

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in **CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 13 MARCH 2019** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. **MINUTES** (Pages 5 - 10)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 17th October 2018.

**Democratic Services
388169**

2. **MEMBERS INTERESTS**

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

3. **MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS**
(Pages 11 - 20)

To consider the monitoring report on the delivery of the Food Law Enforcement Plan and the Health and Safety Service Plan for the period 1st April 2018 to 31st January 2019.

**S Walford
388002**

4. **SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2019-20**
(Pages 21 - 52)

To comment on the Service Plan for Food Law Enforcement 2019/20.

**S Walford
388002**

5. **SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2019-20** (Pages 53 - 76)

To consider the Service Plan for Health and Safety Regulation 2019-20.

**S Walford
388002**

6. **LICENSING AND PROTECTION SUB COMMITTEES** (Pages 77 - 78)

To receive a summary of the meetings of the Licensing and Protection Sub Committee that have taken place since the last meeting of the Committee.

**Democratic Services
388169**

7. **SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERES**

To consider a report by the Head of Community, summarising the

Licensing

actions which have taken place since the last meeting of the Licensing and Protection Committee.

387075

8. ANNUAL LICENSING TRAINING

To note that Annual Licensing Training for all Members of the Licensing and Protection / Licensing Committee will be held on Wednesday 5 June 2019 at 10am.

Dated this 5 day of March 2019



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, 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 Committee/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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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in CIVIC SUITE 0.1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 17 October 2018.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell, S J Corney, Mrs A Dickinson, Mrs P A Jordan and L W McGuire.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Ms A Diaz, Mrs S A Giles and D J Mead.

15. MINUTES

The Minutes of the meeting held on 20th June 2018 were approved as a correct record and signed by the Chairman.

16. MEMBERS INTERESTS

No declarations were received.

17. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress against the delivery of work in the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st April to 30th September 2018.

With regards to the Food Law Enforcement Service Plan, the Committee's attention was drawn to the comparison of recorded activity against predicted activity in each of the programmed work service areas. Members received an update on those activities where progress had been rated as amber. In doing so, Members commented on the 348 outstanding inspections of category A-D premises and noted that 'food sampling' arrangements could be put in place to ensure that some inspection of these had taken place. The Committee were pleased to note that recruitment to the vacant posts within the Commercial Team had now been successful, as this had had a significant impact on service delivery.

In terms of the unplanned (reactive) work, Members were advised that the number of complaints and service requests had been much higher than expected over the summer period. Further work was now being undertaken to determine whether there was any underlying cause for the increase, although it was suggested that the prolonged period of hot weather may have been a contributing factor.

The Committee were advised that the Commercial Team continued to

deliver the food hygiene training programme with a very high success rate. Although the District Council's Primary Authority partnership with Cambridgeshire Catering Services was in the process of being dissolved as the County Council had now out-sourced the rest of the school meals service. An update on the Better Business for All Initiative was also provided and Members were informed that work had begun with other local authorities in the area to develop a regulatory advice brochure to promote services and signpost to support.

It was reported that the Food Standards Agency were continuing to refine their "Regulating our Futures" programme with the intention of modernising the regulation of food businesses and the Committee received an update on their recent progress. Members also noted that the decision to leave the European Union would necessitate changes to the Council's delegated powers and officer authorisations.

In presenting progress against the delivery of the Health and Safety, the Committee were informed that the number of inspections was down as a result of reported accidents being higher than envisaged. The Coroner's Inquest into the death reported at Hammerton Zoo had not yet concluded.

Whereupon, it was

RESOLVED

that progress on the delivery of the Service Plans for the period 1st April to 30th September 2018 be noted.

18. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee considered the contents of a revised Hackney Carriage and Private Hire Licensing Policy for Huntingdonshire District Council. Appended to the draft policy were proposed revisions to licensing conditions and a revised convictions policy for the Authority (Annexes 1 to 7) which will sit underneath the overarching policy.

The Committee were reminded that Members had approved a draft policy for consultation at their meeting on Wednesday 20th September 2017. The results of the consultation had been brought back to the Committee's last meeting and been in favour of establishing an overarching taxi policy. A revised policy had now been formulated for the Committee's consideration (as set out in Appendix A to the report now submitted).

Members were advised that the new policy sought to address new and recent statutory duties placed upon the Council, provided an opportunity to re-visit a number of existing policies and procedures and enabled the consideration and introduction of a number of new discretionary initiatives to raise standards within the taxi service..

The Licensing Manager was then invited to outline the significant areas in which changes had been made and Committee members went on to discuss these in turn.

The Committee noted that a decision was required as to whether magnetic signage or fixed signage should be permitted for Private Hire Vehicles and went on to discuss the advantages / disadvantages of both options. Having noted that East Cambridgeshire and South Cambridgeshire offer both alternatives and the intention of the Licensing Manager to undertake further enforcement and monitoring which would enable Members to revisit the matter if any issues were seen to be emerging, it was agreed that proprietors should be offered a choice of signage.

The Committee went on to discuss the wording of door stickers for Private Hire vehicles. Having noted that the intention was to remind customers that unless they have pre-booked the vehicle the vehicle insurance was invalid, Members did not agree with the options for wording which had been suggested within the report. It was suggested that the wording should simply state "Insurance Invalid unless Pre-booked".

Members also discussed the introduction of local knowledge and competency tests, together with those for Safeguarding, Child Exploitation and Disability Equality and noted that the Authority would be able to set its own parameters for success / failure.

With regards to Annex 2 – Vehicle Licence Conditions for Private Hire and Hackney Carriages, the Committee were advised that the changes which had been made enabled the Authority to specify much clearer guidelines for the maintenance of vehicles. Following a suggestion from Council Officers, it was agreed that Sections 6 (k) and (l) of these conditions should be removed to reflect modern day lifestyles.

Members were reminded that they had previously discussed whether there should be a uniform appearance for Hackney Carriage vehicles. Having noted the reasons for this not having been included in the draft policy before them, Members of the Committee remained of the opinion that this warranted further investigation and could be considered with a longer lead-in time. However not wishing to hold up the other improvements and having noted that this could be considered as part of further work which would be undertaken on air quality and emissions, the Committee requested that the Head of Community Service report back on the matter to a future meeting.

Whereupon, it was

RESOLVED

- a) that the taxi licensing policy for Huntingdonshire District Council as set out in Appendix A to the report now submitted be approved to take effect from 1st January 2019;
- b) that subject to the removal in of section k and l in Section 6 of the Vehicle Licence Conditions (annex 2) the conditions of licensing as attached at annexes 1 to 7 of the report now submitted be adopted to take effect from 1 January 2019;

- c) that the wording of door stickers for private hire vehicles be “Insurance invalid unless pre-booked’ and that this sit alongside the unique license number to demonstrate it is a HDC authorised vehicle;
- d) that the requirement to have permanent or magnetic door signs displaying the plate number issued by HDC be approved;
- e) that the introduction of a 5 year maximum age of a vehicle at first date of licensing be introduced;
- f) that existing drivers be required to complete the training on Safeguarding, Child Exploitation and Disability Equality;
- g) that the Head of Community in consultation with the Executive Councillor for Operations and Regulation be authorised to make minor amendments to the policy and annexes that are considered necessary without the need to consult on the whole document;
- h) that the Head of Community be authorised to investigate and implement the most appropriate and cost effective method of delivering the Safeguarding, Child Exploitation and Disability Equality training and the implementation of the knowledge, English and Mathematics testing. (The periods for implementation to be delegated to the Head of Community for determination in line with the processes put in place);
- i) that in the event it did not prove possible to implement or deliver any measures proposed within the new policy by 1 January 2019, authority be given to the Head of Community to implement such measures as soon as possible thereafter; and
- j) that the Head of Community be requested to report back to a future meeting on the potential to introduce a uniform appearance for Hackney Carriage Vehicles.

19. SCHEDULE OF FEES AND CHARGES

With the assistance of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee were advised of details of revised fees and charges for the taxi licensing service and animal welfare licensing with effect from 1 December 2018.

In respect of taxi licensing fees, the Committee were advised that the proposed changes primarily reflected a move to three year licences for drivers and five year licences for operators. Full year costs and income would be monitored over a rolling two year cycle. Member’s attention was then drawn to an error in Appendix A to the report which should read “Garage CoC test Private Hire *and Hackney Carriage Saloon* re-test”.

With regards to Animal Licensing, Members were advised that the Authority was required to review its current fees and charges to respond to changes resulting from the Animal Welfare Act 2018 and to ensure that the Council’s processes were aimed at full cost

recovery. A new model to calculate fees had been adopted which reflects service costs more effectively and allows a benchmark with other authorities. Members were also advised that the total costs had been split to reflect the costs of processing an application and grant of a licence and there was an additional cost for re-inspection.

Whereupon and having noted that under the Council's Code of Financial Management, Service Managers were responsible for reviewing and varying fees and charges annually after consultation with the Executive Councillor, it was

RESOLVED

that the new schedule of fees and charges for Hackney Carriage and Private Hire Vehicles and Animal Activity Licensing as set out in Appendix A to the report now submitted be noted.

20. LICENSING AND PROTECTION SUB COMMITTEE

With the aid of a report by the Elections and Democratic Services Manager (a copy of which is appended in the Minute Book) the Committee received and noted the details of five meetings of the Licensing and Protection Sub Committee which had taken place between 27th June and 10th October 2018.

21. URGENT ITEM - SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS

Prior to consideration of the matter it was announced that in accordance with Section 100B (4)(b) of the Local Government Act 1972, the report was being considered as an urgent item of business to enable the Committee to be kept up to-date with relevant and urgent issues regarding licensing.

Following which with the aid of a report by the Head of Community (a copy of which is appended in the Minute Book) the Committee noted the details of actions which had been taken since the last meeting under the Head of Community's delegated authority.

Chairman

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**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 13 March 2019
Executive Portfolio:	Executive Councillor for Operations and Regulation - Councillor M L Beuttell
Report by:	Operational Manager (Business) – Susan Walford
Ward(s) affected:	All

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2018-19 were approved by committee on 20 June 2018.

This monitoring report covers the period from 1 April 2018 to 31 January 2019. Ten months into the implementation of these plans. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

Programmed work is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

Appendices 1 and 2 contain detailed information about the delivery of the Food Law Enforcement Service Plan. Appendix 3 contains detailed information about the delivery of the Health and Safety Service Plan.

Vacant posts impacted on targets and service delivery for the first six months of the year. The impact was mitigated by prioritising higher risk interventions and complaints whilst providing business support to maintain a quality service.

Recommendation:

Members are requested to:-

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 31 January 2019.

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the period between 1 April 2018 and 31 January 2019.

2. WHY IS THE REPORT NECESSARY?

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

- 3.1 Food Law Enforcement consists of the following areas of work:
- a) Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
 - b) Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
 - c) Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
 - d) Supporting national strategies and the wider public health agenda.
- 3.2 Health and Safety regulation consists of these areas of work:
- a) Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
 - b) Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
 - c) The provision of compliance advice to businesses.

4. PROGRESS AGAINST THE APPROVED PLANS

- 4.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.
- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. The key activities of compliance revisits, approved premises inspections and other proactive visits are all green. Inspections of premises within the risk based programme and those of new food businesses are both at red, this is owing to the impact of vacancies within the team and a higher number of new food business registrations coming through. The alternative enforcement strategy is currently at amber; this is not however an immediate concern as these are our very low risk premises that are assessed by means other than visits and will be followed up throughout the remainder of the year.
- 4.3 The current focus is targeting those outstanding category A-D premises requiring an intervention before the end of March. Official controls will be undertaken in all high risk premises (A and B) by this date. Premises that have a history of poor performance project will be visited whilst those rated C and D that are broadly compliant may be subject to an alternative intervention other than a full or partial inspection. Current enforcement activity involves a pending prosecution against a food business operator who was preparing food in an area which lacked adequate natural or artificial lighting.
- 4.4 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand, so they are closely monitored and prioritised according to risk using publicly available selection criteria. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. Complaints and service requests were much higher than expected over the summer period and appear to relate to factors associated

with higher temperatures such as spoilage of food within the use by date and problems with refrigeration units. These have now reduced and there are fewer complaints being received overall. There continues to be a number of reports concerning suspected food poisoning where the affected individual has not consulted the GP for a diagnosis. Such reports are generally used for intelligence gathering.

- 4.5 The food hygiene training programme is continuing to be delivered with a very high success rate. We are also continuing to promote primary authority, participating in a pilot with Regulatory Delivery the section of government responsible for the primary authority regime. This work seeks to establish effective collaboration with signpost-2-grow and neighbouring authorities to link business with a regulator who is able to delivery primary authority services.
- 4.6 The Better Business for All programme has developed with local authorities in the area forming a steering group with Signpost-to-Grow and Regulatory Delivery. Work has commenced to draw up a regulatory advice brochure which will be web-based and readily available to businesses to promote services and signpost to support. Once this is available there will be a staff launch and wider engagement with the business community. Funding has been secured to digitise the advice brochure in collaboration with Anglia Ruskin University.
- 4.7 The Food Standards Agency continue to refine their Regulating our Futures programme. The aim is to modernise how food businesses are regulated to check that our food is safe and what it says it is. The vision is for a sustainable, flexible and adaptive system designed to leverage changes in business's behaviour, rather than to deliver regulation in the traditional sense. Recent updates include:
- The new on-line registration process is currently being trialled by 40 local authorities. Benefits include automatically generated targeted advice to the business registering giving access to relevant information and guidance. It will also allow real-time access to registration details of all businesses in England, Wales and Northern Ireland. Integral to the new system will be processes for generating a unique identifier for each registration and for verification of the person responsible for each business. Plans are being shaped by the service to migrate to the new system when it is rolled out and will involve an awareness programme to inform businesses of the new process, this will form part of the service plan for 2019-20.
 - The proposal to develop a new risk engine is still in the trial phase and is not expected to be released with the new enhanced registration system in Spring 2019.
 - Changes to the code of practice will include reference to the introduction of Standards for Primary Authority National Inspection Strategies for the first time. Whilst these are suited to businesses that demonstrate high levels of compliance it is not anticipated that many companies will adopt them over the short term.

This represents a change in expectations for 2019 giving a much longer implementation period for the new measures allowing for better planning and preparation.

- 4.8 In preparation for the UK leaving the EU, the FSA are developing a training programme on imported food controls.
- 4.9 The Health and Safety Service Plan also contains a mixture of programmed work, reactive work and the provision of compliance information and advice. The number of inspections carried out is down with reported accidents being higher than envisaged and taking resources. The proposed LEAN review of the service has been rescheduled owing to unforeseen circumstances.

- 4.10 The Coroner's Inquest into the death reported at Hamerton Zoo has been scheduled for July requiring ongoing commitment from officers.
- 4.11 Officers continue to witness serious health and safety problems whilst carrying out other duties. These are identified as "Matters of Evident Concern" (MEC), more serious issues recently coming to light are businesses using extension leads inappropriately to power equipment in food businesses. The frequency with which matters of evident concern are reported is an indication of the extent to which businesses fail to manage serious risks without our intervention.

5. RISKS

- 5.1. The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency and the Health and Safety Executive in their capacities as the national regulators.
- 5.2. Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources. Current performance is encouraging given the amount of resource being deployed into the fatal accident investigation and the continuing vacancy in the team. The part-time vacancy is being used to provide specialist support around the fatal accident inquiry.

6. LINK TO THE CORPORATE PLAN

- 6.1. These reporting arrangements support the wider corporate objectives to
- Create , protect and enhance our safe built environment
 - Support people to improve their health and wellbeing
 - Accelerate business growth and remove barriers to growth

7. LEGAL IMPLICATIONS

- 7.1 None

8. RESOURCE IMPLICATIONS

- 8.1 The failure to report the delivery of the approved Service Plans may prejudice the Council's ability to provide the necessary resources.

9. OTHER IMPLICATIONS

- 9.1. None.

10. REASONS FOR THE RECOMMENDATION

- 10.1. To keep Members informed about the delivery of the approved Service Plans.

11. APPENDICES

Appendix 1 - Food Safety Service Plan: Programmed (proactive) Activity
Appendix 2 - Food Safety Service Plan: Reactive Activity
Appendix 3 - Health and Safety Activity

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002

Appendix 1 – Food Safety Service Plan: Programmed (proactive) Activity

Proactive Tasks	Level of Activity		Progress
	Predicted activity 2018-19	Recorded activity 1 April 2018 – 31 January 2019	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	391	228	R
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	173	126	A
Revisits	50	11	G
Inspections of or visits to new food businesses ¹	130	176	R
Visits to Approved Establishments	6	5	G
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training ²	2	5 hours	G
Other proactive visits (food, water and environmental samples/advisory)	150	185	R
Prosecutions and cautions	2	2	G
Formal action (service of notices, closures) ⁴	10	6	G
Food safety and public health promotion	<ul style="list-style-type: none"> • <i>A total of 7 food hygiene training courses have been delivered with high success rates. Further opportunities for bespoke courses are being pursued</i> • <i>Newsletter on acrylamide has been published and circulated to food businesses advising them of the concern and suggesting suitable control measures</i> • <i>Business Support are continuing to contribute to the FSA enhanced registration of businesses work stream by collating and submitting real data</i> 		

Notes

1. *New businesses continue to be unpredictable – the definition includes both brand new start-up businesses as well as those that are changes of ownership or food business operator within an existing business. All have to be added to the premises database and visited as soon as possible. New businesses are triaged to ensure that the brand new higher risk start-ups receive support and visits to clarify any queries they have around the requirements for compliance.*
2. *Officer time spent on Primary Authority Agreements such as that with Cambridgeshire Catering and Cleaning Services (CCS) are recharged to the business in line with the agreed cost recovery arrangements. CCS and the councils' partnership has now been formally dissolved.*
3. *One prosecution against Bunters has been successfully concluded with a fine and prohibition of the food business operator. A further prosecution is pending with a March court date.*

Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2018-19	Recorded activity 1 April 2018 – 31 January 2019	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	517	G
Food, water and environmental samples taken ²	25	22	G
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	49	G
FSA food alerts for action ³	2	1	G

Notes

¹A higher number of service requests about food related issues and food businesses were received over the summer period, this appears to have coincided with the exceptionally warm weather. Complaints received relate to issues such as foreign body contamination, mould and food poisoning type symptoms which have not been formally confirmed by a GP.

²A number of samples were taken from premises in the district following complaints about practices. Results from two businesses tested positive for E.coli resulting in follow up action to remove and repair faulty equipment and ensure high standards of cleanliness were maintained by staff. Both food business operators were keen to cooperate and work with Officers to rectify the issues.

³Officers followed up on concerns raised by the FSA around the sale of sprouting seeds for human consumption that did not originate from a registered food business.

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Appendix 3 – Health and Safety Activity

Type of Activity	Level of Activity		Progress
	Predicted Activity 2018/19	Recorded Activity 1 April – 31 January 2019	Status (Green, Amber, Red)
Premises inspections and interventions (including revisits)	10	25	G
Health and safety complaints and requests for service received ¹	75	51	G
Accident and dangerous occurrence investigations commenced ²	25	52	A
Specific smoke free enforcement visits ³	0	0	G
Matters of Evident Concern (MEC) Identified ⁴	30	11	G
Health and safety promotion and advice to business/enquiries	Work has commenced on a web based information pack for business in collaboration with local authority partners and Signpost 2 Grow as part of the Better Business for All partnership.		
Liaison with other organisations	There have been 4 meetings of the Cambridgeshire and Peterborough Liaison Group to discuss H&S initiatives. We have expressed an interest to participate in a project with HSE to provide advice and training to small businesses on health and safety issues in conjunction with Signpost 2 grow.		

Notes

1. This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out.
2. The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.
3. This figure is driven by the number of relevant complaints received by the service.
4. Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities.

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Service Plan for Food Law Enforcement 2019-20

Meeting/Date: Licensing and Protection Committee – 13 March 2019

Executive Portfolio: Executive Councillor for Operations and Regulation – Councillor M L Beuttell

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council has responsibility for most food safety and hygiene enforcement functions within the district. The Food Standards Agency (FSA) is the Central 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 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 ('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 Business Team of the Community Division and the purpose of the 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. Comment on, and if in agreement approve the 'Service Plan for Food Law Enforcement 2019-20' in accordance with the Council's Constitution;**
- 2. If in agreement with the approval of the Service Plan, delegate to the Head of Community the ability to update the 2018/19 performance data within the Service Plan prior to publication**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Food Law Enforcement Service Plan 2019-20 (Appendix 1) to the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for food safety and hygiene.
- 1.2. The Council's Constitution allows the Licensing and Protection Committee to consider and approve Service Plans.

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 England's Central Competent Authority and National Regulator for food safety and hygiene requires every local authority to outline how it will fulfil its duty to deliver official food controls within the district. The FSA requires local authorities to lay down details of the arrangements in the form of a Service Plan, specifying how and at what level the official controls will be delivered. This requirement is formalised within the FSA's 'Framework Agreement on Official Controls by Local Authorities', which was developed in consultation with local authorities, the LGA and other professional organisations.
- 2.2. The food safety and hygiene function within the Council is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3. The Business Team is a part of the Community Division, delivering the Council's statutory functions for food law, health and safety, licensing and infectious disease control. The team aims to support business to comply with the legislation by using a range of enforcement tools including advice, training, promotional campaigns and social media.

3. OPTIONS CONSIDERED

- 3.1. The service has considered the requirements of the FSA Framework Agreement, the Corporate Plan 2018-22 and the predicted 2019-20 figures based upon work delivered since 1 April 2018.
- 3.2. Figures predicted for 2019-20 are generated from the premises database held by the service and are all rated according to the risk presented by activities undertaken by the business. The plan highlights the number of interventions required and the flexibility available in how these might be approached.
- 3.3. Key priorities for the coming year include
 - Procurement of a new Environmental Health Management System and development of a project plan to implement and migrate data to the new system including training for staff and updating procedures. This project may span over more than one year.
 - Building on the communicating for compliance approach we will provide training for regulators to improve their skills in influencing and supporting business with confidence.
 - Better Business for All Primary Authority Pilot. Working with business support colleagues we will be promoting primary authority to small businesses whilst improving their regulatory knowledge and making it simpler for them to speak to the person who can best support their needs.

- The Food Standards Agency are moving to a national Online Registration system for all food businesses. It is anticipated that we will move to Stage 1 implementation during 2019-20.
- Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsey Pathfinder Pilot.

4. KEY RISKS

- 4.1. A failure to produce a Service Plan could invite criticism from the Food Standards Agency which, as the central competent authority, oversees local authorities' food law enforcement activities. This in turn may lead to contact from the FSA's Local Authority Audit team.
- 4.2. Vacancies within the team during 2018 impacted on the delivery of the service, particularly in the promotion of the service and delivery of training. Whilst the posts have been filled there appears to be a growing issue with availability of suitably qualified Environmental Health Officers.
- 4.3. Both future changes to the operating model for food law enforcement (FSA's Regulating our Future Programme) and to legislative amendments once the UK has negotiated its exit from the EU will have resource implications for service delivery throughout 2019.
- 4.4. The management information system, Civica APP currently used by the service to manage the premises database and risk engine process will need to be replaced to enable the authority to deliver an agile and integrated service. Funding has been secured for the project and procurement is underway. Implementation will have a resource implication for the team over the delivery period of the plan.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be delivered during the 2019-20 financial year alongside the Business Team's other core functions of health and safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1. Service Plans support the Council's Corporate Plan and contribute to the strategic priorities therein.

7. LEGAL IMPLICATIONS

- 7.1. The FSA has a key role in overseeing official food controls undertaken by local authorities. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations.
- 7.2. The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by the FSA recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3. This Plan replaces the 2018-19 Service Plan and builds upon the aim of providing support for local business. Service Plans must include a review of performance in

order to consider any variances from meeting the requirements of the previous service plan and to identify areas for improvement.

- 7.4. The authority has a duty to comply with the Framework Agreement. These duties include requirements for the planning, management and delivery of the local food law enforcement service

8. RESOURCE IMPLICATIONS

- 8.1 The budget for 2019-20 remains largely the same as that for 2018-19 although there is growth of 1% in the salary allocation. Achievement of income targets will depend on the degree of primary authority activity, requests for export certificates and the number of FHRS rescore visits coming through from business. The number of formal training sessions delivered will also impact on income generated.

9. OTHER IMPLICATIONS

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

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1. Huntingdonshire District Council is required to produce and approve a Food Law Enforcement Service Plan. This Provisional Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service to ensure that the Council can deliver its statutory function according to local circumstances and within approved resources.

LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Service Plan for Food Law Enforcement 2019-20

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002



COMMUNITY DIVISION

SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2019-20

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

Approved by Licensing & Protection Committee
XXXXXXXX

March 2019

INTRODUCTION

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

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

This Service Plan outlines how Huntingdonshire District Council aim to deliver official food law controls in 2019-20. Any references to work delivered in 2018-19 are based upon data recorded between 1 April 2018 and 31 January 2019. The references to programmed work for 2019-20 are based on predictions made from the risk rated premises database on 31 January 2019.

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

Chris Stopford
Head of Community

EXECUTIVE SUMMARY 2019-20

AIMS AND OBJECTIVES

The overall aim of the service is to work with businesses and consumers to secure the production, distribution and service of safe and wholesome food within Huntingdonshire. The plan is linked to Huntingdonshire District Council's Corporate Plan 2018 – 2022 which strives to support a safe and healthy environment, deliver economic growth and provide value for money services for the people of Huntingdonshire.

These are the key objectives which contribute to the overall aim of the plan:

- Planned and reactive inspections of registered and approved food establishments
- The investigation of service requests and complaints relating to food and food premises
- Where necessary, the submission of samples of food and water and environmental swabs for analysis
- The investigation of cases and outbreaks of food-borne and food poisoning illnesses.
- Delivery of the Food Hygiene Rating Scheme
- Promotion of key messages for consumer safety

Table 1: Comparison of resources for 2018-19 and 2019-20

STAFF (Full Time Equivalent (FTE))	2018-19	2019-20
Environmental Health Officers (EHO)*	2.905*	3.76*
Environmental Health Compliance Officers (EHCO)*	1.54	0.69
Operational Manager (Business)	0.35	0.35
	4.80	4.80
Business Support Staff*	1.17	1.17
Total	5.97	5.97

FINANCIAL	2018-19	2019-20
Direct Costs (salaries, NI and pensions)	£239,319	£241,712
Other Direct costs (specialist equipment, laboratory services and sampling)	£7,565	£7,565
Transport	£5,722	£5,722
Total	<u>£252,606</u>	<u>£254,999</u>
Income (Primary Authority Partnership, export certificates, delivery of training courses)	<u>-£17,340</u>	<u>-£17,340</u>
NET EXPENDITURE	<u>£235,266**</u>	<u>£237,659</u>

£

* These figures represent the proportion of the establishment posts which is allocated to food law enforcement. This is expected to be 85%. At the present time there is a vacancy of 0.425 (EHO). There is also a vacancy in the Business Support team following the retirement of a Business Support Officer.

** See section 4.1 for a detailed breakdown of these figures.

Table 2 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Provisional 2018-19	Predicted 2019-20
Planned food hygiene inspections (risk group A-D, in addition to those below)	228	373
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	126	106
Revisits	11	50
Inspections of new food businesses	176	130
Inspections of Approved Establishments	5	10
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	5 hours	20
Other proactive visits (food, water and environmental samples/advisory)	185	150
Prosecutions	1	2
Formal action (service of notices)	6	10
Food safety and public health promotion	Ad hoc project work linked to corporate objectives; targeted business support visits; provision of advice during routine interventions; National Food Hygiene Rating Scheme (FHRS); alternative enforcement strategies for low risk businesses and newsletters	

*Cambridgeshire Catering Services ceased operating in late 2018 and work over this period has largely been administrative in closing the partnership. Primary Authority work over 2019-20 will consist of promotion of the scheme in conjunction with the Growth Hub, South Cambridgeshire District Council, Cambridgeshire and Peterborough Environmental Health & Trading Standards and Cambridgeshire Fire as part of the PA Pilot supporting the implementation of the Industrial Strategy.

Table 3 – Unplanned (reactive) Activity

Reactive Tasks	Level of activity	
	Provisional 2018-19	Predicted 2019-20
Service requests/ complaints about food and food businesses	517	550
Food, water and environmental samples taken	58	25
Infectious disease control - notifications of food-borne/food poisoning illnesses	49	80
FSA Food Alerts for Action	1	2

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

A balanced programme of work is proposed for 2019-20 which incorporates a full range of official food controls. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan is based upon the service being fully staffed.

DEVELOPMENT PLAN 2019-20

The following developments are planned during 2019-20. 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.

- Procurement of a new Environmental Health Management System and development of a project plan to implement and migrate data to the new system including training for staff and procedures. This project may span over more than one year.
- Review and update SOPs in relation to ROF, the new computer system and remote working initiatives
- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- Building on the communicating for compliance approach we will provide training for regulators to improve their skills in influencing and supporting business with confidence. The outcome for business will help them meet regulatory requirements and improve growth.
- The Better Business for All (BBfA) Partnership will launch formally in May working collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire and Peterborough. As part of the work plan we will be participating in a Primary Authority Pilot. Working with business support colleagues we are promoting primary authority to small businesses whilst improving their regulatory knowledge and making it simpler for them to speak to the person who can best support their needs.
- The Food Standards Agency are moving to a national Online Registration system for all food businesses. It is anticipated that we will move to Stage 1 implementation during 2019-20. We will continue to provide data to the FSA on food business registrations to inform the development of their risk engine as part of the Regulating our Future ongoing research and policy work.
- Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To promote the service as widely as possible using all available media outlets and support any relevant national strategies such as the FSA's National Food Safety Week
- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsey Pathfinder Pilot.
- Continue to undertake official controls (including proactive food hygiene inspections) in line with the requirements of the Foods Standards Agency code of practice
- Continue to provide a reactive food hygiene service responding to the concerns of residents of Huntingdonshire, and the customers of Huntingdonshire food businesses

SECTION 1: FOOD SAFETY SERVICE - AIMS AND OBJECTIVES

1.1 Aims and Objectives

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

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

1.2 Links to Corporate Objectives and Plans

The Service Plan supports the Council's Corporate Plan 2018-22. It contributes to several of the Strategic Objectives, with particular reference to the following:

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

Support people to improve their health and wellbeing – by promoting the Healthier Options Scheme to food businesses the availability of safe nutritious food will be signposted in the community

Develop more resilient communities to help people help themselves – the provision of information and advice to businesses and to the wider public ensures that those businesses who achieve compliance are rewarded and the public can use this information to inform their decisions on where to eat

Accelerate business growth and remove barriers to growth – the provision of compliance advice to new and emerging businesses in order to help them “get it right first time” (see 3.5); expansion of the primary authority scheme to include new businesses, aiding compliance, issuing assured advice and encouraging economic growth

Become a customer focused organisation – dealing with new and established businesses in an advisory and educative way in order to build sustainable and trusting relationships at an early stage (see 3.5) and maintain these to ensure compliance throughout the lifecycle of the business.

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. It is the largest district in the County by both land area and population. The population is 173,600 and is forecast to grow to around 210,000 by 2036.

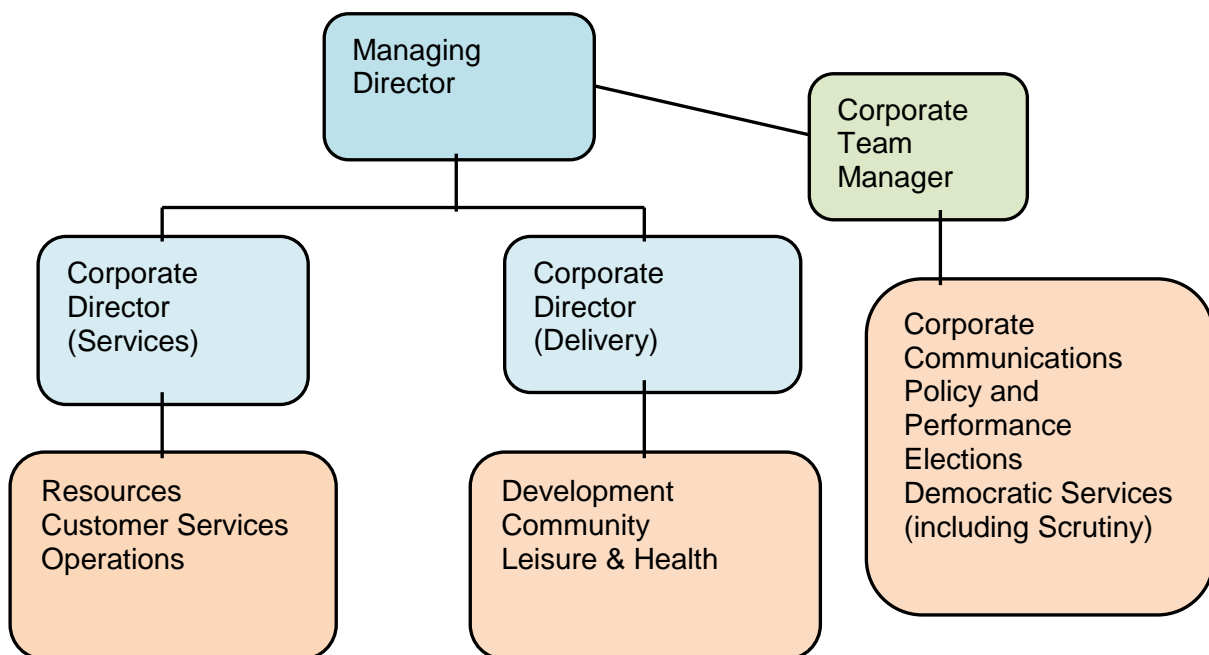
2.1.2 The employment rate in the district is 81.6% with 84% of people being economically active. 98% of businesses are classified as small or micro (Office for National Statistics; nomis Oct 2017-Sept 2018). The main centres are the market towns of Huntingdon, St Neots, St Ives, Yaxley and Ramsey.

2.2 Organisational Structure

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

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

Figure 1: Huntingdonshire District Council's Organisational Structure



2.2.3 The Operational Manager (Business) is responsible for the day to day management and co-ordination of the food safety service and also fulfils the statutory role of Lead Food Officer.

2.2.4 There are seven officers in the Business Team with specific responsibility for the delivery of the food safety service. The Operational Manager (Business) is supported by a team of Environmental Health Officers and Environmental Health Protection Officers. The team is also responsible for health and safety regulation and the smoking in public places legislation. The staffing resources allocated to the food safety service are shown in Table 4 below. Data indicates that about 85% of officers' time is spent on food safety activities and this is reflected in the figures shown in brackets.

Table 4: Food Safety Service resources

Post	Duties and Responsibilities
Operational Manager (Business) – full time	The Council's Lead Food Officer. Operational management of the team and development of the annual Service Plans. Senior technical advisor on food safety, health and safety and licensing matters within the service area. Contributes to the corporate management of the Community Division. (0.35 FTE)
Environmental Health Officer – full time	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Officer – full time	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.78 FTE)
Environmental Health Officer – part time	Proactive and reactive food safety work. (0.43 FTE)
Environmental Health Officer/ Environmental Health Protection Officer – full time	Proactive and reactive food safety work. (0.85 FTE)
Environmental Health Protection Officer – part time	Proactive and reactive food safety work. (0.69 FTE)
	Total of 4.8 FTE Officers

2.2.5 The service uses several agencies and companies to support the delivery of official food controls. These are summarised in Table 5 below.

Table 5: Provision of External Services

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	Weekly As required
Anglian Water, Huntingdon	Chemical and microbiological water sampling	Ad hoc
Campden BRI	Food and foreign body/contaminant examinations and identifications	Ad hoc via annual subscription
Chartered Institute of Environmental Health (CIEH)	Information and advice. Materials for food hygiene courses	Weekly
Food Standards Agency (FSA)	Monitoring of performance, Information and advice	Daily Communication

2.3 Scope of the Food Service

The food safety service consists of the following elements

- 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 People 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 There are currently 1509 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 community events. The breakdown of businesses by type according to the Food Standards Agency (FSA) classification is shown in Table 6.

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

Primary Producers (e.g. farms)	31
Manufacturers/Packers	41
Importers	2
Distributor/Transporters	54
Food Retailers	276
Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways	1042
Outside district	63
Total	1509

2.4.2 Food businesses are inspected according to their inspection rating category. The highest risk businesses (category A) are the subject of an inspection, partial inspection or audit at least every 6 months whereas the lowest risk businesses (category E) are monitored using alternative enforcement approaches. New businesses are classified as “Unrated”. The breakdown of premises by inspection rating category is shown in table 7 below.

Table 7: Breakdown of food premises by inspection rating category

	A	B	C	D	E	Unrated
As at 31/03/2018	7	43	237	459	496	99
As at 31/01/2019	1	46	247	505	488	115

2.5 Approvals and Specialist/Complex Processes

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

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

2.6 Delivery of the Service

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

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

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

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

- An outbreak of food poisoning or a work-related death.
- Major outdoor events during the course of a year which involve food safety, water and health and safety considerations, the most significant in recent years being the Secret Garden Party. Preparation for such large-scale events can account for 80 hours of officer time, however it is not envisaged that this particular event will continue to run in its current format.
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain.
- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and additional checks may need to be carried out before the certificate is issued. 97 certificates were issued during the last year.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service.

2.7 Enforcement Policy

- 2.7.1 In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy. This sets out its approach to proportionate, transparent, fair and effective regulation and enforcement, following the principles set down in the Regulators Code. This overarching framework is intended to provide customers with a clear understanding of the Council's approach to regulatory and enforcement activity. The Food Safety Enforcement Policy has been amended to reflect the new policy.
- 2.7.2 In order to promote consistent and proportionate enforcement the service is an active member of Cambridgeshire and Peterborough Food and Safety Group. The Operational Manager (Business) represents the council at these meetings which seek to share best practice and liaise with wider partners. Task and finish groups are periodically set up to develop consistency exercises, training programmes or peer review models.

SECTION 3: SERVICE DELIVERY

3.1 Delivery Mechanisms

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

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

3.1.3 Each officer has been allocated a specific geographical area which contains a diverse range of food businesses. The number and type of businesses is consistent with the officer's knowledge and experience. There is a "buddy" system in place to ensure that at least two officers have some knowledge of specialist or unusual businesses.

3.2 Interventions at food businesses

3.2.1 These consist of the "official food controls" specified in the Food Law Code of Practice together with any other activities where the purpose is to monitor compliance with food hygiene law. There are around 600 businesses that will require some sort of intervention during 2019 -20. Around 485 will become due during the period 2019-2020 and approximately 100 could be carried forward from 2018-19.

3.2.2 The food hygiene intervention rating is used to determine the type of intervention that is suitable for that particular operation. Unannounced inspections are carried out at businesses in categories A and B, these may comprise an inspection, partial inspection or audit at appropriate intervals. Category C premises will be assessed using either a full/partial inspection or audit, until they are deemed broadly compliant, once this is achieved planned interventions may alternate between the above and another type of official control. Category D premises will be subject to alternate official control and non-official controls unless they are also rated 30 or 40 for "type of food and method of handling" when they are restricted to a full/partial inspection or audit. Other official controls comprise food sampling, surveillance, verification visits and audits. The Code of Practice allows local authorities to use Alternative Enforcement Strategies (AES) for category E businesses.

- 3.2.3 Category E businesses are suitable for AES approaches which typically involve the completion of a self-assessment questionnaire by the business. Of the businesses due for an intervention in 2019-20, 106 are in category E. Other interventions that are not official controls include education, advice, coaching at a food establishment and information and intelligence gathering.
- 3.2.4 There are approximately 275 businesses on the database at which the nature of the operation is either temporary, so low as to present little or no public health risk or unlikely to be viewed as a food business by the general public. These premises cannot be removed from the database but are excluded from the scope of the Food Hygiene Rating Scheme. The available resources mean it is very unlikely that they will be inspected but they may be captured by AES approaches or visited in response to complaints.
- 3.2.5 The planned inspections in Table 2 do not include inspections of brand new businesses or those which change hands during the year. Nor do they include inspections of temporary or occasional businesses at markets, fairs or large public events. There could be as many as 200 unplanned interventions in 2019-20.
- 3.2.6 Food businesses that fail to comply with significant statutory requirements must be subject to appropriate enforcement action and revisit(s). Such businesses will be identified by a compliance score of 15 or higher for hygiene and/or structure and/or a confidence in management score/control procedures score of 20 or higher as laid out in the Intervention Rating Scheme described in the Food Law Code of Practice (2017). It is estimated that about 15% of inspections will require some follow up action to check compliance. This could mean up to 50 revisits.
- 3.2.7 The frequency at which businesses must be inspected is outlined in Chapter 5 of the Food Law Code of Practice March 2017. Information gathered at inspection is also used to determine the Food Hygiene Rating Scheme (FHRS) score. The FHRS is operated in accordance with the FSA Brand Standard November 2018. Businesses can appeal against their rating and can also request a rescore visit (subject to the payment of a fee) after the inspection upon which their rating was based. During 2018-19 there have been five re-score requests, nine other enquiries and one appeal. At least as many should be anticipated in 2019-20.
- 3.2.8 All officers who carry out official food controls are authorised in accordance with the Code of Practice.
- 3.2.9 Officers will also carry out spot checks at businesses if they have concerns or intelligence about the business or about a specific activity within a business. The outcome of a spot check may affect future planned inspections of the business.

3.3 Complaints

3.3.1 These generally fall into one of the following categories:

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

3.3.2 Based on previous years it is estimated that there will be about 200 such complaints in 2019-20. Table 3 shows the total number of food-related service requests, complaints and queries, the numbers of which have increased steadily over the last few years.

3.4 Primary Authority Scheme

3.4.1 Primary Authority is based on legal partnerships between businesses and local authorities. The scheme was originally launched in 2009 but has since expanded so all businesses can benefit from access to relevant, authoritative tailored advice.

3.4.2 Following the dissolution of our partnership with Cambridgeshire Catering Services we no longer have any active agreements.

3.4.3 In line with corporate priorities to support local businesses, further opportunities to develop the primary authority scheme will be pursued. Moving forward the Primary Authority Pilot currently being set up with South Cambridgeshire, Peterborough and Signpost 2 Grow will offer an opportunity to engage with business on this topic, fulfilling the commitment within the Industrial Strategy to support businesses to access primary authority advice.

3.5 Advice to Businesses

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

- Advice to new businesses
- Advice during the course of inspections and other visits
- Targeted business support visits to poor performing businesses
- Site visits on request and where appropriate (e.g. prior to the opening of a brand new business)
- Proactively contacting businesses to comment on plans at the planning application 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. There have been over 200 requests for advice and training this year, it is expected that there will be at least as many in 2019-20.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2019-20 the commitment to sampling will continue and where appropriate it will be used as an alternative to carrying out a full inspection.

3.6.2 Public Health England (PHE) doesn't charge for the analysis of samples. In 2004 an MTP bid was approved to cover the cost of sampling in the event that PHE reversed its policy but to date it has not been necessary to release this funding.

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, guidance on the particular sampling intervention designed by PHE and the departmental Standard Operating Procedure (SOP).

3.7 Control and Investigation of Food-related Infectious Diseases

3.7.1 Officers will investigate food-related infectious disease notifications in accordance with protocols agreed with the Consultant in Communicable Disease Control (CCDC), Anglian Water and Cambridge Water Company. The general aims of any investigation are to identify the source and cause of the infection and prevent further spread.

3.7.2 There have been 49 food poisoning notifications so far this year which is continuing the recent trend of declining reports of confirmed cases of food borne illness.

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.

3.8 Food Safety Incidents

3.8.1 FSA food alerts for action will be dealt with in accordance with:

- the departmental SOP
- the Food Law Code of Practice issued under the Food Safety Act 1990 and
- any instructions issued by the FSA.

3.8.2 Most food alerts are Product Withdrawal Information Notices or Product Recall Information Notices which require little or no action. There are a significant number of allergy alerts but these too require little or no action or are dealt with by Trading Standards Officers (TSOs). Occasionally TSOs may ask for our

support. Food Alerts for Action (FAFA) and ad hoc requests for action may have an impact upon programmed work but the numbers are relatively low.

- 3.8.3 Given the nature of food alerts, it is impossible to predict the likely demands and requisite resources with any accuracy. If a food alert is associated with a business based within Huntingdonshire then officers will be expected to devote more time to that alert than to one which originates elsewhere.

3.9 Liaison with Other Organisations

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

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

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

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

3.10 Food Safety and Public Health Promotion

- 3.10.1 Subject to resources, the proposals for 2019-20 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 food hygiene training courses and business briefing events
- Promotion of the National Food Hygiene Rating Scheme (FHRS)
- Production of food safety newsletters sent to all businesses on our database
- Ad hoc lectures to schools and community groups upon request
- Seasonal hygiene and food safety linked press releases
- Maintenance and development of relevant information on the Council's website
- Providing support to existing businesses and to new businesses on food safety legislation, compliance and best practice

- Briefing sessions for new and existing food business operators on the implications of new and changing food safety legislation and in response to national events
- Attendance at relevant trade and business seminars to promote the work of the service
- Promotion of Healthier Options to encourage local businesses to offer healthy food choices to customers.

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements support the businesses in question and have generated income of £ 8,245 during 2018-19.

SECTION 4: RESOURCES

4.1 Financial Allocation

4.1.1 The budget for 2019-20 is shown in Table 8 below

Table 8: Food Safety Service Budget 2019-20

	2019-20
Direct Costs	£
Employees	
Salary (NI, Pension, training)	241,712
Transport, mileage	5,722
	247,434
Other	
Equipment, furniture and materials	1,233
Offices expenses	2,124
Services	153
Printing and Postage	2,100
Personal Protective Equipment	323
Training Expenses	663
Books and Publications	544
Subscriptions	425
	7,565
Total	254,999
Income	
Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits)	-17,340
Total Expenditure	237,659

4.1.2 The overall budget for 2019-20 remains largely the same as 2018-19 with a 1% increase in staffing costs.

4.1.3 The estimated income of £17,340 comprises fees for export certificates and FHRS re-score visits plus income from the delivery of training courses and business briefing events. Income fell short in 2018-2019 as less training and primary authority support was delivered than anticipated, but there was an increase in the number of health certificates issued.

4.1.4 All officers requesting remote access to the Council network have been allocated a laptop computer (PC) enabling access to databases, word processing, internet/intranet capability, e-mail and spreadsheet packages. All

the laptops have been upgraded with remote access to the Council network so that they are available for out-of-office working and wireless enabled for touchdown working in HDC controlled premises. In addition the roll out of new mobile phones has enable officers to receive e-mails and access the internet whilst carrying out duties on the district.

- 4.1.5 In the event of a serious or major incident or a large outbreak of food poisoning or food-borne illness requiring additional resources, officers from the Business Team will assist in the first instance and if necessary officers can be drafted in from other Environmental Health teams to support the response.
- 4.1.6 There are no financial restrictions placed upon legal action, each case being considered on its merits. In the event of enforcement action that would place unforeseen demands on resources, local authorities can apply for financial support from the FSA but this fund is discretionary and may be withdrawn at any time

4.2 Staffing Allocation for the Food Service

- 4.2.1 Food law enforcement and compliance advice activities are provided by officers from the Business Team. The team is led by the Operational Manager (Business) and contains another six authorised officers, three of whom work full time. The team is supported by the Business Support Team.
- 4.2.2 Staff must be appropriately trained and are required to undertake 20 hours of continuing professional development every year to maintain their competency. All officers have an annual personal development plan which sets out training requirements and is reviewed monthly. Currently all members of the team are subscribed to the ABC on-line training service which delivers accessible modular packages in specific areas of food law. This is also supplemented by training organised by authorities within the Cambridgeshire and Peterborough Food and Safety Group, Public Health England and the Chartered Institute of Environmental Health.

SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The Operational Manager (Business) is responsible for the overall monitoring of the service. In general terms the service is monitored internally in accordance with Standard Operating Procedure (SOP) CT04. The practical arrangements include the following

- Reviews of premises inspection records in accordance with SOP CT04
- Observed and accompanied inspections
- Periodic reviews of policies and procedures
- Team meetings – programmed work is monitored against targets; reactive work is monitored with reference to management and closure of service requests
- Annual values based performance appraisal, quarterly formal and frequent informal one-to-ones
- Peer review and consistency exercises led by the CPFSG
- Peer review and consistency exercises led by the FSA.

5.1.2 There are several SOPs which cover the different aspects of the service. They will be subject to on-going review in 2019-20 to reflect changes in the code of practice, practice guidance and FHRS Brand Standard.

SECTION 6: REVIEW

6.1 Review against the Service Plan

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

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

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

6.2 Variations from the 2018-19 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 2018-19 and outlines any significant issues that impacted on the delivery of the service. The major impact during the year has resulted from vacant posts within the team and a further part-time vacancy which arose during the year. As we were unsuccessful in attracting appropriately qualified and experienced individuals to these posts a decision was taken to create two career graded positions which were open to individuals nearing completion of the baseline qualification. This approach has an ongoing commitment to train two individuals until they have achieved the standard of competency set out in the food law code of practice.

6.3 Programmed Work

6.3.1 The 2018-19 Service Plan estimated that 521 planned inspections of food businesses would be carried out, 391 of which would be full or partial inspections of premises in categories A, B, C and D. Around 30 of these premises have since ceased trading.

6.3.2 During the period of this plan, 366 full or partial inspections have been undertaken (including 105 new businesses), sampling, advisory and intelligence gathering visits were made. 97% of premises inspected received a food hygiene rating of 3 or above.

6.3.3 Five visits have been made to approved establishments which produce and/or handle products of animal origin (including meat-cutting plants, meat products, and egg packers).

6.3.4 Any outstanding inspections at 31 March 2019 will be carried forward and prioritised within the 2019-20 programme.

6.4 Reactive Work

- 6.4.1 During the year it has been necessary to instigate enforcement action at two premises. One food business operator pleaded guilty and received a prohibition order. The other is awaiting a trial date. Five improvement notices were served and there was one voluntary closure.
- 6.4.2 The Food Hygiene Rating Scheme (FHRS) is a beneficial tool for consumers enabling them to identify standards of food hygiene practiced at a particular outlet. The power of consumer choice can impact on food businesses with lower ratings so the scheme has safeguarding measures to ensure the operator can request a rescoring visit or appeal a rating. The Brand Standard specifies the ways in which such requests must be handled. There have been five such requests during the year, each of which generated at least two additional visits. There has been one appeal received from a food business against the score they received following inspection, the appeal was not successful.
- 6.4.3 The service has received over 500 complaints, enquiries and requests for service or advice. Complaints related to suspect or contaminated food, unhygienic premises including pest infestations or poor hygiene practices. Just under half were enquiries from existing or potential businesses and the remainder were made up of requests for export certificates, Primary Authority Partnership enquiries and FHRS enquiries.

6.5 The 2018-19 Action Plan

- 6.5.1 Section 6.6 of the 2018-19 Service Plan contained an action plan for the year. Those commitments are reviewed below :-
1. Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings. The General Data Protection Regulations 2018 will impact on how we store and use data that we hold requiring systems to be reviewed and updated. Engage with 3C ICT and the worksmart project to ensure that we have software that supports an agile workforce that can work remotely and efficiently.

The requirement to update privacy notices was complied with and a plan implemented to ensure that data is managed in accordance with retention policy guidelines. In order to move towards an agile workforce that can work remotely and efficiently Civica APP will need to be replaced. A business case and capital bid have been prepared and funding has been agreed as part of the 2019-20 budget process. 3C ICT are leading on a joint procurement for Huntingdonshire, Cambridge City and South Cambridgeshire Environmental Health and Licensing and the Home Improvements Agency. Process mapping of current work flows has been undertaken in order to draft a specification for the new system. This project will roll into the 2019-20 work plan and beyond to ensure capacity.

2. Review and update Standard Operating Procedures in relation to changes in GDPR, the Code of Practice and the Working Practice Guidance

This work is ongoing as changes are anticipated with both the FSA's Regulating our Futures Programme and the EU exit.

3. Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business

Seven food hygiene training courses have been delivered with an overall success rate of participants of 95%.

4. Introduce principles supporting communicating for compliance, with a focus on getting it right first time; briefing businesses on the new requirements to reduce acrylamide in foods; promoting early engagement with the 18 businesses that are due an inspection and are not currently broadly compliant.

The initial acknowledgement to food businesses following registration has been revised utilising clean language to convey the key elements required to achieve a high food hygiene rating. A newsletter has been sent to all food businesses outlining the risks associated with acrylamide and explaining suitable control measures to limit its formation and associated consumption. We are continuing to write to businesses with an FHRS of less than 3 to advise them of ways to improve their rating and invite them to a meeting to discuss their performance.

5. Continue to deliver, promote and expand Primary Authority Partnerships

Progress has been limited with the dissolution of the current partnership. However progress has been made in developing a pilot referral mechanism working closely with business advisors at signpost 2 grow, the growth hub to promote an awareness of primary authority and regulatory needs of businesses they support.

6. Engage with the FSA in developing ideas for the future of food law regulation as contained in the Regulating our Future proposals, contributing to research and policy development as required

The Business Support team are continuing to record data for the FSA on the detail of information received at first registration of businesses. The data will be used to inform the development of the on line registration process currently being tested.

7. Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date.

Information and updates are available via the FSA communications platform. The Government's European Union (Withdrawal) Act will convert the current official controls into UK law as they apply at the moment of exit. However this is currently subject to the outcome of the ongoing negotiations. Business support messages will be amplified for those that currently trade with European partners where changes are known or anticipated, such as the new health and identification marks for meat products.

8. To promote the service as widely as possible using all available media outlets and support any relevant national strategies such as the FSA's National Food Safety Week.

Where possible we have continued to use promotional material from the FSA to convey food safety messages and promote the food hygiene rating scheme to consumers. This has mainly been by the use of twitter. Press releases following enforcement action have also served to highlight the role of the service in assuring food safety.

9. To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsey Pathfinder Pilot

Businesses in Ramsey have been contacted regarding the initiative but to date there have been no specific pledges received.

10. Develop Better Business for All so the partnership can begin to work collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire.

Progress has been steady with the partnership agreeing terms of reference and gaining support of the Public Service Board and the Combined Authority. The work plan developed has delivered a regulator's advice pack, skills and capacity matrix across the partnership and secured funding for piloting primary authority referrals, training and digitising a regulatory advice pack. A business case is being produced to support a bid for funding for a coordinator across the partnership in order to sustain delivery and drive the programme forward.

6.6 Action Plan for 2019-20

6.6.1 The service is committed to the delivery of official food controls and in accordance with the Code of Practice will target inspection resources to the highest risk premises using flexibility to undertake partial inspections and non-inspection interventions for broadly compliant/lower risk businesses. The service will respond to complaints, enquiries and requests for service in accordance with internal procedures and with regard to public health risk.

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

- Procurement of a new Environmental Health Management System and development of a project plan to implement and migrate data to the new system including training for staff and procedures. This project may span over more than one year.
- Review and update SOPs in relation to ROF, the new computer system and remote working initiatives
- Continue to deliver a programme of training courses and briefing events to help food businesses comply with food hygiene requirements and to help them achieve the highest possible food hygiene rating for their business
- Building on the communicating for compliance approach we will provide training for regulators to improve their skills in influencing and supporting business with

confidence. The outcome for business will help them meet regulatory requirements and improve growth.

- The Better Business for All (BBfA) Partnership will launch formally in May working collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire and Peterborough. As part of the work plan we will be participating in a Primary Authority Pilot. Working with business support colleagues we are promoting primary authority to small businesses whilst improving their regulatory knowledge and making it simpler for them to speak to the person who can best support their needs.
- The Food Standards Agency are moving to a national Online Registration system for all food businesses. It is anticipated that we will move to Stage 1 implementation during 2019-20. We will continue to provide data to the FSA on food business registrations to inform the development of their risk engine as part of the Regulating our Future ongoing research and policy work.
- Prepare for transition of legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To promote the service as widely as possible using all available media outlets and support any relevant national strategies such as the FSA's National Food Safety Week
- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods, supporting the Healthy Weight Strategy for Cambridgeshire and the Ramsay Pathfinder Pilot.
- Continue to undertake official controls (including proactive food hygiene inspections) in line with the requirements of the Foods Standards Agency code of practice.
- Continue to provide a reactive food hygiene service responding to the concerns of residents of Huntingdonshire, and the customers of Huntingdonshire food businesses.

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Service Plan for Health and Safety Regulation
2019-20

Meeting/Date: Licensing and Protection Committee – 13 March 2019

Executive Portfolio: Executive Councillor for Regulation and Operations –
Councillor M L Beuttell

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (Revision 8).

Recommendations:

Members are requested to:-

1. **Comment on, and if in agreement approve the ‘Service Plan for Health and Safety Regulation 2019-20’ in accordance with the Council’s Constitution;**
2. **If in agreement with the approval of the Service Plan, delegate to the Head of Community the ability to update the 2018/19 performance data within the Service Plan prior to publication**

1. PURPOSE OF THE REPORT

- 1.1. The report formally presents the Service Plan for Health & Safety Enforcement 2019-20 to the members of the Licensing and Protection Committee. It invites their comments and their approval of the plan. This enables the Council to discharge its duty as an enforcing authority for health and safety regulation.

2. WHY IS THIS REPORT NECESSARY?

- 2.1 Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and it requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular (LAC) 67/2 (revision 8).
- 2.2 The council's role as a health and safety regulator is delivered by the Business Team of the Community Division and the purpose of the Service Plan is to explain how that service will be delivered. It also details the resources required to deliver the service, together with a review of the previous year's performance.
- 2.3 The Business Team is a part of the Community Division delivering regulatory advice and support to business within the local area.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2018-22 and the predicted 2019-20 workload based upon commitments, resources and work delivered since 1 April 2018. The plan highlights that accidents and complaints are still being received by the service and that they are being responded to in an appropriate manner. Enforcement and investigation of a small number of incidents are taking officer time to resolve, however once these have been dealt with proactive inspection of local businesses that are carrying out higher risk activities will be undertaken in accordance with national and/or local priorities.
- 3.2 The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 8), the National Local Authority Enforcement Code and the HSE's Helping Britain Work Well Strategy. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.
- 3.3 Priorities identified for 2019-20 include:-
 - i. Ensuring the new information management system for environmental health meets the needs of the health and safety service for the collection, monitoring, capturing and sharing of health and safety intervention, enforcement and prosecution activity. Resource will need to be allocated to mapping process flows and data requirements to ensure the product specification is robust and once in place the modification of standard operating procedures to reflect the new system will be required, this project may span more than this work period, continuing into 2020-21.

ii. The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with the Safety Advisory Group we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks from crowd management, fireworks and inflatables are controlled effectively.

iii. The HSE's risk based approach to complaint handling and incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively.

iv. The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. As part of this initiative we have expressed an interest through the Better Business for All partnership in collaborating on a project with HSE to hold an advice event for small businesses. The aim would be to demystify aspects of the law and give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, emphasis will be placed on how smaller, lower risk businesses can "do" health and safety for themselves. Such an event will look to target 80-100 small and micro businesses for a half day event.

4. KEY IMPACTS/RISKS

- 4.1 A failure to produce an appropriate Service Plan could invite criticism from the HSE which, as the national regulator oversees local authorities. This in turn could result in contact from the HSE's Local Authority Unit. The plan must be resourced and should only target proactive inspection at those premises identified within the highest priority sectors, known as the list (Annex B LAC67/2(revision 8)).

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 The Service Plan will be constantly monitored and reviewed over the coming year as resources become available.
- 5.2 The Service Plan will be delivered alongside the Business Team's other core functions of food safety and licensing.

6. LINK TO THE CORPORATE PLAN

- 6.1 Service Plans support the Council's Corporate Plan and contribute to the strategic priorities therein. Targeted health and safety enforcement assists in the delivery of:
- *Create, protect and enhance our safe built environment* – dealing with significant breaches of legislation which have the potential to put the public at risk
 - *Support people to improve their health and wellbeing* – the Helping Britain work well approach aims to influence and improve the approach to health and safety, so employees are encouraged to be aware of their own safety and go home healthy.
 - *Accelerate business growth and remove barriers to growth* – provision of compliance advice and signposting to business to help them get it right first time.

7. LEGAL IMPLICATIONS

- 7.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.
- 7.2 The HSE's National Local Enforcement Code recognises that service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 7.3 This plan replaces the Service Plan for 2018-19 and identifies the priorities for Huntingdonshire District Council in delivering this statutory function. Service Plans must include a review of performance in order to consider any variances from meeting the requirements of the service plan and to identify areas for improvement.

8. RESOURCE IMPLICATIONS

- 8.1 The overall budget for 2019-20 is the same as last year apart from a 1% increase in salary allocation.

9. OTHER IMPLICATIONS

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

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan which considers resources and current guidance.

LIST OF APPENDICES INCLUDED

Appendix 1 –Draft Service Plan for Health and Safety Regulation 2019-20.

CONTACT OFFICERS

Mrs Susan Walford
Operational Manager (Business)
Tel: 01480 388002



COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2019-20

**Drawn up in accordance with the National Local Authority
Enforcement Code and Local Authority Circular LAC 67/2 (rev8)**

Approved by Licensing and Protection Committee
XXXXXXXXXX

March 2019

EXECUTIVE SUMMARY 2019-20

AIMS AND OBJECTIVES

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

The service is linked to the Council's Corporate Plan and aims to comply with the Health and Safety Executive's (HSE) "National Local Authority Enforcement Code". Much of this work is directed by a national Local Authority Circular (LAC 67/2 Revision 8) which outlines the ways in which local authorities should comply with the national code.

The Service Plan outlines how Huntingdonshire District Council will deliver health and safety regulation in 2019 - 20. Any references to work delivered in 2018-19 are based upon the data recorded for the period between 1 April 2018 and 31 January 2019. The references to programmed work for 2019 - 20 are estimates and these figures will be confirmed in a subsequent report.

The health and safety service is one of the functions carried out by officers within the Business 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, smoke free legislation and licensing.

RESOURCES

STAFF

	2018-19	2019-20
Environmental Health Officers (EHO)*	0.52	0.67
Environmental Health Protection Officers (EHPO)*	0.27	0.12
Operational Manager (Business)	0.15	0.15
	0.94	0.94
Business Support Staff	0.16	0.16
Total	1.10	1.10

* These figures represent the proportion of the establishment posts which is allocated to health and safety, this is 15%.

There is currently one half-time vacancy in the team however resources from this post are being re-directed to fund specialist expertise on a complex health and safety case.

Business Support staff provide the following: preparation of reports, letters and notices; updating computer records; recording of enquiries and service requests; collation of data about reportable accidents; collation of data for HSE and CIEH returns and internal PI monitoring.

The overall budget for 2019-20 remains largely the same as 2018-19 with a 1% increase in staffing allocation.

FINANCIAL

	2018-19
Direct Costs	
Employees (salaries, NI and pensions)	£42,655
Other (PPE, equipment, subscriptions etc.)	£1,335
Transport	£1,010
Income & Fees	<u>-£3,060</u>
TOTAL	£41,940

ACTIVITIES

The range of activities undertaken is shown in table 1 (below). The figures for 2018-19 are based upon recorded data between 1 April 2018 and 31 January 2019.

Table 1 – Health and Safety Activity

Activity	Level of activity	
	2018-19 (Actual)	2019-20 (Estimated)
Premises inspections and interventions (including revisits)	25	10
Health and safety complaints and requests for service	51	75
Accident and dangerous occurrence investigations commenced	52	30
Specific smoke free enforcement visits	0	0
Matters of Evident Concern (MEC)	11	30
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	Five meetings of the Cambridgeshire and Peterborough Food and Safety Group	

A balanced workload has been proposed for 2019-20 which incorporates a range of intervention activities. The plan assumes that the service remains fully staffed. However, unforeseen events can place unexpected demands on the service and will prejudice our ability to deliver the plan. These include fatal accident investigations and any staffing issues arising during the year (eg sickness).

2019-20 WORKPLAN PRIORITIES

The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 8), the National Local Authority Enforcement Code and the HSE's Helping Britain Work Well Strategy. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting communities and contributing to the wider public health agenda.

- The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. As the environmental health management information system is being replaced, resource will need to be allocated to ensure that the product chosen will fulfil this task. Process flows and data requirements are currently being identified and this project may span more than this work period, continuing into 2020-21.
- The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with the Safety Advisory Group we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks from crowd management, fireworks and inflatables are controlled effectively.
- The HSE's risk based approach to complaint handling and incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively.
- The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. As part of this initiative we have expressed an interest through the Better Business for All partnership in collaborating on a project with HSE to hold an advice event for small businesses. The aim would be to demystify aspects of the law and give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, emphasis will be placed on how smaller, lower risk businesses can "do" health and safety for themselves. Such an event will look to target 80-100 small and micro businesses for half a day.

1.0 SERVICE AIMS AND OBJECTIVES

- 1.1 Health and safety regulation is an important mechanism for reducing accidents and ill health in the workplace as well as contributing to economic growth and a safe working environment. The aim is to ensure that everyone can enjoy a working environment that is safe and without undue or unreasonable risk to health.
- 1.2 The service aims to:
- Help the Council to fulfil its statutory role as a “Health and Safety Enforcing Authority” accountable for the effective regulation of health and safety standards; and
 - Deliver a complementary programme of advice and enforcement to ensure that businesses are better placed to comply with their duties.
- 1.3 The service seeks to meet these aims through a number of key objectives which include:
- Securing compliance with health and safety law, having regard to Approved Codes of Practice and Guidance
 - Investigating complaints and taking appropriate action
 - Delivering a programme of targeted and proportionate regulatory interventions in accordance with statutory guidance
 - Investigating reported accidents, dangerous occurrences and notifiable diseases on the basis of risk and taking appropriate enforcement action
 - Maintaining a register of premises for which the Council has enforcement responsibility
 - Maintaining a register of evaporative condensers and water-cooling towers on behalf of the HSE
 - Responding to statutory notifications about the removal of asbestos or asbestos-containing material
 - Responding to Adverse Insurance Reports (AIR) submitted by engineers appointed by insurance companies
 - Taking samples of articles and substances as they relate to a working environment
 - Providing advice and guidance, in particular to new businesses
 - Working in partnership with other organisations to promote health and safety in the workplace.
- 1.4 The plans and initiatives to which the service must have regard include:
- The HSE’s strategy “Help GB Work Well”
 - The Council’s Corporate Plan 2018-22
 - The HSE’s National Local Authority Enforcement Code
 - Local Authority Circular (LAC) 67/2 (Revision 8)
 - The Regulators’ Code

2.0 SERVICE DELIVERY

2.1 Introduction

- 2.1.1 The health and safety service is delivered by officers within the Business Team of the Community Division.
- 2.1.2 The service 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. These will be supplemented with risk-based reactive interventions in response to reported accidents, work-related diseases, dangerous occurrences and complaints.
- 2.1.3 Targeted advice, visits and support to local businesses can aid local business growth particularly with new business start-ups. It is recognised that by supporting business to manage their risks effectively and proportionately we will protect communities and contribute to the wider public health agenda.

2.2 Health and safety inspections

- 2.2.1 There are 2,271 premises on the premises database. Table 2 shows a breakdown by HSE classification.

Table 2 - Analysis of Premises by HSE Classification

Retail Shops	485
Catering, restaurants and bars	525
Offices	359
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	365
Wholesale, warehouses and fuel depots	223
Leisure and cultural services (e.g. cinema, place of worship)	146
Hotels, camp sites and other short-stay accommodation	54
Provision of permanent residential accommodation	56
Other premises (not classified above)	34
HSE enforcement	24

- 2.2.2 National Local Authority Enforcement Code (supported by LAC 67/2) states that unannounced proactive inspections should only be used for
- The highest risk premises
 - Those on HSE's published list of specific local authority enforced sectors Annex B LAC 67/2 (Revision 8)
 - Where there is local intelligence which shows that risks are not being effectively managed.

2.2.3 The high-risk sectors which are suitable for proactive inspections include

- Premises with colling towers/evaporative condensers
- Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework
- Open farms and animal visitor attractions
- High volume warehousing and distribution
- Industrial retail/wholesale premises
- In-store bakeries and retail craft bakeries where loose flour is used and inhalation of dust is likely to frequently occur
- Residential care homes
- Large scale public events
- Commercial catering premises using solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)
- Professional firework display operators

2.2.4 Proactive inspections may also be carried out at premises where a food hygiene inspection is due and a health and safety inspection can be targeted at beverage gases or gas safety. These premises will be inspected accordingly but cannot count as a proactive inspection on the health and safety return as it was not the primary cause for the visit.

2.2.5 LAC 67/2 also identifies specific topic areas that should be addressed during the course of routine visits or other intervention. These include

- Falls from height – work on or adjacent to fragile roofs/materials
- Health risks from respirable silica dust
- Duty to manage asbestos
- Visitor attractions to prevent or control ill-health arising from animal contact
- Inflatable amusement devices
- Beverage gases in the hospitality industry
- Gas safety in commercial catering premises
- Welfare facilities for delivery drivers
- Awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins

2.3 Other health and safety interventions

2.3.1 LAC 67/2 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
- Dealing with serious matters as they are observed or brought to an inspector’s attention during advisory or other interventions

- These include Matters of Evident Concern (MECs) – issues that create a risk of serious personal injury or ill-health; and Matters of Potential Major Concern (MPMCs) – those with a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health

2.3.2 The Health and Safety Executive's (HSE) Helping Great Britain Work Well strategy sets out the priority themes for the effective regulation of health and safety in the workplace. Local authorities can play their part in delivering the strategy with particular reference to the following:

- Tackling ill health – highlighting and tackling the costs of work related ill health
- Managing risk well – simplifying risk management and helping businesses to grow
- Supporting small employers – giving SMEs simple advice so they know what they have to do.

2.3.3 The HSE's detailed plans are contained in their Health and Work strategy and in their 19 sector-specific strategies which are based on industry type and risk profile. These sectors include commercial consumer services, logistics/transport and sports and leisure.

2.3.4 These sectors include businesses as diverse as beauty, retail, hospitality, catering, distribution centres, children's play, swimming and thrill-seeking activities such as bungee jumping and motorised leisure pursuits. Collectively, they account for almost two thirds of the businesses on our database and subject to resources we will deliver a range of interventions to support the HSE's wider strategic themes.

2.4 New business enquiries and inspections

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

2.4.2 Where possible, the first contact with a new business will focus on the provision of compliance advice.

2.5 Health and safety complaints and requests for service

2.5.1 These fall into one of the following broad categories:

- Complaints about unsafe working conditions, practices or equipment
- Complaints about welfare-related issues such as working hours and meal breaks
- Complaints about the lack of suitable training, supervision or instruction for employees

- Adverse Inspection Reports about lifting equipment and pressure vessels

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

2.6 Notifiable accidents, injuries, diseases and dangerous occurrences

2.6.1 Investigations are carried out in accordance with relevant guidance and procedures. Enforcement action is in accordance with the Corporate Enforcement Policy with reference to the Enforcement Management Model.

2.7 Licensing and registration

2.7.1 The service works closely with the Licensing Manager and provides technical advice to support health and safety and the administration of zoo licensing, riding establishments licensing, tattooing and skin piercing activities.

2.8 Formal notifications

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

2.9 Advice to businesses

2.9.1 The service will maintain a commitment to the provision of advice to new businesses. Where possible, the first contact with a new business will focus on the provision of compliance advice.

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

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

2.10 Health and Safety Partnership Working

2.10.1 The Council supports the principles of the Primary Authority Partnership Scheme (PAP) and when dealing with business will check to see if they have a partnership in place. Inspection Plans and assured advice must be taken into consideration when dealing with the organisation.

2.10.2 There are about 60 companies operating in Huntingdonshire who are in a partnership with another council. The Council doesn't have any health and safety partnerships but is open to exploring them with interested parties. Costs are recovered from the business partner.

2.10.3 The Council recognises the importance of liaison with businesses and statutory bodies to ensure a consistent approach to enforcement. The most established mechanism is the Cambridgeshire and Peterborough Food and Safety Group. However, the newly formed working group set up to explore Better Business for All is ideally placed to develop innovative ways of working collaboratively to raise awareness and standards of management practice in relation to Health and Safety.

2.11 Enforcement Policy

2.11.1 In February 2018 Huntingdonshire District Council adopted a Corporate Enforcement Policy which sets out its approach to proportionate, transparent, fair and effective regulation and enforcement in accordance with the principles laid down in the Regulators' Code. The Health and Safety at Work Enforcement Policy Statement will be refreshed and updated to reference the new policy statement.

3.0 RESOURCES

3.1 Staffing

3.1.1 The Operational Manager (Business) is responsible for the overall management of the service which is delivered by six officers in the Business Team. Administrative support is provided by the Business Support Team.

	2019-20
Environmental Health Officers	0.67
Environmental Health Enforcement Officers	0.12
Operational Manager (Business)	<u>0.15</u>
	0.94
Business Support staff	0.16
TOTAL	1.10

3.1.2 These figures represent the proportion of the establishment posts which is allocated to health and safety activity, 15%.

3.2 Financial

	2019-20
Direct Costs	
Employees (salaries, NI and pensions)	£42,655
Other (Legal fees, PPE, equipment etc.)	£1,335
Transport	£1,010
Income & Fees	-£3,060
TOTAL	<u>£41,940</u>

3.2.1 The overall budget for 2019-20 remains the same as 2018-19 with an increase of 1% to staffing costs.

3.2.2 The business support workload includes the production of post-inspection letters, data entry to Civica APP, recording of enquiries and service requests, collating data on reportable accidents, collation of data for HSE (LAE1), CIEH returns and internal monitoring.

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 quarterly reviews. Staff training needs are identified as part of this process together with routine assessments of competency and each informs their training programme.

- 3.3.2 Officers who are routinely involved in health and safety enforcement are appropriately qualified and training is provided for them in order maintain their level of competence. During 2019-20 they will have access to any training which is necessary to maintain their competence and level of authorisation.

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
- Periodic assessment of competencies
- Accompanied visits
- Regular team meetings
- Review of officers' personal work plans
- Annual performance appraisal and development interviews
- County-wide working groups addressing specific issues and/or consistency of enforcement

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 whole year. In order to recruit to the two vacant environmental health officers positions the posts were career graded and reshaped to attract graduates in environmental health who could be supported to complete their registration with the environmental health officer's board. A further post became vacant part way through the year.
- 5.1.3 A fatal accident investigation continues to take resource and funding from the vacant post is being redirected to acquire specialist support to advise on the case.

5.2 Formal Enforcement Action

- 5.2.1 The Health and Safety at Work Enforcement Policy Statement states that a graduated approach to enforcement will be adopted and that in the first instance duty holders will be given the opportunity to discuss and remedy problems before action is taken. In order to determine the best course of action, an officer will assess the degree of risk, the severity of the offence, the technical means by which the contravention can be remedied, together with the known compliance history of the duty holder. The most appropriate enforcement option must always be governed by the particular circumstances of the case.
- 5.2.2 In most cases, compliance is secured by informal means, most commonly by letter. However, it is sometimes necessary to use formal methods. Table 3 compares the level of enforcement activity with the two previous years.

Table 3 – Enforcement Action

	2016-17	2017-18	2018-19
Total number of inspections, visits and revisits	95	81	25
Improvement notices	2	3	0
Prohibition notices	0	0	0
Simple cautions	0	0	0

	2016-17	2017-18	2018-19
Prosecutions	0	0	0
Health & Safety complaints and service requests	38	77	51
Accident Notifications	85	68	52

5.2.3 The number of visits is in line with the expectation that local authorities will only carry out unannounced inspections of high risk premises that are identified within the national list or by local priorities.

5.3 A Review of the 2018-19 Service Plan

5.3.1 Where possible and according to risk, the first contact with a new business is focused on the provision of compliance advice.

5.3.2 There have been 25 H&S inspections carried out to date this year.

5.3.3 Owing to the vacancies in the team the main focus this year has been responding to accident notifications, requests for advice and matters of evident concern.

5.3.4 We continue to support businesses and work collaboratively with partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance. There has been a rise in the number of open water events including the water sports festival and the safety advisory group continue to provide advice and guidance to ensure these are managed safely.

5.3.5 Resources have limited further inspections of the continuing 2017 -19 work plan (Table 4) other than inspections at new skin piecing premises which are carried out as part of the registration process for those activities.

5.3.6 The Coroner's inquest into the fatality at Hamerton Zoo has been scheduled for July 2019. This has and will continue to draw on resources as we work with experts to gather evidence and review best practice.

Table 4 Summary of 2017-19 Joint Inspections Work Plan

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-19 completed
wet sale pubs	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos Violence	MEC data – 25% falls , 25% electrical (possibility of live bands) Where the premises has had no H&S inspection for >5 years, carry out full inspection	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	15	9
Hotels	Beverage gases, falls from height (underground cellar) Legionella (with rooms) Asbestos	MEC data Where the premises has had no H&S inspection for >5 years, carry out audit or inspection of relevant matters	Target for both food and H&S proactive inspection Provide information on resources available on these topics.	10	4
Takeaways and restaurants that have not had H&S activity in last 5 years – with hazards from the HSE list	Gas safety CO beverage gases,	MEC data Mixers – Electrics Pressure vessels	Target for both food and H&S proactive inspection	14	5
New catering business	Gas safety, CO beverage gases, falls from height (underground cellar) Legionella	Corporate plan – support business	Offer new business support visit information on resources to control	60	40

Premises for joint H&S and food inspection	Justification HSE - LAC 67-2 (not all will be present in every premises)	Justification Local Intelligence	Intervention	Numbers of premises identified	2017-19 completed
	(with rooms) Asbestos violence		these risks		
New skin piercing premises	Joint working	Joint working with Licensing team	Inspection by appointment provision of resources to achieve compliance and public safety	20	16

5.4 Plan of work for 2019-20

- 5.4.1 The work will be guided by the content of Local Authority Circular (LAC) 67/2, the National Local Authority Enforcement Code and the HSE's Help GB Work Well Strategy.
- 5.4.2 The code requires local authorities to have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. As the environmental health management information system is being replaced, resource will need to be allocated to ensure that the product chosen will fulfil this task. Process flows and data requirements are currently being identified and this project may span more than this work period, continuing into 2020-21.
- 5.4.3 The Corporate Plan 2018-22 places a commitment to support people to improve their health and well-being through the facilitation of cultural and leisure activities. Working in collaboration with the Safety Advisory Group we will ensure that health and safety advice is disseminated to event organisers and where appropriate proactively inspect large scale public gatherings to ensure risks from crowd management, fireworks and inflatables are controlled effectively.
- 5.4.4 The HSE's risk based approach to complaint handling and incident selection criteria will be adopted to select relevant incidents and complaints for investigation so that resources can be targeted effectively.
- 5.4.5 The drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. As part of this initiative we have expressed an interest through the Better Business for All partnership in collaborating on a project with HSE to hold an advice event for small businesses. The aim would be to demystify aspects of the law and give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, emphasis will be placed on how smaller, lower risk businesses can "do" health and safety for themselves. Such an event will look to target 80-100 small and micro businesses for half a day.

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Agenda Item 6

Public
Key Decision – No

Subject Matter: LICENSING AND PROTECTION SUB-COMMITTEE

Meeting/Date: Licensing and Protection Committee – 13 March 2019

Executive Portfolio: Executive Councillor for Operations and Regulation – Councillor M Beuttell.

Report by: Elections and Democratic Services Manager

1. INTRODUCTION

- 1.1 The Licensing and Protection Sub-Committee comprising four Members of the Licensing and Protection Committee 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 Committee. Full Minutes are available on request.

Meeting Date	Chairman	Application	Determination
9 November 2018	S Criswell	New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Granted.
		New Application for a Hackney Carriage and Private Hire Licence.	Refused.
19 December 2018	S Criswell	New Application for a Hackney Carriage and Private Hire Licence.	Deferred.
		Renewal Application for a Hackney Carriage and Private Hire Licence.	Deferred.
23 January 2019	S Criswell	New Application for a Hackney Carriage and Private Hire Licence.	Withdrawn.
		Renewal Application for a Hackney Carriage and Private Hire Licence.	Refused.
6 March 2019	S Criswell	New Application for a Hackney Carriage and Private Hire Licence.	To be reported verbally.
		New Application for a Hackney Carriage and Private Hire Licence.	To be reported verbally.
		Renewal Application for a Hackney Carriage and Private Hire Licence / Review of Private Hire Operators Licence.	To be reported verbally.
		New Application for a Hackney Carriage and Private Hire Licence.	To be reported verbally.

2. RECOMMENDATION

- 2.1 The Committee are invited to note the above information.

BACKGROUND PAPERS

Agenda and Minutes of the Licensing and Protection Sub-Committee.

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