reactive workload for 2015/16, and the proposed Development Plan for 2015/16.
- 4.3. To be updated following the meeting of the 23rd June 2015, prior to presentation to Council on 29th July 2015

5. KEY IMPACTS/RISKS

- 5.1. The failure to produce an appropriate Food Enforcement Service Plan outlining how the Council intends to fulfil its duty to deliver official food controls, national priorities and standards within the district could invite criticism from the Food Standards Agency which, as the Central Competent Authority, oversees local

authorities undertaking official food controls. This in turn may lead to contact from the FSA's Local Authority Audit team.

6. TIMETABLE FOR IMPLEMENTATION

- 6.1. The work identified within the Food Enforcement Service Plan will be delivered during the financial year 2015-16. The food safety and hygiene service 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.

7. LINK TO THE LEADERSHIP DIRECTION

- 7.1. The Food Enforcement Service Plan supports the Council's Vision of 'improving the quality of life for the people of Huntingdonshire' through the delivery of a risk based, proportionate, consistent and transparent food safety and hygiene service ensuring safe food provision within the District.

8. CONSULTATION

- 8.1. The Food Enforcement Service Plan is being presented to Members of the Licensing & Protection Panel in a consultation draft format to allow Members to provide feedback and comments on the document.

9. LEGAL IMPLICATIONS

- 9.1. The Food Standards Agency (the Agency) has a key role as the central competent authority in overseeing official feed and 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.
- 9.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the Agency recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 9.3. The Food Enforcement Service Plan is developed annually to ensure compliance with the Agency's Framework Agreement. This plan updates the previous plan approved by Council on 30 July 2014. 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.
- 9.4. This authority has a statutory duty to comply with the Framework Agreement in accordance with the Food Standards Act 1999. These duties include requirements for the planning, management and delivery of the local food law enforcement service

10. RESOURCE IMPLICATIONS

- 10.1. The overall budget for the food safety service for 2015-16 is £427,030 which represents a decrease of 4.85% on the previous financial year. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex investigation or legal case, or the introduction of central sampling charges, additional funds may have to be sought.
- 10.2. The budget is within the approved budget for 2015-16

11. OTHER IMPLICATIONS

11.1. The Food Standards Agency expects local authorities to carry out official controls in an effective, risk-based, proportionate and consistent way. The production, publication and delivery of the Food Enforcement Service Plan will meet these expectations.

12. REASONS FOR THE RECOMMENDED DECISIONS

12.1. Huntingdonshire District Council is required to produce, and approve a Food Enforcement Service Plan. The Food Enforcement Service Plan 2015-16 presents a robust food enforcement plan which is achievable, but challenging, within the aspirations of the Council and approved resources.

13. BACKGROUND PAPERS

The Food Safety Service Plan 2015-16

CONTACT OFFICER

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Head of Community
Tel: 01480 388280

Mr Keith Lawson
Commercial Team Leader
Tel 01480 388291

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COMMUNITY DIVISION

**SERVICE PLAN FOR
FOOD LAW ENFORCEMENT
2015-16**

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

May 2015

INTRODUCTION

This is Huntingdonshire District Council's fifteenth 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*. The FSA was established in April 2000 as an independent monitoring and advisory body and it is the Central Competent Authority for England. One of the aims of the FSA 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 2015-16. 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 2015-16

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 service is linked to Huntingdonshire District Council's Corporate Plan 2014-2016 and Sustainable Community Strategy 2008-2028, the FSA's Strategy to 2015 and Cambridgeshire's Health and Wellbeing Strategy.

These are the key activities which contribute to the delivery of 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
- The investigation of cases and outbreaks of food-borne and food poisoning illnesses.

Table One: Changes in resources from 2014-15 to 2015-16

STAFF (Full Time Equivalent (FTE))	2014-15	2015-16
Environmental Health Officers (EHO)	1.7	1.95
Environmental Health Protection Officers (EHPO)	2.0	1.45
Senior Environmental Health Officer	0.8	0.8
Commercial Team Leader	0.5	0.5
	5.0	4.7*
Admin Support Staff	1.3	1.3
Total	6.3	6.0*
FINANCIAL	2014-15	2015-16
Direct Costs (Employees)	£281,520	£279,140
Overheads (FLARE, Printing, Admin Support Central Support)	£162,010	£151,640
Other Direct costs (specialist equipment, laboratory services and sampling)	£10,300	£6,250
Total	<u>£453,830</u>	<u>£437,030</u>
Income (Primary Authority Partnership, health certificates)	<u>-£5,000</u>	<u>-£10,000</u>
NET EXPENDITURE	<u>£448,830</u>	<u>£427,030**</u>

* Overall the resources within the Commercial Team have decreased and there is a net saving of 0.3 full time equivalent staff (FTE).

** The overall budget for 2015-16 represents a decrease of 4.85% on the previous financial year.

Table 2 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Actual 2014-15	Estimate 2015-16
Planned food hygiene inspections (risk group A-D, in addition to those below)	594	450
Alternative Enforcement Strategy (AES) (cake makers child-minders)	163	130
Revisits	129	130
Inspections of new food businesses	145	100
Inspection of temporary food businesses	11	30
Inspection of Approved Establishments	8	5
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	12	15
Other proactive visits (food, water and environmental samples/advisory)	199	250
Prosecutions	0	1
Formal action (service of notices)	17	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 2014-15	Estimated 2015-16
Food-related service requests/ complaints and service requests/ complaints re: food businesses	626	600
Food, water and environmental sampling (reactive)	39	20
Infectious disease control - notifications of food-borne/food poisoning illnesses	179	200
FSA food alerts for action	5	20
Advice to business, enquiries/ response to business and consumer queries	Estimated 450+ service requests including support to new and existing businesses; responding to requests from colleagues in other organisations, including other local authorities and central government; and enquiries from the public and businesses on food safety matters, including individuals, voluntary organisations and event organisers.	
Staff development and training	Internal and external training courses, peer review exercises, update events, research	
Service management	Overall supervision and management of service, policy and procedural development. Responding to central government consultations and audits.	

The overall budget for 2015-16 represents a decrease of 4.85% on the previous financial year. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex investigation or legal case, or the introduction of central sampling charges, then additional resources may be needed.

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 workload has been proposed for 2015-16 which incorporates a full range of enforcement actions including food safety interventions, advice and guidance. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service remaining fully staffed. If staffing levels are not maintained, then the service will be under-resourced to meet the requirements of the service plan. This is likely to have an impact on the completion of inspection targets (particularly lower-risk businesses) and the delivery of the development plan as outlined below. Major incidents such as an outbreak of food poisoning or lengthy enforcement action would also have a significant impact on the delivery of the service plan.

The impact of large scale events such as the Secret Garden Party (SGP) and other major organised events needs to be recognised. The 2014 SGP accounted for 103 hours of officer time. This included pre-event liaison with the licensee, attendance at Safety Advisory Group meetings and monitoring compliance before, during and after the event.

DEVELOPMENT PLAN 2015-16

The following developments are planned during 2015-16. 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
- Consider the feasibility of extending the Primary Authority Partnership Scheme to other businesses
- Maintain the delivery of collaborative work with our key partners such as the Norfolk, Suffolk and Cambridgeshire Health Protection Team, Trading Standards and the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group
- Deliver a joint project with colleagues from County Trading Standards to assess the level of compliance with the requirements relating to the provision of allergen information to consumers
- To maximise the use of social and online media to market and promote the service.
- To support any relevant national strategies such as the FSA's National Food Safety Week.
- 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
- An assessment of the management of food allergens in the child care sector
- To consider the development of a unit within the team, the primary function of which would be to provide advice and support for businesses.

SECTION 1: FOOD CONTROL 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 aim, objectives and the Development Plan are intended to support the Council's Corporate Plan 2014-16. In particular they support the following strategic themes: a Strong Local Economy; Working with our Communities; and Providing a Customer Focused and Service-Led Council.

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 171,000* which will rise as the local economy continues to expand. The employment rate in the district is 81.2% with 84.5% of people being economically active** and the 2011 census identified 5.2% of the population as non-white and 4.5% of the population as White non British. The main centres are the historic market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

* HDC Area Population statistics (Office for National Statistics, Mid-2012)

** NOMIS official labour market statistics, Office for National Statistics May 2014

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 Community Services. 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 after consultation with the Chairman and Vice Chairman of the Licensing and Protection Panel. The Council's current structure is shown in Figure 1.

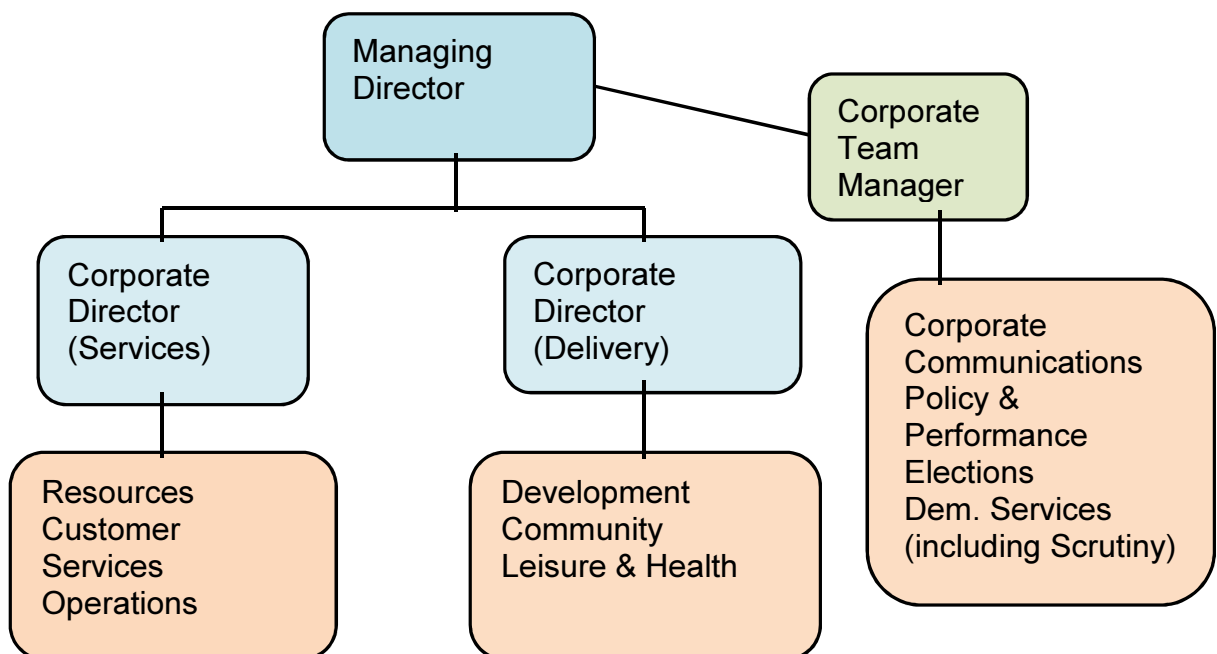


Figure 1: Huntingdonshire District Council's Organisational Structure

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. The CTL is supported by a Senior Environmental Health Officer.

2.2.4 The officers regularly involved in the provision of the food service 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)
Senior Environmental Health Officer (SEHO)	Proactive and reactive food safety work. Day-to-day reviews of inspection files, provision of technical and legal advice, reviews of enforcement notices and recommendations for prosecution. (0.8 FTE)
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 officers routinely involved in the delivery of food law enforcement

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).

2.2.7 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
Public Analyst (Lincolne, Sutton and Wood), Norwich	Analysis of food samples	Ad hoc
Anglian Water, Huntingdon	Chemical and microbiological water sampling	Ad hoc
Insect Research and Development Ltd, Medical Entomology Centre Cambridge	Insect identification	Ad hoc
BIS Better Regulation Delivery Office	Primary Authority support and Regulators Code information and guidance	On going
Campden BRI, Chipping Campden	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
Local Government Association (including the Knowledge Hub)	Information and advice	Ad hoc
Cambridgeshire County Council (including Trading Standards)	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.

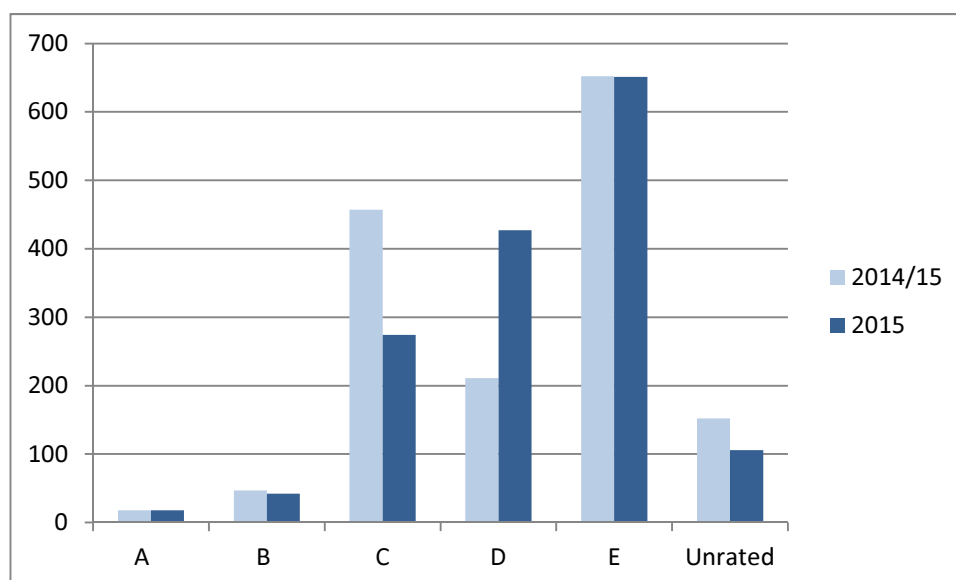
2.4 Demands on the Food Service

2.4.1 At the time of writing there were 1590 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	41
Manufacturers/Packers	38
Importers	1
Distributor/Transporters	41
Food Retailers	273
Food Caterers	1138
Outside district	58
Total	1590

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.



**Figure 2: Category of food premises by Risk Rating
2014-15 and 2015-16**

The most significant change is the number of premises in categories C and D. This is largely attributable to changes in the methods by which premises are categorised. These changes were introduced in the 2014 Food Law Code of Practice which was introduced in April 2014.

2.4.3 Approvals and Specialist/ Complex Processes

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: three establishments approved for meat products; four establishments approved for egg packing; one establishment approved for re-wrapping gelatine; and one establishment approved as a cutting plant.

There are also businesses using 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.

2.4.4 Delivery of the Service

The Food Service is located on the first floor of Pathfinder House, St Mary's Street, Huntingdon. Service users may contact officers in the following ways:

- In person or by telephone between 9 am and 5 pm Monday to Thursday, 9 am and 4.30 pm Friday (01480 388302)
- By fax on 01480 388361
- By e-mail: 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.

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

- There were just over 200 food poisoning notifications in 2014-15, just over 60 of which required an investigation. Officers can be called upon to respond to unforeseen emergencies within this work area (such as dealing with a major food poisoning outbreak or incident) at any time and this places significant demands on resources
- Officers could be called upon to investigate a serious workplace accident
- There are several outdoor events during the course of a year which involve food, 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
- Officers responded to seven Food Alerts for Action from the FSA last year. Some can be very time-consuming, particularly if they require action to be taken to ascertain and if necessary remove suspect or unsafe food from the food chain
- 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 signed
- 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).

2.5 Enforcement Policy

2.5.1 Huntingdonshire District Council has signed up to the Enforcement Concordat and endorses and follows the principles laid down in the Department of Business, Innovation and Skills Regulators' Code. The Council has regard to the Code for Crown Prosecutors when making enforcement decisions. The Food Safety Enforcement Policy was produced with regard to the Regulators' Code and has been endorsed by the Licensing and Protection Panel.

2.5.2 In order to promote consistent and proportionate enforcement the food safety service is an active member of Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group. Officers from the food safety team attend regular 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 which is 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 knowledge and experience of the officer 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 514 businesses that will require some sort of intervention during 2015-16.

3.2.2 Businesses in categories A, B, C and D will normally receive an unannounced full or partial inspection. 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 whilst at category D businesses interventions can alternate between official controls and other interventions. Of the 514 businesses due for an intervention in 2015-16, 216 are in category D and 49 are in category E.

3.2.4 This figure does not include inspections of brand new businesses or those which change hands during the year. Nor does it include inspections of temporary or occasional businesses at markets, fairs or large public events. It is estimated that these will account for an additional 150 interventions in 2015-16.

- 3.2.5 It is estimated that about 25% of programmed interventions will require some sort of follow up action to check compliance. This equates to about 130 revisits.
- 3.2.6 The intervention frequency 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 which allows businesses to appeal and request a rescoring visit after the inspection upon which their rating was based. In 2014-15 there were 24 such requests and at least as many should be anticipated in 2015-16.
- 3.2.7 All officers undertaking food hygiene interventions and inspections including specialist and complex processes, investigating complaints, responding to service requests, giving advice and taking samples, are authorised in accordance with the Code of Practice.
- 3.2.8 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or a specific operation within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Food Complaints

- 3.3.1 This work generally falls into one of the following broad categories:
- Complaints about food businesses such as hygiene, pests, food poisoning, and food handlers
 - 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 upon previous years it is estimated that there will be about 200 such complaints in 2015-16. 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 food safety 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.
- 3.4.3 In 2014 the service provided 83.25 hours of support. Some of this was associated with the initial setting up of the partnership rather than the development of inspection plans and assured advice. It is expected that more time will be devoted to these activities in 2015-16 without exceeding the agreed 100 hours.

3.5 Advice to Businesses

3.5.1 Officers provide information and advice to businesses to help them to 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 2014 there were 273 requests for advice and training from businesses and consumers and it is anticipated that there will be at least as many in 2015-16.

3.5.3 The service supports the Cambridgeshire Local Business Partnership Group.

3.6 Food Sampling

3.6.1 Food sampling activities will be delivered in accordance with the sampling policy. In particular, samples will be taken from the following types of business:

- those engaged in the handling or preparation of high-risk foods
- those producing and placing on the market food which has been identified in national or regional sampling programmes
- those supplying or placing on the market food or water subject to FSA requests for action, consumer complaints, intelligence or officers' concerns and
- those with private water supplies (if applicable).

3.6.2 Public Health England (PHE) provides free sample analysis for an allocated number of 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: HDC is a member of the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group and

all the members share information to ensure that any unused allocations can be taken up by other authorities. The service did not incur any charges for sampling in 2014-15 but this can't be guaranteed in the future. The service will aim to take approximately 80 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 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 aim of any investigation is to identify the source and cause of the infection and prevent further spread.

3.7.2 It is estimated that approximately 200 notifications will be received in 2015-16. This figure reached a peak of 310 in 2010-11, dropped to 146 in 2012-13, since when there has been a small increase year-on-year. In 2014-15 there were just over 200 notifications of which 140 were Campylobacter infections which did not warrant 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 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 generally 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 2014 there were only seven 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. It is estimated that there will be

20-25 in 2015-16. If a food alert is associated with a business which is 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
- Cambridgeshire Local Business Partnership Group
- 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 senior food law enforcement officers from Cambridgeshire and Peterborough as well as representatives from Public Health England and the Food Standards Agency.

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 2015-16 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
- Hygiene and food safety linked press releases, when appropriate, including summer and Christmas
- Maintenance and development of food safety guidance packs and advisory leaflets for businesses and consumers

- 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 and promotional materials
- Work with Cambridgeshire Business Partnerships to promote food safety and health improvement
- Provision of Alternative Interventions

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2015-16 is shown in Table 7 below:

Direct Costs	£
Employees	
Salary (NI, Pension, training)	261,710
Supplies, transport	17,430
	279,140
Other	
Books & Publications	350
Printing	200
Materials	3,000
Equipment	1,500
Laundry	600
Water sampling	600
	6,250
Overheads	
Admin Support	57,500
Legal	0
Application charge - FLARE	7,370
Financial Services	270
Printing	1,800
Head of Community	9,270
Central Support	75,430
	151,640
Total	437,030
Income	
Costs recovered (Health Certificates; Primary Authority Partnership)	-10,000
Total Expenditure	427,030

Table 7: Food Safety Service Budget 2015-16

- 4.1.2 The overall budget for 2015-16 is 4.85% lower than 2014-15. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex investigation or legal case, or the introduction of central sampling charges, then additional funds may have to be sought.
- 4.1.3 There is an anticipated income of £10,000 from the Primary Authority Partnership and from charging food businesses for the cost of certificates for food which is exported outside the EU. However, the funding from charging companies for issuing health certificates may change if the Government reviews this process.
- 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, e-mail 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. A number of officers have Blackberries as part of the service's commitment to mobile working.
- 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, then officers from within the Commercial Team will assist in the first instance and if necessary additional officers can be drafted in from the Neighbourhoods Intervention Team to assist. Reciprocal arrangements are in place between authorities in 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. There has been no occasion to date when this has been necessary, nor are financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action being required, such as the need to investigate an alleged food fraud or a likely risk to public health, such as alleged illegal meat slaughtering, which will result in unexpected resource implications, Local Authorities can apply for financial support from the FSA but this fund is at the discretion of the FSA and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and educational activities are provided by officers from the Commercial Team (6.23 FTE) with support from the department's Administration Team. The CTL manages the Commercial Team with support from the Senior Environmental Health Officer (SEHO). Currently the Commercial Team consists of seven officers. The resources allocated to food law enforcement amount to 4.7 FTE. The administration support amounts to 1.3 FTE.
- 4.2.2 Of the seven posts, five are currently EHO posts and two are Environmental Health Protection Officer 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. In order to ensure that there is a sufficient number of accredited trainers to deliver a programme of level 2 and level 3 food hygiene courses, resources have been made available for three members of staff to complete the CIEH level 3 Education and Training Skills programme.

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 those arrangements consist of the following:

- 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 target; 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.

SECTION 6: REVIEW

6.1 Review against the Service Plan

- 6.1.1 Historically the Service Plan has been initially presented to the Licensing and Protection Panel and presented to full Council for approval. This process is unnecessarily cumbersome and it is hoped that it can be streamlined in time for 2016-17.
- 6.1.2 This 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 at least quarterly.
- 6.1.3 Progress will be reported in terms of the following indicators:
- Any agreed performance targets
 - Any agreed targeted outcomes
 - The previous years' Service Plan.

6.2 Variation from the 2014-15 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 2014-15 and outlines any significant issues that impacted on the delivery of the service.
- 6.2.3 The Senior Environmental Health Officer left the Authority on 31 December 2014. She had her own operational caseload as well as providing the bulk of the day to day monitoring of programmed work. In particular she reviewed officers' inspection records, enforcement notices and recommendations for prosecution.

6.3 Programmed Work

- 6.3.1 The 2014-15 Service Plan estimated that almost 700 planned inspections of food businesses would be carried out, of which 392 would be full or partial inspections of premises in categories A, B, C or D. The projected figures suggest this target will be met although some category D inspections might not be carried out.
- 6.3.2 The priority has been to complete all the inspections of the highest risk businesses (categories A and B). At the time of writing there is no reason why those inspections will not be completed.
- 6.3.3 The 2014-15 Service Plan acknowledged the high number of low risk businesses (category E) that hadn't been inspected for several years and made a commitment to address this issue. It is well known that food businesses diversify to meet changing customer demands and it was important to determine whether any of the category E premises warranted closer attention. This was

identified in the development plan for 2014-15 and is covered in section 6.6.4.

6.3.4 Eight 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).

6.4.1 Reactive Work

6.4.1 The levels of reactive work have not placed any unexpected or excessive demands on the service. There have been no prosecutions and far fewer enforcement notices have been served. However two businesses volunteered to close because of poor hygiene conditions rather than face formal prohibition procedures and prosecution.

6.4.2 The commitment to the Food Hygiene Rating Scheme (FHRS) does place unforeseeable demands on the service. Food businesses can request a rescore visit or appeal against a rating and the Brand Standard specifies the ways in which those requests must be handled. There have been almost 40 such requests in 2014-15 each of which generated at least two additional visits.

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

6.5 The 2014-15 Development Plan

6.5.1 Section 6.3 of the 2014-15 Service Plan contained a development 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 efficiency savings.	<i>The food premises database is managed in accordance with Standard Operating Procedure F02. It is updated on an incremental basis using information collected during routine interventions, reviewed periodically (via team meetings) and subjected to an annual check prior to the submission of the Local Authority Enforcement Management System (LAEMS) return to the Food Standards Agency. An ever 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 customer information access through social media, including Facebook, Twitter and 'Shape Your Place'.	<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 and to promote BBQ safety.</i>
Resume delivery of targeted sampling, specifically in relation to national and local initiatives, and as a result of local intelligence or	<i>A total of 37 samples have been submitted since 1 April 2014. Although this represented a "resumption of targeted sampling" there were far fewer samples submitted than we intended. This was due in part to teething problems associated with the</i>

concerns.	<i>implementation and use of the UK Food Surveillance System Information Network (UKFSSiNet), in addition to which the team hasn't had the benefit of a designated member of staff to coordinate the sampling programme.</i>
Review the current strategy for dealing with 'low risk' category E food businesses and deliver targeted educational and official control interventions to low risk food businesses.	<p><i>The Service Plan For Food Law Enforcement 2014-15 (Table 6 p.21) reported that there were almost 700 "low risk" (category E) premises on the database, many of which hadn't been visited for several years. Many such businesses are included within the scope of the Food Hygiene Rating Scheme and will remain "Not Yet Rated" unless an inspection is carried out.</i></p> <p><i>There is a perception that the failure to rate low risk businesses places them at an economic disadvantage when compared to higher risk businesses which could be inspected as often as twice per year: however the Council must ensure that its resources are deployed in accordance with public health risk.</i></p> <p><i>In order to balance these conflicting demands, a project was delivered to target the category E premises which handled the widest range of food and/or those which were most likely to have diversified since the last inspection. A self-declaration questionnaire was used to capture up to date information about the businesses, the analysis of which identified those which warranted a full inspection.</i></p>
Continue to review existing and identify any new private water supplies within the district and carry out appropriate risk assessments as required by legislation.	<i>The implications of the Private Water Supplies Regulations 2009 are kept under constant review, with particular reference to the guidance from the Drinking Water Inspectorate (DWI) and the impact on high profile and popular temporary events such as the Ramsey 1940s Weekend and the Secret Garden Party. The team has maintained contact with event organisers and provided appropriate advice. An advisory leaflet entitled "Drinking Water at Temporary Events" has been produced which can be provided to anyone planning such an event.</i>

Table 9 – Business Support

Commitment	Performance
Deliver targeted business support, educational and enforcement interventions for high-risk businesses which consistently demonstrate poor compliance (ratings between 0 and 2).	<i>Businesses which have a poor track record of compliance can elect to have a Business Support Visit during which an officer will focus on the most significant or recurrent problems. Thirteen businesses have been visited since 1 April 2014.</i>
Deliver educational and advisory business support to new businesses to support compliance and promote food safety standards.	<i>Number of new business information letters sent out – 49 New Business Support Visits - 4 Responding to requests for advice - 207 up to 28/2/15 of which 46% were from start-up or new businesses</i>
Facilitate delivery of, or deliver, relevant training to businesses.	<i>Two CIEH Level 2 courses have been delivered One CIEH Level 3 course has been delivered A short "toolbox" training session was provided specifically for HDC Street Rangers in order to support compliance at markets</i>
Consider the development of a unit within the team to provide business support and promote economic development.	<i>Not considered but remains on the agenda</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 PAP is well into its second full year. There are now two documents on the secure PAP website and discussions have commenced about the development of Assured Advice on the subject of the control of allergens. There have been tentative enquiries from other businesses but none have led to any further discussions.</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>The Senior EHO played a significant role in the organisation and delivery of the joint Public Health England/Local Authority Liaison Day on 9 July 2014. The introduction of the Food Information Regulations provided the impetus for some long overdue collaborative working with Trading Standards colleagues with whom we share responsibility for the enforcement of the regulations in food businesses.</i>

Table 11 – Supporting the National Agenda

Commitment	Performance
Provide and display promotional materials to support the 2014 FSA National Food Safety Week.	<i>The theme for Food Safety Week 2014 was "Don't Wash Your Chicken". The key messages were promoted between 16 and 22 June using a variety of social media and by working with HCR104fm. The Commercial Team Leader took part in a live radio interview on 16 June 2014.</i>
Carry out a project to assess the management of allergen risks in food businesses within the wider childcare sector.	<i>This project was put on hold pending the introduction of the Food Information Regulations 2014. The regulations were introduced on 13 December 2013 and this piece of work has been carried over to 2015-16.</i>

6.10 Action Plan for 2015-16

6.10.1 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 due regard to public health risk.

6.10.2 The service will also endeavour to meet the following commitments in order to make a contribution 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

- Consider the feasibility of extending the Primary Authority Partnership Scheme to other businesses
- Maintain the delivery of collaborative work with our key partners such as the Norfolk, Suffolk and Cambridgeshire Health Protection Team, Trading Standards and the Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group
- An assessment of the management of food allergens in the child care sector
- To maximise the use of social and online media to market and promote the service.
- To support any relevant national strategies such as the FSA's National Food Safety Week.
- 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
- To consider the development of a unit within the team, the primary function of which would be to provide advice and support for businesses.

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Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Service Plan for Health & Safety Regulation 2015-16

Meeting/Date: Licensing and Protection Panel – 23rd June 2015
Council – 29th July 2015

Executive Portfolio: Councillor Roger Harrison

Report by: Head of Community

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive 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 imposed by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (rev4).

Recommendation(s):

Members are requested to:-

1. Consider the draft ‘Service Plan for Health and Safety Regulation 2015-16’ and if in agreement with the proposed plan, approve the Service Plan for 2015/16.

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1. WHAT IS THE PURPOSE OF THIS REPORT?

- 1.1. The report formally presents the draft Service Plan for Health & Safety Regulation 2015-16 to the members of the Licensing and Protection Panel and seeks their comments on the plan, and their approval for 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 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 imposed by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2 (rev4).
- 2.2. The health and safety function within the Council is delivered by the Commercial Team of the Community Division and the purpose of the Service Plan for Health & Safety Regulation 2015-16 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 in producing the draft Service Plan for Health & Safety Regulation 2015-16 has considered the requirements of the LAC 67/2, the actual outturn data for the Service Plan for Health & Safety Regulation 2014-15, and the direction of travel for Huntingdonshire District Council in its Corporate Plan and Medium Term Financial Strategy

4. KEY IMPACTS/RISKS

- 4.1. The failure to produce an appropriate Health and Safety Service Plan outlining how the Council intends to fulfil its duty to deliver adequate enforcement of the relevant statutory provisions could invite criticism from the Health and Safety Executive which, as the Central Competent Authority, oversees local authorities.. This in turn may lead to contact from the Health and Safety Executive Local Authority Audit team.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1. The work identified within the Health and Safety Service Plan will be delivered during the financial year 2015-16. The health and safety function 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 LEADERSHIP DIRECTION

- 6.1. The Service Plan for Health & Safety Regulation 2015-16 supports the Council's Vision of 'improving the quality of life for the people of Huntingdonshire' through the delivery of a risk based, proportionate, consistent and transparent health and safety service ensuring safe working environments within the District.

7. CONSULTATION

- 7.1. The Service Plan for Health & Safety Regulation 2015-16 is being presented to Members of the Licensing & Protection Panel in a consultation draft format to allow Members to provide feedback and comments on the document.

8. LEGAL IMPLICATIONS

- 8.1. The Health and Safety Executive has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities. Powers enabling the Health and Safety Executive to monitor and audit local authorities are contained in the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (rev4)..
- 8.2. The Code issued by the Health and Safety Executive recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 8.3. 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 24th June 2014. 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.
- 8.4. 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

9. RESOURCE IMPLICATIONS

- 9.1. The overall budget for the health and safety regulation service for 2015-16 is £121,413 which represents a decrease of 30.4% on the previous financial year. There have been significant changes in the Health and Safety executive Code with directed local authorities to review their commitment to health and safety regulation following the HM Government Deregulation and 'Cutting the Red Tape' agenda. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex investigation or legal case, or the introduction of central sampling charges, additional funds may have to be sought.
- 9.2. The budget is within the approved budget for 2015-16

10. OTHER IMPLICATIONS

- 10.1. The Health and Safety Executive 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 these expectations.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1. Huntingdonshire District Council is required to produce, and approve a Service Plan for Health & Safety Regulation 2015-16. The Service Plan for Health & Safety Regulation 2015-16 presents a robust plan which is achievable, but challenging, within the aspirations of the Council and approved resources.

12. BACKGROUND PAPERS

Service Plan for Health & Safety Regulation 2015-16

CONTACT OFFICER

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Mr Keith Lawson
Commercial Team Leader
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**ENVIRONMENTAL AND COMMUNITY HEALTH
SERVICES DIVISION**

**THE SERVICE PLAN FOR HEALTH AND
SAFETY REGULATION
2015-16**

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev4)**

April 2015

EXECUTIVE SUMMARY 2015-16

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 Leadership Direction strategy 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 (rev4)) 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

	2014-15	2015-16
Environmental Health Officers (EHO)	1.40	1.15
Environmental Health Protection Officers (EHPO)	0.50	0.35
	1.90	1.50
Admin Support Staff	0.75	0.75
Total	2.65	2.25

FINANCIAL

	2014-15	2015-16
Direct Costs		
Employees	£106,980	£65,692
Other (Legal fees, sampling, equipment etc.)	£9,570	£9,974
Overheads	£57,410	£45,747
TOTAL	<u>£174,360</u>	<u>£121,413</u>

Table 1 – programmed activity

Activity	Level of activity	
	Actual 2014-15	Estimated 2015-16
Premises inspections and interventions (including revisits)	173	150
Health and safety-related complaints	66	75
Accident and dangerous occurrence investigations	25	20
Specific smoke free enforcement visits	0	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 2015-16 is £121,413 which is 30.4% less than for 2014-15. This is because of the loss of an Environmental Health Protection Officer and the impact of the National Local Authority Enforcement Code which directs local authorities to review their commitment to health and safety regulation. It is anticipated that the budget will be sufficient to meet the demands of the service, but in the event of a complex legal case then additional funds will have to be sought.

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 PI monitoring.

A balanced workload has been proposed for 2015-16 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. Long-term sickness, staff secondments to other local authorities as part of a local agreement and long-term vacancies will prejudice our ability to meet the requirements of this service plan. This will have an impact on the completion of inspection targets and the delivery of the Development Plan as outlined below.

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.

1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 The health and safety regulation function 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 overall aim of the service is to work with businesses and employees to protect employees and the public from unsafe conditions within businesses for which the Council has enforcement responsibilities under the Health and Safety at Work Act 1974. In particular the service will:
- 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
 - 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 this aim 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
 - Carrying out a planned risk-based inspection programme 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 on request, 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 Council's Leadership Direction strategy
- The Council's Sustainable Communities Strategy 2008-2028
- The HSE's National Local Authority Enforcement Code
- The Better Regulation Delivery Office's (BRDO) Regulators' Code
- Huntingdonshire District Council's Corporate Plan 2014-16.

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 Commercial 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 (rev4). 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 2340 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 almost 230 of these businesses are due for an inspection during 2015-16, of which 170 haven't been inspected since before 1 January 2011. However, the National Local Authority Enforcement Code supported by LAC 67/2 (rev4) requires 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	506
Catering, restaurants and bars	491
Offices	370
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	351
Wholesale, warehouses and fuel depots	208
Leisure and cultural services (e.g. cinema, place of worship)	156
Hotels, camp sites and other short-stay accommodation	56
Provision of permanent residential accommodation	51
Other premises (not classified above)	55
Not classified	96

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 The health and safety premises database contains a number of businesses due for an inspection before 31 March 2016 whose inspection history is such that they are deemed to present a high risk and they have been placed in category A. They will have a full inspection during 2015-16.

2.2.4 The following high risk sectors have also been identified as being suitable for unannounced inspections in accordance with the national code.

- The management of legionella risks
- The management of risks associated with buried liquefied petroleum gas (LPG) pipework
- Working at height and transport risks in high volume warehousing
- The management of risks in premises with vulnerable working conditions and lone working.

2.3 Other health and safety interventions

2.3.1 LAC 67/2(rev4.1) 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 new planning applications are circulated to officers for review and appropriate advice is provided to the applicant where necessary. When new businesses open they are added to the inspection programme on the basis of risk.

2.5 Health and safety complaints and enquiries

2.5.1 Health and safety complaints 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.

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. The 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 those 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 of these areas to ensure that safe working practices are in place.

2.9 Advice to businesses

2.9.1 The service provides an opportunity for the Council to engage with local businesses and to protect the health of our community. The service provides guidance and advice with a particular focus on start-up businesses. This work helps to maintain public confidence in the safety standards of local businesses; helps them to comply with relevant legislation; and in turn promotes fair competition. This helps well-run businesses to flourish and to contribute to the local economy.

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:

- The provision of advice during the course of inspections and other visits
- Site visits prior to new businesses opening
- Responding to enquiries
- Commenting on plans at building regulation and planning application stages
- Awareness seminars and targeted mail shots prompted by changes in legislation

- Maintenance and development of the department's web site.
- The use of consultation mechanisms to seek comments on proposals and policies
- Consultations with local businesses to identify training needs and then facilitate relevant training courses and materials
- Provision of training when resources permit
- A bi-annual business newsletter which contains information about health and safety requirements
- Ad hoc seminars and lectures for schools, trade and voluntary groups
- Provision of free advisory leaflets for businesses and employees.

2.10 Health and Safety Partnership Working

2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAPS). A company with multiple outlets in different local authority areas can ask one of them to enter into 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 just over 1500 direct partnerships with 153 different local authorities. In Huntingdonshire it is estimated that there are just over 50 businesses with partnerships. Currently the Council doesn't have a health and safety partnership 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. There is regular dialogue in a variety of settings:

- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers' Group
- East of England Region Health and Safety Policy Forum
- Cambridgeshire and Peterborough Public Protection and Safety Group
- Cambridgeshire Business Partnership
- FLARE User Group
- Huntingdon Racecourse Safety Advisory Group
- Local business groups and networks.

2.10.4 There is regular liaison and consultation with officers from other departments within the Council on issues relating to health and safety such as planning and building control applications, the Corporate Office and Licensing. There is liaison with the Head of Legal Services where appropriate.

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 and will consider the Code for Crown Prosecutor's Guidelines when making enforcement decisions. The Enforcement Policy and subsequent reviews have been

endorsed by the Chairman and Vice Chairman of the Licensing and Protection Panel.

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 2015 our officers responded to 8 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 1000.

3.0 RESOURCES

3.1 Staffing

- 3.1.2 The Commercial Team comprises eight authorised officers, five of whom are Environmental Health Officers. Administrative support is provided by the ECHS Administration Team.

	2015-16
Environmental Health Officers	1.15
Environmental Health Enforcement Officers	0.35
	1.50
Admin support staff	0.75
TOTAL	2.25

3.2 Financial

	2014-15	2015-16
Direct Costs		
Employees	£106,890	£65,692
Other (Legal fees, sampling, equipment etc.)	£9,970	£9,974
Overheads	£57,410	£45,747
TOTAL	<u>£174,360</u>	<u>£121,413</u>

- 3.2.1 The overall budget for 2015-16 is £121,413 which is 30.4% less than for 2014-15. This is because of the loss of an Environmental Health Protection Officer post and the impact of the National Local Authority Enforcement Code which directs local authorities to review their commitment to health and safety regulation. It is anticipated that the budget will be sufficient to meet the demands of the service, but in the event of a complex legal case then additional funds will have to be sought.
- 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 2015-16 which incorporates a range of activity. The plan has been based on the Service being fully staffed. 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 are offered training to maintain and improve their level of competence. During 2015-16 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. An Environmental Health Protection Officer left the authority on 31 July 2014: the post was not advertised and was subsequently cut from the establishment. The Senior Environmental Health Officer left the authority on 31 December 2014 and the post is still vacant.
- 5.1.3 As a consequence of the issues identified above, the Service was not able to complete all the work that was identified in the service plan. However 259 premises had an inspection, intervention or visit. Further details are provided in section 5.3.
- 5.1.4 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. A growing number of other large-scale events, fairs, shows and heritage attractions place a significant demand on the service resulting in increased proactive and reactive work often at weekends and unsociable hours. These activities have been absorbed within existing budgets and resources but their impact should be noted.

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 normally 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. There were 14 enforcement notices served: 8 improvement notices for significant breaches of health and safety requirement and 6 prohibition notices for imminent risks to health and safety.

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

Table 3 – enforcement action

	2012-13	2013-14	2014-15
Total number of inspections, visits and revisits	273	259	172
Number of letters	124	109	104
Improvement notices	6	12	8
Prohibition notices	2	2	6**
Simple cautions	0	3	0
Prosecutions	4	0	0
Health & Safety complaints	89	87	66
Accident Notifications	96*	84	82

**4 of these notices were served on the same business but then withdrawn following liaison with HSE

*Changes to reporting requirements implemented in April 2012 have resulted in a gradual reduction in the number of notifiable accidents and incidents.

5.3 A Review of the Service Plan

5.3.1 Section 5.4.3 of last year's Service Plan described the Divisional Plan of Work for the year. The following is a summary of the activity in those areas.

5.3.2 The continuation of work to assess the management of piped gas safety risks in food businesses

There were more inspections of catering premises and some serious breaches of health and safety requirements were identified. All the highest risk premises have now been visited. There will not be a specific gas safety project in 2015-16 but instead gas safety checks will be integrated into routine inspections.

5.3.3 A project to assess the management of risks associated with the increasing use of solid fuel gas appliances in catering premises

Carbon monoxide monitors were installed in ten premises, three of which had living accommodation above the kitchen. This presents an additional risk if there are elevated levels of carbon monoxide. All the businesses were required to install carbon monoxide alarms, in one of

which the alarm sounded when the ventilation system malfunctioned. This allowed a member of staff to vacate the premises before he was exposed to dangerous levels of gas.

- 5.3.4 A project to assess the management of risks in premises within the “beauty sector”. This will primarily focus on tattooing and body piercing activities together with the emerging nail bar sector

Skin piercing and tattooing can be high risk activities if they are not properly managed and regulated, with the risk of blood-borne infections such as hepatitis. The Council has a number of premises and artists in its database who are registered to undertake the practice of tattooing and skin piercing activities in its district. This database is old and the records may not be accurate or up to date. In the past, premises and people have been registered with minimal scrutiny of the applications and premises; however, there has not been any recent scrutiny of the practices and management of these premises.

This intervention carried out a review of the way that the Council operated the current registration schemes for the practices of skin piercing and tattooing. A Standard Operating Procedure (SOP) has been developed which will put into place a procedure for dealing with the registration of premises and people who wish to undertake tattooing and skin piercing. An inspection programme is also being developed for these premises which will be based on the principles of the CIEH tattoo toolkit and Annex F of the HSE LAC 67/2 (rev4).

There are seven nail bars on the premises database all of which were visited to assess the management of risks associated with exposure to hazardous substances, the most significant of which are respirable hydrocarbons with carcinogenic properties. No enforcement action was necessary but several of the premises had insufficient mechanical ventilation and written advice was provided.

- 5.3.4 A project to assess the management of risks associated with working with pesticides

The purpose of the project was to assess the management of risks associated with the use of pesticides in the leisure, entertainment and grounds maintenance sectors. Twenty premises were included in the project, eleven of which were visited. The businesses responded positively to our interventions, levels of compliance were good and the project provided a useful learning and development opportunity as it involved premises and work activities outside our normal sphere of operation.

- 5.3.5 A project to assess the management of security and lone working risks in retail premises. This will also involve working with the Council's Licensing Team and the local Crime and Disorder Partnership

This intervention initially targeted 10 food businesses which offered fast-food late-night refreshments in the St Neots area. The visits were chosen to coincide with their food hygiene inspection or revisit or were in an area where there had been incidences of violence and/or anti-social behaviour.

These visits assessed the measures that food businesses had taken to reduce the likelihood of violence occurring on their premises. This intervention found that the internal lighting was deemed adequate in all the premises while the external lighting was adequate in only 56% of the premises. The internal design/layout was deemed to be adequate in 89% of the premises. 22% of food businesses admitted to allowing their staff to work alone in their premises.

All the businesses had a system in place for managing the amount of cash handled, or readily available in the till as well as a safe system for banking the takings. 33% of the businesses conceded that a member of the staff have been subjected to robbery, violence, aggression or abusive behaviour of some description.

33% of the food businesses have provided training in dealing with robbery, violence, aggression or abusive behaviour was 67% of the businesses providing no training in such matters. 56% of the businesses had enhanced security, such as CCTV. 78% of the businesses did not have a defined system for reporting, recording instances of robbery, violence, aggression and/or abusive behaviour. Again 78% did not have a risk assessment and reporting/recording instances.

- 5.3.6 A continued commitment to the provision of information and advice to new and emerging businesses as part of the Council's wider support for the local economy

There were nineteen requests from businesses for specific health and safety advice. Most of them were dealt with by providing verbal or written advice but there were also eleven specific business support visits.

- 5.3.7 Unannounced inspections of the highest risk premises based upon their inspection history or HSE classification.

The highest risk premises are classified as category A and are based upon historical inspection records. Twelve such premises were identified at the beginning of 2014-15 and they were all visited. Many had been included in subject-specific projects in previous years but these visits highlighted the fact that general standards of safety management were poor. Most of them will need to be inspected again during 2015-16.

5.4 Plan of work for 2015-16

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2 (rev4) and the National Health and Safety Regulators' Code which specifies and directs the premises for which unannounced proactive inspections are deemed to be appropriate (high risk premises). The code directs that unannounced inspections must not be used for other types of premises and that alternative interventions must be considered.

- 5.4.2 Whilst we recognise the need to work in accordance with national guidance we are also keen to honour the Council's long standing commitment to provide support for businesses and this will be reflected in this year's plan of work.

- 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.

**REPRESENTATION ON EXTERNAL ORGANISATIONS
(Report by the Elections and Democratic Services Manager).**

1. INTRODUCTION

1.1 The Council's representation on a variety of organisations is reviewed annually. Listed below are those organisations to which the Licensing and Protection Panel have been invited to nominate representatives.

Organisation	Nominating/ Appointing Panel	Proposed Representative(s) for 2015/16	Representative(s) for 2014/15	Approx Number of Meetings Per Annum	Allowance Payable S - Subsistence T - Travelling	Term of Appointment
Cambridgeshire Consultative Group for the Fletton Brickworks Industry	Licensing & Protection	E R Butler and Head of Community or nominee	Councillor E R Butler and Head of Community	2	S & T	Annual
Little Barford Power Station Liaison Committee	Licensing & Protection	A Hansard and Head of Community or nominee	Councillor A Hansard and Head of Community	1	S & T	Annual
Needingworth Quarry Local Liaison Committee	Licensing & Protection	R Carter, M Francis and Head of Community or nominee	Councillors R Carter, M Francis and Head of Community	2	S & T	Annual
Warboys Landfill Local Liaison Committee	Licensing & Protection	PLE Bucknell and Head of Community or nominee	1 x Councillor PLE Bucknell and the Head of Community (or their nominees)	1	S & T	Annual

2 RECOMMENDATION

2.1 The Panel are invited to make nominations to the organisations listed above.

BACKGROUND PAPERS

Contact: Mrs C Bulman, Democratic Services - (01480 388234.

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Agenda Item 6

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Subject Matter: LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

Meeting/Date: Licensing and Protection Panel – 23 June 2015

Executive Portfolio: Councillor T D Sanderson – Executive Councillor for Strategic Economic Development and Legal

Report by: Head of Community

Ward(s) affected: All

1. INTRODUCTION

- 1.1 The Applications Sub-Group comprising four Members of the Licensing and Protection Panel is convened when necessary to determine such matters in the case of an individual licence or application which has not been delegated to officers. Below is a summary of the meetings that have taken place since the last meeting of the Panel. Full Minutes are available on request.

Meeting Date	Chairman	Application	Determination
22 April 2015	J W Davies	Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence Review of an existing Hackney Carriage and Private Hire Drivers Licence Hackney Carriage and Private Hire Licensing – New Application Hackney Carriage and Private Hire Licensing – New Application	Written Warning Deferred to permit a further opportunity for the licence holder to attend. Deferred. Refused Allowed to proceed.
1 May 2015	G J Harlock	Hackney Carriage and Private Hire Licensing – New Application Review of an Existing Joint Hackney Carriage and Private Hire Drivers Licence Review of an existing Joint Hackney Carriage and Private Hire Drivers Licence	Refused Written Warning Written Warning
19 May 2015	J W Davies	Hackney Carriage and Private Hire Licensing – New Application	Refused
19 May 2015	R J West	Review of an existing Hackney Carriage and Private Hire Drivers Licence	Written Warning.
11 June 2015	R Fuller	Review of an existing Hackney Carriage and Private Hire Drivers Licence	No further action.

2. RECOMMENDATION

2.1 The Panel are invited to note the above information.

BACKGROUND PAPERS

Minutes of the Licensing and Protection Applications Sub-Group.

Contact Officer: Mrs C Bulman, Democratic Services - (01480 388234.