

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, 11 MARCH 2020** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

## **AGENDA**

### **APOLOGIES**

**1. MINUTES** (Pages 5 - 8)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 4th December 2019.

**Contact Officer: Democratic Services - (01480) 388169**

**2. MEMBERS INTERESTS**

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

**Contact Officer: Democratic Services - (01480) 388169**

**3. DUTY OF CARE SECTION 34 (2A) OF THE ENVIRONMENTAL PROTECTION ACT 1990** (Pages 9 - 16)

To consider a report by the Community Resilience Manager seeking approval for the utilisation of powers contained under Section 34 (2A) of the Environmental Protection Act 1990 in relation to Duty of Care.

**Contact Officer: Claudia Deeth - (01480) 388233**

**4. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE ACTION PLANS** (Pages 17 - 28)

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 2019 to 31st January 2020.

**Contact Officer: M Bebbington - (01480) 387075**

**5. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2020-21 (Pages 29 - 60)**

To consider and comment on the draft Service Plan for Food Law Enforcement 2020-21.

**Contact Officer: M Bebbington - (01480) 387075**

**6. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2020-21 (Pages 61 - 80)**

To consider and comment on the draft Service Plan for Health and Safety Regulation 2020-21.

**Contact Officer: M Bebbington - (01480) 387075**

**7. EXCLUSION OF THE PRESS AND PUBLIC**

To resolve –

that the press and public be excluded from the meeting because the business to be transacted contains information that is likely to reveal the identity of an individual.

**Contact Officer:**

**8. SUSPENSION AND REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE AND DRIVERS LICENCES UNDER DELEGATED POWERS (Pages 81 - 90)**

To consider a report summarising the actions which have taken place since the last meeting of the Licensing and Protection Committee.

**Contact Officer: Licensing - (01480) 387075**

3rd day of March 2020



Head of Paid Service

**Disclosable Pecuniary Interests and Non-Statutory Disclosable Interests**

Further information on [Disclosable Pecuniary Interests and Non - Statutory Disclosable Interests is available in the Council's Constitution](#)

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Arrangements for these activities should operate in accordance with [guidelines](#) agreed by the Council.

**Please contact Mrs Claire Bulman, Democratic Services, Tel: 01480 388234 / email: [Claire.Bulman@huntingdonshire.gov.uk](mailto: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](#).

#### **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 Meeting Rooms 0.1A and 0.1B, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 4 December 2019.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, Mrs M L Beuttell, J R Clarke, Ms A Diaz, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, D J Mead and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors L W McGuire and Mrs P E Shrapnel.

### **MRS SUSAN WALFORD**

At the start of the meeting, the Committee observed a few moments silence following the recent death of Mrs Susan Walford, the Council's former Operational Manager (Business).

### **MR JOHN TAYLOR**

The Chairman welcomed Mr John Taylor, the newly appointed Chief Operating Officer for the District Council to his first meeting of the Committee. Members were informed that John's new responsibilities included Revenues and Benefits, Customer Services, Housing Needs and Resources, Planning Services, Community and the Document Centre.

### **11. MINUTES**

The Minutes of the meeting held on 19 June 2019 was approved as a correct record and signed by the Chairman.

### **12. MEMBERS INTERESTS**

No declarations were received.

### **13. PROPOSED PUBLIC SPACE PROTECTION ORDER FOR ST IVES**

With the assistance of a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) the Committee considered a proposal for the implementation of a Public Space Protection Order (PSPO) in St Ives under the Anti-Social Behaviour, Crime and Policing Act 2014.

The Committee were advised that the Order was being proposed in response to complaints from residents of 'boy racers' causing alarm, harassment and distress to those in the vicinity as well as anti-social behaviour as a result of consuming alcohol and was intended to cover (i) the Quay to the Bus Station and (ii) Warner's Park for a three year

period from 1 January 2020. Details of the proposed prohibitions contained with the order were set out in detail in Section 1.2 of the report and provided to Members of the Committee.

The Committee were informed that complaints regarding the problems associated with 'boy racers', anti-social behaviour and alcohol related disorder in St Ives have been reported to both Huntingdonshire District Council and Cambridgeshire County Council for a number of years and Police powers alone have not been capable of adequately addressing the issues. St Ives had previously been covered by a Designated Public Places Order which had been successful in addressing persistent complaints of street drinking, however this had expired in 2016. In terms of more recent issues, it was reported that during the period April to September 2019, a total of 60 incidents of anti-social activity in the St Ives area had been reported to the Police, details of which were outlined within the report at Section 2.4.

Members were informed that consultation had been carried out for a period of 35 days during September and October 2019 within the proposed areas with statutory consultees, identified relevant bodies, residents and businesses and the results suggest that there is overwhelming support for the proposed Order.

With regard to the enforcement of the Orders, the Committee were advised that Public Space Protection Orders could be enforced by Officers of the Constabulary as well as delegated Officers of the District Council. An assessment of the resourcing requirements had been undertaken and satisfactory resources were considered to be in place to respond to any emerging issues. District Council owned CCTV cameras located in the town would also be used to enforce the prohibitions retrospectively through the use of Fixed Penalty Notices.

In welcoming the proposals as a positive step to try to address the issues associated with 'boy racers' and anti-social behaviour within St Ives, the Committee were also pleased to note that this would be the first Public Space Protection Order proposed in Cambridgeshire which related to multiple issues which would send a clear message regarding the District Council's position.

Having noted that it would be possible to amend the order at any point during the three-year period through a process of consultation, the Committee also commented on the terms of the Order which required a person committing an offence to leave the designated area for a period of 24 hours and the potential implications should this area also include the offender's home address. Subject to clarification of this issue and the wording within the Order, it was unanimously

#### RESOLVED

that the implementation of a Public Space Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014 for the areas of St Ives (as shown in Appendix A and B to the report now submitted) in response to persistent complaints of anti-social behaviour caused by 'boy racers' and the consumption of alcohol resulting in anti-social behaviour be approved with effect from 1 January 2020 for a three year

period.

**14. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY PLANS**

With the assistance of a report by the Acting 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 on the Council's Food Law Enforcement and Health and Safety Service Plans during the period 1st June to 30th September 2019.

The Committee's attention was drawn to the Appendices to the report which contained the detailed performance information relating to the delivery of the Plans and Members noted that progress against predicted activity in two areas of the Food Law Enforcement Plan had moved from 'green' to 'amber' during the quarter. It was envisaged that these would improve as plans were in place to review the Alternative Enforcement Strategy and the need for proactive visits was being kept under review. Members were reassured to hear that inspections to higher risk (A-D category) premises remained on target.

With reference to the Food Law Enforcement Plan and general developments in this area, the Committee were advised that a set of video animations across a range of regulatory areas had now been completed by the Better Business for All partnership and was ready for launch in the New Year. It was also reported that the 'Register a Food Business Service' had not yet been rolled out by the Food Standards Agency and once this happened, decisions would need to be made as to how to adopt and integrate this system into the Council's current processes.

In terms of Health and Safety, the Committee were pleased to note that following a successful bid for funding to the Health and Safety Executive, an event for business had now been held, explaining what they need to do to be compliant and how this can be achieved by an in-house safety culture.

In reviewing the performance report and in response to a question regarding the resourcing of the service, the Committee were advised that the position of lead food officer was currently vacant, and it was hoped to fill this within the new year. In the interim period, temporary staff had been employed to assist with the workload.

In discussing the food hygiene rating system known as 'scores on the doors', the Committee were advised that there was no legal requirement for scores to be visibly displayed at a food premises. However officers did encourage businesses to display the notices in a prominent manner.

Whereupon, it was

**RESOLVED**

that progress on the delivery of the Service Plans for the period 1st June to 30th September 2019 be noted.

**15. LICENSING AND PROTECTION SUB COMMITTEES**

With the assistance 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 three meetings of the Licensing and Protection Sub-Committee which had taken place between 3rd July and 25th September 2019.

In reviewing the contents of the report, the Committee received a verbal update on the outcome of three appeals against the decisions of the Sub-Committee and the Head of Service. Members agreed that this information should continue to be included within future reports.

With reference to the discussion at the last meeting regarding the number of suspensions of vehicle licences as a result of there being no proof of insurance cover, the Committee were advised that this continued to be an ongoing national problem. However following a recent review of their operating licence by the District Council's sub-committee, there had been improvements by one local company.

**16. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

With the aid of a report by the Licensing Team (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 delegated authority.

In reviewing the contents of the report, Members requested and received further details of the "top end inspection" of vehicles which was undertaken by the Constabulary if they had cause to pull over a licensed vehicle.

Members were reassured that the system of delegation enabled the Acting Operational Manager (Business) to take swift decisive action in consultation with the Chairman and Vice-Chairman if necessary.

**17. DATE OF NEXT MEETING**

The Committee noted that the next meeting would be held at 2pm on Wednesday 11 March 2020.

Chairman



**Public**  
**Key Decision - No\***

## HUNTINGDONSHIRE DISTRICT COUNCIL

**Title/Subject Matter:** Duty of Care, Section 34(2A)  
Environmental Protection Act 1990

**Meeting/Date:** Licencing and Protection Committee - 11 March  
2020

**Executive Portfolio:** Councillor Keith Prentice - Executive Councillor  
for Regulation and Operations

**Report by:** Community Resilience Manager

**Ward(s) affected:** All

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### **Executive Summary:**

This report is seeking approval for identified officers to be delegated the new power contained under Section 34(2A) of the Environmental Protection Act 1990, enabling them to issue Fixed Penalty Notices of up to £400 to a resident responsible for not ensuring their household waste was transferred to a authorised waste carrier.

The Fixed Penalty Notice (FPN) for breach of the household waste duty of care provides an alternative to prosecution. It allows an individual to discharge liability for the duty of care offence by payment of a financial penalty. There is no obligation to offer an alleged offender the option to discharge liability through an FPN, however, it can be more proportionate than prosecution through the courts.

The duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person. This reduces the chance of waste ending up in the hands of those who would fly-tip it.

### **Recommendation(s):**

**That the Licencing and Protection Committee approve that:**

- 1. Delegated officers of the District Council have authority to issue Fixed Penalty Notices for the offence of Duty of Care for incorrectly disposing of household waste under Section 34(2A) of the Environmental Protection Act 1990.**

- 2. The level of Fixed Penalty Notice be set at £250, the maximum amount for this offence is £400. The District Council already has the authority to issue an FPN of £400 to those found to be Fly Tipping and we therefore believe an FPN of £250 for Duty of Care to be proportionate.**
- 3. Authority is given to the District Council's Chief Operating Officer to delegate responsibility to identified Officers to issue Fixed Penalty Notices for Resident Duty of Care Offences from 1st April 2020.**

## 1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to obtain the Committee's permission to utilise the power available under the Environmental Protection Act 1990 in relation to Duty of Care and for the fine level to be set at £250 with no lesser amount for early payment offered.

## 2. WHY IS THIS REPORT NECESSARY/ BACKGROUND

- 2.1 Fly Tipping continues to have an impact across the District and incidents are reported on a daily basis. They can vary from one bag of rubbish to several tonnes of waste.

- 2.2 Fly-tipping is the illegal disposal of household, industrial, commercial or other 'controlled' waste by a business or person/s not in possession of a waste management licence. The waste can be liquid or solid. Controlled waste includes garden refuse and larger domestic items such as fridges and mattresses.

- 2.3 Two-thirds of fly-tipped items originate from household waste. The Government has highlighted concerns that some householders allow unauthorised persons to take their waste away without checking whether they have permission to do so. This then results in the waste being illegally fly tipped.

- 2.4 A consultation led by the Government in January 2018 sought views on introducing a Fixed Penalty Notice (FPN) for household Waste Duty of Care offences for fly-tipping, where a householder had not checked that they were disposing of their waste with an authorised waste carrier.

- 2.5 In England, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 (SI 1227), provided that from 7 January 2019 the Environment Agency or local authorities can impose an FPN for a breach of the household waste Duty of Care in England.

- 2.6 HM Government proposed to tackle crime and poor performance in the waste sector and introduce a new Fixed Penalty under **Section 34B of the Environmental Protection Act 1990** for the Waste Duty of Care, January 2018.

- 2.7 The Fixed Penalty payable to an enforcement authority under this section is:

- (a) the amount specified by the authority in respect of the offence; or
- (b) if no amount is specified by the authority, £200.

The amount specified by an authority in respect of the offence under subsection (7)(a) must not be less than £150 or more than £400.

## 3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 In 2017 following a restructure, a new team was created, this being the Community Protection and Enforcement Team. The team is made up of

a senior officer and 3.5FTE Community Protection Enforcement Officers. The team has responsibility for investigating complaints in relation to littering, fly-tipping, abandoned vehicles, dog fouling and anti-social behaviour. Since the implementation of this team, incidents of fly-tipping have increased significantly. This has led to a number of successful prosecutions, but it is evident that our residents are not taking reasonable steps to ensure that their waste is being transported and disposed of legally.

3.2 Calls for service in relation to incidents of fly-tipping and the action taken since 2017:

<b>No. of Reported Fly-Tips</b>	<b>No. visited by CP&amp;E</b>	<b>No. of FPNs issued (excludes Littering)</b>	<b>No. of Prosecutions</b>
2018 - 956	402	3	1 complete & 1 out for warrant
2019 – To be advised at the meeting.	426	4	3 complete & 1 out for warrant
2020 - No data to date	85 to date	1 to date	2 complete & 2 Pending trial

**4. KEY IMPACTS / RISKS**

- 4.1 It is important to manage reputational risk by ensuring that residents understand their responsibilities in relation to the correct collection and disposal of their waste. We plan to do this by introducing a communication strategy that will provide advice and guidance to residents wishing to have waste removed. This will run for 28 days prior to the implementation of the legislation.
- 4.2 The messages that will be given have been designed as part of the Eastern Region RECAP S.C.R.A.P campaign which a number of neighbouring authorities have also signed up to.

**5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 5.1 Following a successful prosecution for fly-tipping in September 2019, we introduced The Duty of Care awareness project. The aim of which has been to regularly utilise social media and other promotional opportunities to advise what a resident should do before agreeing to hand over their waste.
- 5.2 Should authority be given to utilise this legislation, the following media campaign is planned to highlight a resident's Duty of Care around the removal of waste:
- Local paper

- Social media
- Town and Parish Conference
- Countywide media
- Channel 5 TV (Part of the District Council's input to the series)

5.3 Following the campaign, officers will have authority to utilise the power to issue Fixed Penalty Notices where they deem it to be appropriate and necessary.

## **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

6.1 One of the strategic objectives of the Corporate Plan is Enabling Communities. The aim of the Enabling Communities strand of the Plan is to make Huntingdonshire a better place to live, to improve health and well-being and for communities to get involved with local decision making. Part of the work programme includes:

- Create, protect and enhance our safe and clean built and green environment; and
- Develop stronger and more resilient communities to enable people to help themselves

6.2 In February 2018, Huntingdonshire District Council approved a Corporate Enforcement Policy. This policy enables delegated Council Officers to apply the policy and matrix toolkit to ensure suspected breaches are investigated and resolved in a prioritised and proportionate manner. The issuing of Fixed Penalty Notices features as part of the delivery of this policy and in turn, will help the Council meet their strategic priorities and objectives as detailed within the Corporate Plan.

## **7. LEGAL IMPLICATIONS**

7.1 By an individual paying the FPN, this discharges their responsibility in relation to the offence. Failure to pay the FPN in the time given will result in a file being prepared and submitted for prosecution. This service will be provided by 3C Legal whom already support the Community Protection and Enforcement Team in court related matters.

## **8. RESOURCE IMPLICATIONS**

8.1 It is believed that there will be minimal resource implications because delegated officers of the District Council already issue Fixed Penalty Notices. The only implications relate to the media campaign and the need to produce amended Fixed Penalty Notices to reflect the alterations to the fine level.

8.2 Littering and associated environmental offences such as dog fouling blight our communities and impose avoidable costs on the public purse, meaning that the money is not being spent on the services that genuinely need it. Huntingdonshire District Council recognises the impact that environmental crime has on our communities and has already

demonstrated that this type of behaviour will not be tolerated and in all cases, appropriate action will be taken.

- 8.3 The intention is that by adopting the new power and setting the fine level that is proportionate to the offence and not offering an early payment option, will encourage our communities to think seriously before allowing illegal waste transfers to take place. In turn, this could reduce the amount of fly-tipped waste across the district, which will allow the Operations Division to target their resources at other more important issues.

## **9. REASONS FOR THE RECOMMENDED DECISIONS**

- 9.1 Over the last 3 years, there has been an increase in the number of reported incidents of fly-tipping across Huntingdonshire. We have strongly demonstrated that this is not a behaviour that will be tolerated by investigating and taking appropriate action against those found to be responsible. This has resulted in a number of FPNs being issued as well as successful prosecutions that have left the perpetrators with a fine as well as criminal record.

- 9.2 When incidents of fly-tips are being investigated, all too often residents will claim that they were unaware of their responsibility to ensure that the person disposing of their waste has the correct license. With the development of social media and free advertising, it is all too easy for scrupulous individuals to advertise as being a 'man with a van' who in turn collects household waste for cash and then fly-tips it a few miles down the road.

- 9.3 It is therefore important that residents understand their responsibilities when identifying and instructing an individual or business to collect and dispose of their waste. We believe that the implementation of a media campaign, followed by the use of FPNs will ensure that our residents are informed about their rights and responsibilities.

## **10. LIST OF APPENDICES INCLUDED**

### **Environmental Protection Act 1990. Section 34(2A)**

<http://www.legislation.gov.uk/ukpga/1990/43/section/34>

### **Corporate Enforcement Policy**

<https://www.huntingdonshire.gov.uk/media/3595/corporate-enforcement-policy.pdf>

## **11. BACKGROUND PAPERS**

**The Environmental Offences (Fixed Penalties) (England) Regulations 2017**

**CONTACT OFFICER**

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01480 388233

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**Public**  
**Key Decision - No**

## HUNTINGDONSHIRE DISTRICT COUNCIL

<b>Title/Subject Matter:</b>	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
<b>Meeting/Date:</b>	Licensing and Protection Committee – 11 March 2020
<b>Executive Portfolio:</b>	Executive Councillor for Communities – Cllr K Prentice
<b>Report by:</b>	Acting Operational Manager (Business) – Myles Bebbington
<b>Ward(s) affected:</b>	All.

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### **Executive Summary:**

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2019-20 were approved by committee on 13 March 2019.

This monitoring report covers the period from 1 April 2019 to 31 January 2020. Ten months into the implementation of these plans, however where possible a full 12 months of figures have been given for the period January to January so that a reasonable 12-month comparison can be given. 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, they 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.

Continued vacant posts have impacted on targets and service delivery during 2019-20 and the unfortunate passing of Susan Walford further impacted the service towards the end of 2019. These impacts were to a degree mitigated by prioritising higher risk interventions and complaints whilst providing business support to maintain a quality service.

## **Recommendation(s):**

**Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 April to 31 January 2020.**

### **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 2019 and 31 January 2020.

### **2. WHY IS THIS REPORT NECESSARY**

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

### **3. DESCRIPTION OF THE SERVICES COVERED BY THE REPORT**

- 3.1 Food Law Enforcement consists of the following areas of work:

- Planned activities such as routine inspections of food businesses, food and environmental sampling and the provision of food hygiene training courses;
- Unplanned (reactive) work such as the investigation of customer complaints, dealing with requests for compliance advice and following up notifications of food poisoning;
- Liaison with other departments in the interests of coordinated service delivery: in particular licensing and planning;
- Supporting national strategies and the wider public health agenda.  
Text.

- 3.2 Health and Safety regulation consists of these areas of work:

- Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- 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);
- The provision of compliance advice to businesses.

### **4. KEY IMPACTS / RISKS**

- 4.1 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.

- 4.2 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 deployed into the fatal accident investigation and the continuing vacancies in the team. The part-time vacancy has been used to provide specialist support around the fatal accident inquiry and subsequent Coroners report issued in September 2019.

## **5. ACTIONS AND PROGRESS AGAINST THE APPROVED PLANS**

- 5.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.
- 5.2 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 are at red, although the highest risk based premises A-C are all up to date, 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 red; 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.
- 5.3 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.
- 5.4 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. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. Complaints and service requests were more in line with expectations after last year's spike due to the hot summer. These have now reduced as winter has approached 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.
- 5.5 The food hygiene training programme has not been delivered to the level the team would like, however of the three courses held they have had a very high success rate. It remains a commitment by the team to re-establish these as soon as possible. We continue to be open to enquiries regarding primary authority, following a successful 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.

5.6 The Better Business for All programme has continued to develop successfully with local authorities in the area forming a steering group with Signpost-to-Grow and Regulatory Delivery. Work has been completed drawing up a regulatory advice brochure which will be web-based and readily available to businesses to promote services and signpost to support. There was a staff launch in August 2019 and wider engagement with the business community with a business meeting in September 2019. Funding was secured to digitise the advice brochure in collaboration with Anglia Ruskin University which is in the process of being rolled out and will shortly be available on Local Authority websites as well as signpost-2-grow.

5.7 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 has been trialled by 40 local authorities. Benefits and includes automatically generated targeted advice to the business registering giving access to relevant information and guidance. Although delayed at Government level it is intended to 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 form part of the service plan for 2020-21.
- The FSA proposal to develop a new risk engine has been put on hold after a trial phase and is not expected to be released with the new enhanced registration system until later in 2020.

5.8 In preparation for the UK leaving the EU, the FSA are developing a training programme on imported food controls, which could have a resource impact on Local Authorities.

5.9 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.

5.10 The Coroner's Inquest into the death reported at Hamerton Zoo was completed in September 2019 and a number of recommendations were made, this is still requiring ongoing commitment from officers to achieve a proportionate and reasonable outcome.

5.11 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.

## **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

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. CONSULTATION**

7.1 No consultations required as part of this report

## **8. LEGAL IMPLICATIONS**

8.1 None.

## **9. RESOURCE IMPLICATIONS**

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

## **10. OTHER IMPLICATIONS**

10.1 None.

## **11. REASONS FOR THE RECOMMENDED DECISIONS**

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

## **12. LIST OF APPENDICES INCLUDED**

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

## **CONTACT OFFICER**

Name/Job Title: M.Bebbington – Acting Operational Manager (Business)  
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Appendix 1

Food Safety Service Plan: Programmed (proactive) Activity

Proactive Tasks	Leve of Activity		Progress
	Predicted activity 2020-21	Recorded activity 1 April 2019 – 31 January 2020	RAG Status
Programmed food hygiene inspections (risk group A-D, in addition to those below)	409	277	Amber
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	106	25	Red
Revisits	20	9	Green
Inspections of or visits to new food businesses <sup>1</sup>	130	97	Amber
Visits to Approved Establishments	6	5	Green
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training	2hrs	0 Hrs	Amber
Other proactive visits (food, water and environmental samples/advisory)	100	30	Red
Prosecutions and cautions	2	2	Green
Formal action (service of notices, closures)	10	0	Green

<p>Food safety and public health promotion</p>	<ul style="list-style-type: none"> <li>• <i>A total of 3 food hygiene training courses have been delivered with high success rates. Further opportunities for bespoke courses are being pursued</i></li> <li>• <i>Better Business for All initiatives have been completed through seminars, website and joint schemes with neighbouring authorities</i></li> <li>• <i>Business Support are continuing to contribute to the FSA enhanced registration of businesses work stream by collating and submitting real data</i></li> </ul>	
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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.*



Appendix 2  
Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2020-21	Recorded activity 1 April 2019 – 31 January 2020	RAG Status
Complaints and service requests about food and about/from food businesses <sup>1</sup>	550	517	<b>GREEN</b>
FHRS re-score requests	30	26	<b>GREEN</b>
Food, water and environmental samples taken	25	0	<b>AMBER</b>
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	56	<b>GREEN</b>
FSA food alerts for action	2	3	<b>GREEN</b>

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**Appendix 3**  
**Table 1 – Health and Safety Activity**

Activity	Level of activity	
	2019-20 (Actual)	2020-21 (Estimated)
Premises inspections and interventions (including revisits)	12	10
Health and safety complaints and requests for service *	60	75
Accident and dangerous occurrence investigations commenced **	24	30
Specific smoke free enforcement visits***	0	0
Matters of Evident Concern (MEC)****	23	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	

\* 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.

\*\*The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

\*\*\* This figure is driven by the number of relevant complaints received by the service.

\*\*\*\* 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/Subject Matter:** Service Plan Food Law Enforcement 2020-21

**Meeting/Date:** Licensing & Protection Committee 11 March 2020

**Executive Portfolio:** Executive Councillor for Communities – Cllr K Prentice

**Report by:** Acting Operational Manager – M Bebbington

**Ward(s) affected:** All

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### **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 asked to :-

- 1. Comment on, and if in agreement approve the "service plan for food law enforcement 2020-21 in accordance with the Council's constitution**

- 2. If in agreement with the approval of the service plan, delegate to the Operational Manager the ability to update the 2019-20 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 2020-21 (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/BACKGROUND**

- 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/ANALYSIS**

- 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 2019.
- 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 migrate and cleanse data ready for migration, including training and development of new operating procedures.
- 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, we will work with business support colleagues to promote Primary Authority to small businesses and improve their regulatory knowledge, making it easier 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 this will be implemented during 2020-21.
- Continuing to prepare for transition of legislation from Eu to UK law in the lead up to and beyond exit from EU.
- Continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods.

#### **4. KEY IMPACTS / RISKS**

- 4.1 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.
- 4.2 The continuing vacancies in the team have significantly impacted on the delivery of the service and delivery of training. This is accentuated by the lack of suitable and qualified EHO`s nationally.
- 4.3 The now imminent departure for the EU is likely to have as of yet a largely unknown impact on how we deliver the service, however, it is widely anticipated that there will be a significant impact on Local Authorities around inspections of food export and import companies which are currently not required.
- 4.4 The implementation of a new EH software package that will allow more agile working and streamline current processes is underway, data cleansing and Data migration and cleansing as part of the implementation will have a resource implication for the team over the coming year.

#### **5. TIMETABLE FOR IMPLEMENTATION**

- 5.1 The service plan will be delivered during the 2020-21 financial year

#### **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

- 6.1 Service plan promotes the Council`s Corporate Plan and the strategic priorities.



## **7. CONSULTATION**

- 7.1 No consultations required as part of this report.

## **8. LEGAL IMPLICATIONS**

- 8.1 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.
- 8.2 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.
- 8.3 This This Plan replaces the 2019-20 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.
- 8.4 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.

## **9. RESOURCE IMPLICATIONS**

- 9.1 The budget for 2020-21 remains largely the same as that for 2019-20 although there is growth of 1% in the salary allocation. Achievement of income targets will depend on the successful recruitment, 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.

## **10. OTHER IMPLICATIONS**

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

## **11. REASONS FOR THE RECOMMENDED DECISIONS**

- 11.1 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.

## **12. LIST OF APPENDICES INCLUDED**

Appendix 1 – Draft Food Safety Service Plan

## **13. BACKGROUND PAPERS**

### **CONTACT OFFICER**

Name/Job Title: Mr M Bebbington – Acting Operational Manager (Business)  
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**COMMUNITY DIVISION**

**SERVICE PLAN FOR  
FOOD LAW ENFORCEMENT  
20-2021**

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

Approved by Licensing & Protection Committee  
11<sup>th</sup> March 2020

## INTRODUCTION

This is Huntingdonshire District Council's Twentieth 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 2020-21. Any references to work delivered in 2019-20 are based upon data recorded between 1 January 2019 and 31 January 2020. The references to programmed work for 2020-21 are based on predictions made from the risk rated premises database on 31 January 2020.

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

Myles Bebbington  
Acting Operations  
Manager - Business



## EXECUTIVE SUMMARY 2020-21

### 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 2019-20 and 2020-21**

<b>STAFF (Full Time Equivalent (FTE))</b>	<b>2019-20</b>	<b>2020-21</b>
Environmental Health Officers (EHO)*	3.76*	3.76*
Environmental Health Compliance Officers (EHCO)*	0.69	0.69
Operational Manager (Business)	0.35	0.35
	<b>4.80</b>	<b>4.80</b>
Business Support Staff*	1.17	1.17
<b>Total</b>	<b>5.97</b>	<b>5.97</b>
<b>FINANCIAL</b>	<b>2019-20</b>	<b>2020-21</b>
Direct Costs (salaries, NI and pensions)	£253,941	£241,712
Other Direct costs (specialist equipment, laboratory services and sampling)	£7,565	£6,935
Transport	£5,722	£3,950
Total	<b><u>£267,228</u></b>	<b><u>£252,597</u></b>
Income (Primary Authority Partnership, export certificates, delivery of training courses)	<b><u>-£11,070</u></b>	<b><u>-£13,0000</u></b>
<b>NET EXPENDITURE</b>	<b><u>£256.158</u></b>	<b><u>£239.597</u></b>

\* 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 2.425 (EHO).

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

The reduction in staffing costs reflects the estimated reduction in temporary agency staff during 2020-21

**Table 2 – Programmed (proactive) Activity**

Proactive Tasks	Level of activity		
	Predicted 2019-20	Actual 2019-20 (-2 months)	Predicted 2020-2021 (+2 months)
Planned food hygiene inspections (risk group A-D, in addition to those below)	373	277	409
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	106	25	95
Revisits	50	9	20
Inspections of new food businesses	130	97	130
Inspections of Approved Establishments	10	4	2
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	20	0	0
Other proactive visits (food, water and environmental samples/advisory)	150	30	100
Prosecutions	2	0	2
Formal action (service of notices)	10	0	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		



**Table 3 – Unplanned (reactive) Activity**

Proactive Tasks	Level of activity		
	Predicted 2019-20	Actual 2019-20 (-2 months)	Predicted 2020-2021 (+2 months)
Service requests/complaints about food and food businesses	550	513	550
FHRS re-score requests	Not predicted	26	30
Food, water and environmental samples taken	25	0	25
Infectious disease control – notifications of food-borne/food poisoning illness	80	56	80
FSA Food Alerts for Action	2	3	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 2020 - 21 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.

The impact of Brexit is yet unknown however it is recognised that there may be an impact relating to food hygiene Export Health Certificates issued by local authorities for food stuffs being exported.

## DEVELOPMENT PLAN 2020-21

The following developments are planned during 2020-21. 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 launched in May 2019 working collaboratively to deliver regulatory support priorities targeted at business growth across Cambridgeshire and Peterborough. We will continue working with business support colleagues and will continue to be open to primary authority enquires from 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 2020-21, this has been delayed from last year.
- Prepare for transition of European 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 via our website to help local businesses make healthier changes to their menu and food preparation methods.
- Continue to undertake official controls (including proactive food hygiene inspections) in line with the requirements of the Foods Standards Agency code of practice
- We will actively implement any new guidance issued by the FSA regarding allergens
- 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 in respect of acrylamides via the website.

*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); support 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 79.3% with 81.8% of people being economically active. 98% of businesses are classified as small or micro (Office for National Statistics; nomis Oct 2018-Sept 2019). 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.
- 2.2.3 The Operational Manager (Business) is responsible for the day to day management and co-ordination of the food safety service supported by a Lead Food Officer acting as the technical expert on food safety related matters.
- 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 enforcing health and safety regulation, the smoking in public places legislation infectious diseases legislation and private water supply 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 Officer. Operational management of the team and development of the annual Service Plans. Senior technical advisor on licensing matters within the service area. Contributes to the corporate management of the Community Division. <b>(0.35 FTE)</b>
Environmental Health Officer – full time	Proactive and reactive food safety work. Senior technical advisor on Health & Safety related matters <b>(0.85 FTE)</b>
Environmental Health Officer – full time	Proactive and reactive food safety work. <b>(0.85 FTE)</b>
Environmental Health Officer – part time	Proactive and reactive food safety work. <b>(0.78 FTE)</b>
Environmental Health Officer – part time	Proactive and reactive food safety work. <b>(0.43 FTE)</b>
Environmental Health Officer/ Environmental Health Protection Officer – full time	Proactive and reactive food safety work. <b>(0.85 FTE)</b>
Environmental Health Protection Officer – part time	Proactive and reactive food safety work. Lead Food Officer, Senior technical advisor on food safety <b>(0.69 FTE)</b>
	<b>Total of 4.8 FTE Officers</b>

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**

<b>Name of Organisation</b>	<b>Type of Service</b>	<b>Frequency of Service</b>
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
Drinking Water Inspectorate	Monitoring private water supplies, information/advice	Annual returns and ad-hoc enquiries

### **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 which may increase with Brexit
- 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 1533 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	43
Importers	4
Distributor/Transporters	54
Food Retailers	290
Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways	1049
Outside district	62
Total	1533

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 31/01/2019	1	46	247	505	488	115
As at 31/01/2020	3	67	283	453	494	114

## 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 9 approved premises: 3 approved for meat products; 4 approved for egg packing; 1 for meat and smoked fish; and 1 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 Export Health Certificate and additional checks may need to be carried out before the certificate is issued. 149 certificates were issued during the last year. It is recognised that this could increase significantly due to Brexit.
- The implementation of changes to existing legislation, Codes of Practice, Government guidance and monitoring arrangements have resource implications for the service.
- Following a period during 2019 – 20 of unsuccessful recruitment it is considered that this will continue to affect the delivery of a pro active service during 2020 – 21 as the team concentrates on reactive matters.

## **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. Senior officers represent 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 2020-21. Around 500 will become due during the period 2020 - 21 and approximately 100 could be carried forward from 2019-20.

- 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 2020-21, 130 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 276 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 2020-21.
- 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 December 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 rescoring visit (subject to the payment of a fee) after the inspection upon which their rating was based. During 2019-20 there have been twenty six re-score requests, compared to Five in 2018-19, Four other enquiries and Four appeals. 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:

3.3.2 Complaints about the food premises themselves (e.g. poor staff hygiene, allegations of pests, poor standards of cleanliness)

3.3.3 Complaints about the condition or contamination of food (extraneous matter, mould, dirty containers)

3.3.4 Complaints about food labelling and food information ('use by' dates and allergen information).

3.3.5 Based on previous years it is estimated that there will be about 200 such complaints in 2020-21. 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
- 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.
  - Key information issued via Council website

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. There have been over 150 requests, in the first 10 months of 2019-20 for advice and training this year, it is expected that there will be at least as many in 2020-21.

### **3.6 Food and Environmental Sampling**

3.6.1 Sampling is a recognised official food control. In 2020-21 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 56 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**

**Subject to resources, the proposals for 2020-21 include the following:**

- Promotion of online food hygiene training and provision of CD ROMs
- Promotion of the National Food Hygiene Rating Scheme (FHRS)
- Production of food safety newsletters sent to all businesses on our database
- Ad hoc lectures to schools and community groups upon request
- Hygiene and food safety linked press releases

- 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
- Promotion of Healthier Options via our website 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 £ 11,070 during 2019-20.

3.11.2 The exit from Europe is likely to have a significant impact with regards to food exports. Whilst legislation is yet to be announced the FSA have indicated that the requirement for local authorities to inspect food premises that export food beyond the UK and the requirement to issue food Export Health Certificates may increase significantly. The current position is that certificates are only required to countries beyond the EU.

## SECTION 4: RESOURCES

### 4.1 Financial Allocation

4.1.1 The budget for 2020-21 is shown in Table 8 below

**Table 8: Food Safety Service Budget 2020-21**

	<b>2020-21</b>
<b>Direct Costs</b>	<b>£</b>
<b>Employees</b>	
Salary (NI, Pension, training)	241,712
Transport, mileage	3,950
	<b>247,062</b>
<b>Other</b>	
Equipment, furniture and materials	1,330
Offices expenses	2,334
Services	153
Printing and Postage	1,750
Personal Protective Equipment	323
Training Expenses	220
Books and Publications	400
Subscriptions	425
	<b>6,935</b>
<b>Total</b>	<b>253,597</b>
<b>Income</b>	
Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits)	-11,000
<b>Total Expenditure</b>	<b>238,997</b>

4.1.2 The overall budget for 2020-21 remains largely the same as 2018-19 with a 1% increase in staffing costs.

4.1.3 The estimated income of £11,000 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 2019-2020 as less training and primary authority support was delivered than anticipated, but there was an increase in the number of health certificates issued. The actual income was £13,348.50

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 anywhere network so that they are available for improved out-of-office working and wireless enabled for touchdown working in HDC controlled premises. In addition the roll out of new mobile phones has enabled 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) working closely with the Lead Food Officer 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 2020-21 to reflect changes in the code of practice, practice guidance and FHRB 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 Chief Operating Officer.

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 2019-20 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 2019-20 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 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 one career graded positions which was open to individuals nearing completion of the baseline qualification. This post was filled and the individual is now working towards qualification and appropriate competency over the next two years.

### **6.3 Programmed Work**

6.3.1 The 2019-20 Service Plan estimated that 619 planned inspections of food businesses would be carried out, 373 of which would be full or partial inspections of premises in categories A, B, C and D.

6.3.2 During the period of this plan, 403 full or partial inspections have been undertaken along with advisory and intelligence gathering visits that were made. Current figures show that 91% of premises inspected received a food hygiene rating of 3 or above. This is due to current staffing vacancies that have not been filled during 2018 to present date

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

6.3.4 Any outstanding inspections at 31 March 2020 will be carried forward and prioritised within the 2020-21 programme.

## **6.4 Reactive Work**

6.4.1 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 rescore visit or appeal a rating. The Brand Standard specifies the ways in which such requests must be handled. 26 requests have been made for re-inspections which entails additional visits to premises. Four appeals were received following inspection, two were successful and two did not change the score.

6.4.2 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 2019-20 Action Plan**

6.5.1 The Service Plan contained an action plan for the year. Those commitments are reviewed below:-

Maintain, review and update the Flare premises database so as to improve communication with businesses and identify efficiency savings, now superseded by procurement of new EH software system.

A business case and capital bid were prepared during 2019-20 and funding has been agreed as part of the 2020-21 budget process on a joint procurement for Huntingdonshire, Cambridge City and South Cambridgeshire Environmental Health and Licensing and the Home Improvements Agency. This project will roll into the 2020-21 work plan and beyond to ensure capacity.

Review and update Standard Operating Procedures in relation to changes in the Code of Practice and the Working Practice Guidance completed partially but carried over to 2020-21

The update of Standard Operating Procedures is ongoing as changes are anticipated with both the FSA's Regulating our Futures Programme and the EU exit.

- Delivered a limited 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
- Through Better Business for All initiative continue to promote principles supporting communicating for compliance, with a focus on getting it right first time, holding 2 events during the year, producing an information booklet and developing an animated video for use by HDC.

- 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. 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 where appropriate.
- Engaged 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
- 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 have been monitored via the FSA communications platform. The Government's European Union (Withdrawal) Act converts 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 following Brexit.
- Continued 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.
- 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 and an information video to promote regulatory compliance, A coordinator is in place across the partnership in order to sustain delivery and drive the programme forward.

## **6.6 Action Plan for 2020-21**

- 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.
- Implementation of a new Environmental Health Management System and 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 where possible 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. During 2019/20 three food hygiene courses have been delivered.
- 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.
- 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 through our website to help local businesses make healthier changes to their menu and food preparation methods.
- 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.

This document will be considered as a live working document and be kept under review through team meetings and regular monitoring meetings with the Chief Operating Officer.

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Service Plan for Health & Safety Regulation

**Meeting/Date:** Licensing and Protection Committee – 11<sup>th</sup> March 2020

**Executive Portfolio:** Executive Councillor for Operations and Regulation – Cllr K Prentice

**Report by:** Acting Operational Manager – M.Bebbington

**Ward(s) affected:** All

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### **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 9).

### **Recommendation(s):**

Members are requested to:-

1. Comment on, and if in agreement approve the “Service Plan for Health and Safety Regulation 2020-21 in accordance with the Council’s constitution
2. If in agreement with the approval of the service plan, delegate to the Operational Manager the ability to update the 2019-20 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 and Safety Enforcement 2020-21 (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 Health and Safety regulation.

- 1.2 The Council's role as a health and safety regulator is delivered by the Business Team of the Community Division. 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. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 Huntingdonshire District 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 all local authorities to outline how it will fulfil its duty "to make adequate arrangements for the enforcement of the relevant statutory provision within its area". The requirement is supported by the National Local Authority Enforcement Code and the Local Authority Circular 67/2 (Revision 9).
- 2.2 The work plan priorities are guided by the content of Local Authority Circular 67/2 (rev 9), 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. OPTIONS /ANALYSIS**

- 3.1 The service has considered the National Enforcement Code, the Corporate Plan 2018-22 and the predicted 2020-21 workload based upon commitments, resources and work delivered since 1 April 2019. 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. Due to significant staffing vacancies proactive planned inspections have been minimal however proactive inspection of local businesses that are carrying out higher risk activities will be resumed once recruitment has taken place and will be in accordance with national and/or local priorities.
- 3.2 The workplan priorities are guided by the content of Local Authority Circular 67/2 (rev 9), 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 Key priorities for the coming year include.
- Procurement of a new Environmental Health office 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.

- Health and Safety advice will be given through engagement with the Event Safety Advisory group and Better Business for All project
- A risk-based approach to complaint handling and incident selection criteria will continue to select relevant incidents and complaints for investigation.
- The continued drive to simplify regulation and ensure that employers are aware of their responsibility is a continuing thread of government policy. This is demonstrated by the Better Business for All scheme which we actively contribute to. Its aim is 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 is also be placed on how smaller, lower risk businesses can “do” health and safety for themselves.

#### **4. KEY IMPACTS / RISKS**

- 4.1 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Health and Safety Executive in their capacity as the national regulators. 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 9)).
- 4.2 The continuing vacancies in the team have significantly impacted on the delivery of the service in respect of proactive activities. This is accentuated by the lack of suitable and qualified EHO`s nationally.
- 4.3 The now imminent departure for the EU is likely to have, as of yet, a largely unknown impact on how we deliver the service, however, it is widely anticipated that there will be additional requirements placed upon local authorities.
- 4.4 The implementation of a new EH software package that will allow more agile working and streamline current processes is underway, data cleansing and Data migration and cleansing as part of the implementation will have a resource implication for the team over the coming year.

#### **5. ACTIONS – PROGRESS AGAINST APPROVED PLANS**

- 5.1 The service plan will be delivered during the 2020-21 financial year and will be delivered alongside the Business Team`s other core functions of food safety and licensing.

#### **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

6.1 Service plan promotes the Council's Corporate Plan and the strategic priorities

## **7. CONSULTATION**

7.1 No consultations required as part of this report.

## **8. LEGAL IMPLICATIONS**

8.1 The HSE has a key role as the national regulator in overseeing health and safety regulation undertaken by local authorities.

8.2 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.

8.3 This plan replaces the Service Plan for 2019-20 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.

## **9. RESOURCE IMPLICATIONS**

9.1 The budget for 2020-21 remains largely the same as that for 2019-20 although there is growth of 1% in the salary allocation.

## **10. OTHER IMPLICATIONS**

10.1 The HSE expects local authorities to carry out regulatory activity 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.

## **11. REASONS FOR THE RECOMMENDED DECISIONS**

11.1 Huntingdonshire District Council is required to produce and approve a Health and Safety Service Plan. This Provisional Plan gives the Committee an opportunity to comment on the priorities identified and shape delivery of the service within approved resources.

## **12. LIST OF APPENDICES INCLUDED**

Appendix 1 – Draft Service Plan for Health & Safety Regulation 2020-21

### **CONTACT OFFICER**

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## **COMMUNITY DIVISION**

# **SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2020-21**

**Drawn up in accordance with the National Local Authority  
Enforcement Code and Local Authority Circular LAC 67/2 (rev9)**

Approved by Licensing and Protection Committee  
11<sup>th</sup> March 2020



## EXECUTIVE SUMMARY 2020-21

### 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 9) 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 2020 -21. Any references to work delivered in 2019-20 are based upon the data recorded for the period between 1 April 2019 and 31 January 2020. The references to programmed work for 2020 - 21 are at this time estimates.

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.

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

\* 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 2020-21 remains largely the same as 2019-20 with

a 1% increase in staffing allocation.

## FINANCIAL

	<b>2020-21</b>
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>
<b>TOTAL</b>	<b>£41,940</b>

## ACTIVITIES

The range of activities undertaken is shown in table 1 (below). The figures for 2019-20 are based upon recorded data between 1 April 2019 and 31 January 2020.

**Table 1 – Health and Safety Activity**

Activity	Level of activity	
	2019-20 (Actual)	2020-21 (Estimated)
Premises inspections and interventions (including revisits)	12	10
Health and safety complaints and requests for service	60	75
Accident and dangerous occurrence investigations commenced	24	30
Specific smoke free enforcement visits	0	0
Matters of Evident Concern (MEC)	23	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 2020-21 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).

## **2020-21 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 during 2020-21, resource will need to be allocated to ensure that the data migration is as accurate as possible. Process flows and data requirements are currently being identified and this project will continue into 2021-22.
- 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 collaborated through the Better Business for All partnership to continue to work with the HSE in delivering clear concise information to enable businesses to give businesses a better grasp of what "good enough to meet compliance obligations" looks like. Whilst promoting revised HSE guidance on securing competent advice, we will continue to emphasise how smaller, lower risk businesses can "do" health and safety for themselves.

## **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 9)
  - 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 2,274 premises on the premises database. Table 2 shows a breakdown by HSE classification.

**Table 2 - Analysis of Premises by HSE Classification**

Retail Shops	492
Catering, restaurants and bars	525
Offices	357
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	362
Wholesale, warehouses and fuel depots	224
Leisure and cultural services (e.g. cinema, place of worship)	145
Hotels, camp sites and other short-stay accommodation	50
Provision of permanent residential accommodation	56
Other premises (not classified above)	38
HSE enforcement	25

- 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 cooling 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 if 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. 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 (Bouncy castles)
- 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 65 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.

	<b>2020-21</b>
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
<b>TOTAL</b>	<b>1.10</b>

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

### 3.2 Financial

	<b>2020-21</b>
Direct Costs	
Employees (salaries, NI and pensions)	£42,655
Other (Legal fees, PPE, equipment etc.)	£1,335
Transport	£1,010
Income & Fees	-£3,060
	<b>TOTAL    <u>£41,940</u></b>

3.2.1 The overall budget for 2020-21 remains largely the same as 2019-20 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 2020-21 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**

	<b>2018-19</b>	<b>2019-20</b>
Total number of inspections, visits and revisits	25	0
Improvement notices	3	0
Prohibition notices	0	0
Simple cautions	0	0
Prosecutions	0	0
Health & Safety complaints and service requests	51	48
Accident Notifications	52	68

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 2019-20 Service Plan**

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

5.3.2 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 which explains the lack of proactive inspections.

5.3.3 We have where possible continued to support businesses and work collaboratively with partners to raise awareness of Health & Safety matters, providing advice and guidance on compliance.

5.3.4 The Coroner’s inquest into the fatality at Hamerton Zoo was concluded late September 2019. This has and will continue to draw on resources as we work with experts to identify future steps and review best practice.

5.3.5 We have continued to work with Licensing in respect of risk assessing applications for Skin piercing and tattoo parlours

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#### **5.4 Plan of work for 2020-21**

- 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 data migration is accurate. Process flows and data requirements are currently being identified and this project will span 2021-22.
- 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 will continue to work through the Better Business for All partnership to 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 via advice on our website, the sign-2-grow website and inspections and visits.
- 5.4.6 Following the coroners findings in September 2019, we will aim to work closely with the owners of Hamerton Zoo to review and update a range of policies and procedures that will improve a range of areas related to health & safety.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
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