



A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held as a **REMOTE MEETING VIA ZOOM** on **WEDNESDAY, 10 MARCH 2021** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Licensing and Protection Committee held on 9th December 2020.

Contact Officer: Democratic Services - (01223) 752547

2. MEMBERS INTERESTS

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

3. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 7 - 18)

To receive the monitoring report on the delivery of the Food Law Enforcement and Health and Safety Service Plan for the period 1st October to 31st December 2020.

Contact Officer: M Bebbington - (01480) 387075

4. SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2021-22 (Pages 19 - 48)

To consider the draft Service Plan for Food Law Enforcement 2021-22.

Contact Officer: M Bebbington - (01480) 387075

5. SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2021-22 (Pages 49 - 68)

To consider the draft Service Plan for Health and Safety Regulation 2021-22.

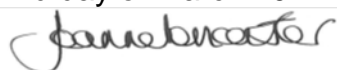
Contact Officer: M Bebbington - (01480) 387075

6. SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 69 - 72)

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

2nd day of March 2021



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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Please contact Democratic Services, Tel: 01223 752547 / email: Democratic.Services@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](#), together with a link to the Broadcast of the meeting.

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.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held as a REMOTE MEETING via Zoom on Wednesday, 9 December 2020.

PRESENT: Councillor S J Criswell – Chairman.

Councillors B S Banks, J R Clarke, Mrs A Dickinson, Mrs S A Giles, Mrs P A Jordan, L W McGuire, D J Mead, K I Prentice, Mrs P E Shrapnel and R J West.

APOLOGY: An Apology for absence from the meeting was submitted on behalf of Councillor Ms A Diaz.

15 MINUTES

Subject to the inclusion of Councillor J Clarke in the list of those present, the Minutes of the meeting held on 30 September 2020 were approved as a correct record and signed by the Chairman.

16 MEMBERS INTERESTS

No declarations were received.

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

With the assistance of a report by the Acting Operational Manager (Business) (a copy of which is appended in the Minute Book) the Committee received an update on progress made against the delivery of work on the Council's Food Law Enforcement and Health and Safety Plans during the period 1st July to 30th September 2020.

The Committee were advised that delivery of both the Food Law Enforcement Plan and the Health and Safety Service Plan continued to be dominated by the current Covid-19 Pandemic.

In terms of the Food Law Enforcement Plan, the key programmed activities of compliance visits, premises inspections and other proactive visits were all categorised as 'Red' following the suspension of all inspections by the Food Standards Agency earlier in the year. Following the recommencement of physical inspections in late July and the introduction of remote 'virtual' inspections, the focus had been on the higher risk premises within the District. Although these had taken longer than normal due to need for officers and businesses to be Covid compliant. It was reported that 23 such inspections had now taken place and following the successful recruitment of two new full time Environmental Health officers, efforts were now being made to develop a future programme of food inspections.

The Committee were also advised that there had been a significant increase in the numbers of new food business registrations being received which was in part

a result of employees within the hospitality sector starting up their own home businesses or traditional 'wet' pubs wishing to offer takeaways and food deliveries.

With regard to the unplanned (reactive) work undertaken by the service (appendix 2), the Committee were advised that the number of customer complaints and service requests had reduced which reflected a reduction in the numbers eating out at hospitality establishments.

In relation to the Health and Safety Service Plan, the Committee were advised that Health and Safety work had increased significantly and was forecast to remain high for the foreseeable future due to Covid 19 with an inevitable increase in inspections. A number of queries were being dealt with by the service relating to social distancing, PPE and staff safety.

In concluding his presentation, the Acting Operational Manager (Business) was also pleased to report that recent feedback from LAEMS the Local Authority Enforcement Monitoring System for food related matters had demonstrated the Council had obtained a general compliance rate of 97.8% across its food businesses.

Arising from the report, Member requested details of the additional work that officers within the team had been required to deal with at short notice in relation to Covid-19 matters and were advised that this related to business related compliance and local involvement with the track and trace scheme. The Committee also welcomed the appointment of two new full-time Environmental Health Officers and the positive impact that this additional resource would now have on future inspections.

In response to a question as to whether there were any food businesses operating within Huntingdonshire from storage container units, the Acting Operational Manager (Business) confirmed that he had no knowledge of any operations such as these within Huntingdonshire and any such activity should be reported to the Environmental Health Team at the earliest opportunity.

Having acknowledged the difficult period which the monitoring report covered and the approach, which was being taken to addressing the ongoing issues, it was

RESOLVED

that progress on the delivery of the two Service Plans for the period 1st July to 30th September 2020 be noted.

18 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 their last meeting under delegated authority.

An update on the outstanding appeals against the decisions of the Authority was also provided and the Committee were advised that there was now only one Appeal outstanding which was due to be heard in January 2021.

Arising from the report, Members discussed the processes by which vehicle checks and inspections were undertaken and the Committee were reminded that whilst the Authority does not have a dedicated inspection team, it works closely with the Police and other agencies in this regard. In cases where no proof of insurance can be provided, the Committee were advised of the course of action which was normally taken by the Authority in these circumstances.

Following a question regarding the change in the delegations which had been granted to officers, the Committee were assured that decision making continued to be robust and this was reflected in the outcome of the appeals which had been made and heard against officer decisions.

In response to a comment from a Member regarding a number of complaints which she had received about private hire vehicles parking in the market square in St Neots, the Committee were advised that the Licensing Team were aware of the issues and were considering the best course of action to address these matters.

Whereupon it was

RESOLVED

that the contents of the report be received and noted.

Chairman

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans.
Meeting/Date:	Licensing and Protection Committee – 10 March 2021.
Executive Portfolio:	Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice.
Report by:	Acting Operational Manager (Business) – Myles Bebbington.
Ward(s) affected:	All.

Executive Summary:

The Food Law Enforcement Service Plan and Health and Safety Service Plans 2020-21 were approved by Committee on 11 March 2020.

This monitoring report covers the Q3 figures from 1 October 2020 to 31 December 2020. In general terms the monitoring report accounts for work undertaken by the Business Team within the defined period and compares this to the service plan to ensure that the service is on target to deliver the programmed work.

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

The period October to December has been, once again, totally dominated by the current Covid 19 outbreak, complicated by the introduction of the tier systems which temporarily allowed for the commencement of food safety inspections but then re-entering Tier 4 and the suspension of inspections by the Food standards Agency. Any conducted inspections have taken longer than normal due to the need for officers to be Covid compliant and extra checks to ensure businesses are covid compliant that has doubled the time to undertake a normal inspection.

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.

Once Government authorises the food safety inspections to start, a plan of action is in place for the team to address the backlog, however whilst Higher risk food premises will be the priority if inspections do not start in full before April 2021 it will be impossible to meet the targets set for the year 2020/21, with this in mind a programme of inspections will be developed once the FSA have given clearer direction.

Recommendation(s):

Note progress and provide any comments considered appropriate, on the delivery of the two Service Plans for the period 1 October to 31st December 2020.

1. PURPOSE OF THE REPORT

- 1.1. The report provides information about the delivery of the two Service Plans for the cumulative figures for the year between 1 October 2020 and 31 December 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 and Covid related matters.
- 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) and Covid related matters;

- The provision of compliance advice to businesses.

4. KEY IMPACTS / RISKS

- 4.1 Under normal circumstances 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.

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 visits, approved premises inspections and other proactive visits are all Red due to the suspension of all inspections earlier in the year. However a programme of remote “virtual” inspections were rolled out so that when physical inspections resume we can re-assess the risk status of premises to identify better which premises need to be inspected most urgently. The FSA agreed to physical inspections to recommence in late July, but these were suspended in November following increase in Covid infections. We have now reverted back to remote inspections only. All inspections done remotely will still require a form of physical inspection in due course.
- 5.3 The alternative enforcement strategy is currently at red; this remains a lower priority, second to Food safety inspections and Covid compliance work as these are our very low risk premises that are assessed by means other than visits, but have been forced to give way to Covid related matters being undertaken by officers including increase in Health and Safety complaints and track and trace activities.
- 5.4 The focus in Q3 was initially to relaunch food safety inspections, Health and safety work as well as target new business registrations and interventions remotely which was successful and is Green. Additional work directly related to Covid has meant that officers have been taken away at short notice to deal with Covid related matters.
- 5.5 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand which has been reduced due to the current situation, these figures will prove volatile in 2020-21 as a result of Covid 19 due to

most reports of food poisoning traditionally being from food consumed at home. At present all indicators are green.

- 5.6 The food hygiene training programme remains suspended, likely for the rest of the financial year, but there is a commitment by the team to review these as soon as possible.
- 5.6 The Health and Safety Service Plan would normally contain a mixture of programmed work, reactive work and the provision of compliance information and advice. However planned inspections have also been suspended due to Covid 19 and work has only been reactive. The reopening of a range of businesses from June 2020 has led to a significant upsurge in queries and complaints around social distancing and use of PPE which is expected to occupy most of our Health and Safety work for the foreseeable future. Health and safety work has increased significantly, which is to be expected and is forecast to remain high for the foreseeable future due to Covid 19
- 5.7 During Covid the main health and safety queries have been around social distancing in the workplace and Personal Protective Equipment (PPE), which has resulted in a steady stream of advice and from July onwards and enforcement visits by the team, at the time of writing the report the food and licensing teams have dealt with over 400 complaints since March and/or requests for advice.
- 5.8 The team have been heavily involved in producing guidance and information relating to reopening our town centres, providing guidance for Food business reopening, along with businesses such as Barbers, Tattooists, Nail bars etc.
- 5.9 Further work has and continues to be done around track and trace work as required and has increased in Q3 due to changing priorities and roles being placed on Local Authorities by Government.

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 – Programmed (proactive) Activity

Proactive Tasks	Level of activity		
	Predicted 2020-21	Cumulative to Q3	
Planned food hygiene inspections (risk group A-D, in addition to those below)	550	64	RED
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	106	25	RED
Revisits	50	9	AMBER
Inspections of new food businesses	130	97	GREEN
Inspections of Approved Establishments	10	4	AMBER
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	20	0	RED
Other proactive visits (food, water and environmental samples/advisory)	150	30	RED
Prosecutions	2	0	GREEN
Formal action (service of notices	10	0	GREEN
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); Covid related advice and guidance.		

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Appendix 2 – Food Safety Service Plan: Reactive Activity

Reactive Tasks	Level of activity		Risk Monitoring
	Predicted Activity 2020-21	Recorded activity 1 Oct 2020 – 30 Dec 2020	RAG Status
Complaints and service requests about food and about/from food businesses ¹	550	289 (486 to date)	G
FHRS re-score requests	30	4 (9 to date)	R
Food, water and environmental samples taken	25	0 Nil to date	G
Infectious disease control - notifications of food-borne/food poisoning illnesses	80	79 (36total to date)	G
FSA food alerts for action	2	2 (3 in total)	G

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Appendix 3 – Health and Safety Activity Q3 2020

Activity	Level of activity	
	2020-21 Estimate	2020-21 Total to Q3
Premises inspections and interventions (including revisits and remote inspections)	10	189
Health and safety complaints and requests for service *	75	225
Accident and dangerous occurrence investigations commenced **	30	71
Specific smoke free enforcement visits***	0	0
Matters of Evident Concern (MEC)****	23	30
Health and safety promotion and advice to business/enquiries	<ol style="list-style-type: none"> 1. Issue of legionella advice to business 2. Safe reopening information 3. Health and safety in the workplace (covid bias) to registered businesses 4. Work with “Safer urban spaces group on range of promotions) 5. Covid compliance 	
Liaison with other organisations	Six 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, including Covid related matters. 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 2021-22.

Meeting/Date: Licensing & Protection Committee - 10 March 2021

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice.

Report by: Acting Operational Manager – M Bebbington

Ward(s) affected: All

Executive Summary:

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

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

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

Recommendation(s):

Members are asked to:-

- 1. Comment on, and if in agreement approve the Service Plan for Food Law Enforcement 2021-22 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 2020-21 performance data within the Service Plan prior to publication.**
- 3. Request Quarterly reports to monitor progress against the Service Plan.**

1. PURPOSE OF THE REPORT

- 1.1 The report formally presents the Food Law Enforcement Service Plan 2021-22 (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 2021-22 figures based upon work delivered since 1 April 2020.
- 3.2 Figures predicted for 2021-22 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-
 - Final implementation and embedding of a new Environmental Health Management system.

- Working with a range of partners including Better Business for All, and other national initiatives to advise and guide food businesses as part of a Covid 19 recovery programme.
- The Food Standards Agency have postponed due to Covid 19, but still plan to introduce a national online registration system for all food businesses. It is anticipated that this will be implemented during 2021-22.
- Develop advice and guidance as part of the Brexit process and the transition of legislation from EU to UK law.
- Continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods.
- Advice to businesses to support recovery from Covid pandemic

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 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, particularly in the Small and medium sized businesses.

5. TIMETABLE FOR IMPLEMENTATION

5.1 The Service Plan will be delivered during the 2021-22 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 Plan replaces the 2020-21 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 2021-22 is slightly reduced due to successful recruitment negating the ongoing need for temporary staff although there is growth of 1% in the salary allocation. Achievement of income targets will depend on 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

CONTACT OFFICER

Name/Job Title: Mr M Bebbington – Acting Operational Manager (Business)
Tel No: 01480 387075
Email: myles.bebbington@huntingdonshire.gov.uk

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COMMUNITY DIVISION

SERVICE PLAN FOR FOOD LAW ENFORCEMENT 2021-22

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

Approved by Licensing & Protection Committee
10th March 2021

March 2021

INTRODUCTION

This is Huntingdonshire District Council's Twenty First 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 2021-22. Any references to work delivered in 2020-21 are based upon data recorded between 1 January 2020 and 31 January 2020. The references to programmed work for 2021-22 are based on predictions made from the risk rated premises database on 31 January 2021.

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

Myles Bebbington
Acting Operations
Manager - Business

EXECUTIVE SUMMARY

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. Whilst Covid 19 has impacted immensely on the service over the previous year and is likely to impact during 2021 – 22 It is still imperative to set targets.

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

In providing the service we currently have available equivalent to 8 FTE for food safety and Health and safety provision and a total net expenditure of approximately £238,000

A balanced programme of work is proposed for 2021 - 22 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.

In addition there will be a recovery plan implemented to address the backlog of food inspections created by Covid 19 pandemic.

The impact of Brexit is slightly clearer and as previously reported there will be an impact relating to food hygiene certificates issued by local authorities for food stuffs being exported. There is also an emerging concern around small level food imports i.e. smaller food shop owners purchasing foodstuffs and importing it directly rather than via a recognised wholesaler. It is anticipated that this will require ad hoc inspections by Local authorities to ensure food safety when requested by FSA or Border control teams.

DEVELOPMENT PLAN 2021-22

The following developments are planned during 2021-22. This work is in addition to the proactive and reactive work undertaken as part of the normal daily workload. It is linked to the objectives and outcomes identified in the Corporate Plan and any regional or national strategies.

- Following a procurement process we will implement and migrate data to the new system Environmental Health and Licensing Management system, including training for staff and procedures. This project is anticipated to be in place by April 2021
- Review and update SOPs to align with the new computer system and remote working initiatives
- Review our programme of training courses in light of the broader acceptance of online training 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 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 and further delayed by Covid.
- We will continue to provide data to the FSA on food business registrations to inform the development of their risk engine as part of the Regulating our Future ongoing research and policy work.
- Implement transition of European legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date via direct contact, social media and HDC website
- 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”. 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 77.9% with 82% of people being economically active. 98% of businesses are classified as small or micro (Office for National Statistics; nomis Oct 2019-Sept 2020). 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 Chief Operating Officer.
- 2.2.2 Through the Council's Scheme of Delegation the food safety service has delegated responsibility for food safety enforcement and the Operational Manager 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 six officers in the Business Team with specific responsibility for the delivery of the food safety service of which 4.8 FTE is allocated to food safety or approximately 85% of the teams available time. The Operational Manager (Business) is supported by a team of Environmental Health Officers and Environmental Health Protection Officers. The team is also responsible for health and safety regulation and the smoking in public places legislation.
- 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.

Provision of External Services

Name of Organisation	Type of Service	Frequency of Service
Public Health England (PHE), Thetford and Colindale.	Microbiological food and water sampling and advice on infection and disease control	Weekly As required
Anglian Water, Huntingdon	Chemical and microbiological water sampling	Ad hoc

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

2.3 Scope of the Food Service

The food safety service consists of the following elements

- Food safety advice and enforcement, proactive and reactive, including interventions, inspections, requests for service and working with businesses, including event organisers, other regulators and members of the public
- Provision of health certificates for exported foods which is anticipated to 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 and other regulatory bodies
- 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.
- Undertake additional duties required as part of the HDC response to Covid 19

2.4 Demands on the Food Service

2.4.1 There are currently 1664 food businesses on the database, an increase of 111 over 20-21. 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.

2.4.2 Throughout the pandemic and the lockdowns and easing and tightening of restrictions, officers have managed to maintain the delivery of key services alongside a national effort supporting our front-line workers and the vulnerable in our society. Environmental Health officers have been at the forefront of the fight against the threat of increased cases and further deaths. The NHS Test, Track and Trace scheme is an ongoing vital tool in tracking (and controlling) the spread of the virus. The food team have been key in assisting with the case management through the door knocking service and the online case management system (CMS). This has resulted in over 200 covid service requests and over 150 requests for door knocking which remains a priority. In addition to

door knocking to obtain the contact details for people who have tested positive for Covid-19, Officers from the Community (Business) team had also been involved, along with other agencies, with the enforcement of the various and ever-changing Coronavirus Regulations 2020, which has resulted in approximately 140 visits to premises to advise and assess Covid compliance, resulting in 5 prohibition notices and 27 warning letters. Officers continue to be proactive with giving out advice and guidance to help businesses and our residents understand the requirements necessary to comply with the law.

2.4.3 This has been managed during already very challenging times by having to juggle resources and prioritise our service delivery. During the lockdown with the restrictions which have been imposed with them has necessitated the need to work more remotely and this has now become more common place.

Breakdown of food businesses in Huntingdonshire by FSA classification Figures in brackets show 20-21 figures

Primary Producers (e.g. farms)	34 (31)
Manufacturers/Packers	55 (43)
Importers	4 (4)
Distributor/Transporters	70 (54)
Food Retailers	261 (290)
Caterers – restaurants, cafes, hotels, mobile traders, pubs, clubs and takeaways	1013 (1049)
Outside district	62 (62)
Total	1499 (1533)

2.4.4 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 :-

Breakdown of food premises by inspection rating category

	A	B	C	D	E	Unrated
As at 31/01/2020	3	67	283	453	494	114
As at 31/01/2021	5	53	304	451	492	119

2.5 Approvals and Specialist/Complex Processes

- 2.5.1 Food hygiene regulations require certain premises which handle food products of animal origin to be approved by virtue of their nature, scale or complexity. Within Huntingdonshire there are Ten approved premises: three approved for meat products; four approved for egg packing; one for meat and smoked fish; and one as a cold store.
- 2.5.2 There are also businesses that use complex equipment such as vacuum packing machines and businesses carrying out complex processes such as sous-vide, cook-freeze and the curing of meat products. Suitably qualified and trained officers carry out interventions in businesses associated with specialist and complex processes and equipment.

2.6 Delivery of the Service

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

- In person or by telephone between 9am and 5pm Monday to Thursday, 9am and 4.30pm Friday (01480 388302) (subject to current Covid restrictions)
- 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.
- Due to Covid the team are currently working from home and visits to PFH are by prior appointment only

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, Preparation for such large- scale events can account for 60 - 80 hours of officer time, however it is not envisaged that this year there will be any significantly large events in excess of 5,000 attendees
- Officers may have to respond to FSA Food Alerts for Action. Some can be very time-consuming, particularly if they require action to be taken to identify and if necessary remove suspect or unsafe food from the food chain.
- There are two food businesses which regularly export food products to countries outside the EU. These products require a Health Certificate and

additional checks may need to be carried out before the certificate is issued. 90 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.
- The impact of Covid 19 is a major issue for the overall delivery of the food safety programme, with inspections on hold, a programme of virtual inspections is being carried out targeted at the higher risk premises and premises that are allowed to open.

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 1169 A - D businesses that will require some sort of intervention during 2021-22. This figure includes all outstanding inspections carried forward from 2020-21, all figures will be reported on a quarterly basis.

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 2021-22, There are currently 492 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 an additional 490 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, However AES interventions will remain low priority particularly during the current pandemic.

3.2.5 Planned inspections do not include inspections of 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.

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 following Covid closures about 20% of inspections will require some follow up action to check compliance. This could mean up to 210 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 2020-21 there have been nine re- score requests, compared to Twenty Six 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 is expected to be about 500 such complaints in 2021-22, which is in line with previous years. Progress against this will be reported quarterly.

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.

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 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
 - Covid safe advice and guidance

3.5.2 These activities are integrated into the service's general interventions and food safety promotion functions. There have been over 200 requests, in the first Ten months of 2020-21 for advice and training this year, it is expected that there will be at least as many in 2021-22 as business emerge from the latest lockdown.

3.6 Food and Environmental Sampling

3.6.1 Sampling is a recognised official food control. In 2021-22 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 currently charge for the analysis of samples.

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 36 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 and the ongoing pandemic, the proposals for 2021-22 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
- Ongoing covid advice
- 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.
- Contribute to wider HDC covid responses such as Track and Trace

3.11 Food Intended for Export

3.11.1 There are two manufacturing businesses which regularly supply food to non-EU countries and which require an Export Health Certificate for each consignment. These arrangements support the businesses in question and have generated income of £ 8,500 during 2020-21, slightly down from £11,050 in 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 clearly identified 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 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 2021-22 is shown in Table 8 below

Table 8: Food Safety Service Budget 2021-22

	2021-22
Direct Costs	£
Employees	
Salary (NI, Pension, training)	230,00
Transport, mileage	2,000
	232,00
Other	
Equipment, furniture and materials	1,400
Offices expenses	2,300
Services	150
Printing and Postage	300
Personal Protective Equipment	1200
Training Expenses	600
Books and Publications	400
Subscriptions	450
	6,500
Total	238,500
Income	
Costs recovered (Export Certificates, Primary Authority Partnership, delivery of training courses and fees for FHRS re-score visits)	-11,000
Total Expenditure	227,500

4.1.2 The overall budget for 2021-22 remains largely the same as 2020-21 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 mainly from export certificates.

4.1.4 The roll out of new mobile phones, laptops and Council anywhere during 2019-20 enabled the team to maximise and continue to work efficiently during the Covid pandemic and respond in an agile manner to the fluctuating situation during 2020-21

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
- Review 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 2021-22 to reflect changes in the code of practice, practice guidance and FHRB Brand Standard.

6.5 Summary Action Plan for 2021-22

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 and will be reported quarterly.

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

- Final Implementation and embedding of a new Environmental Health Management System.
- Review and update SOPs in relation to the new computer system and remote working initiatives
- Review the viability and delivery 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. .
- The Food Standards Agency are still planning to move to a national Online Registration system for all food businesses, however this has been significantly delayed due to Covid. It is anticipated that we will move to Stage 1 implementation during 2021-22. We will continue to provide data to the FSA on food business registrations to inform the development of their risk engine as part of the Regulating our Future ongoing research and policy work.
- amend existing processes following Brexit to comply with legislation into UK law following exit from the EU, ensuring staff are trained and businesses are kept up to date
- To promote the service as widely as possible using all available media outlets and support any relevant national strategies such as the FSA's National Food Safety Week
- To continue to promote the Healthier Options initiative to help local businesses make healthier changes to their menu and food preparation methods,
- 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.
- Appendix 1 identifies service plan targets for pro active interventions for 2021-22
- Appendix 2 identifies estimated levels for reactive work during 2021-22

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.

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Appendix 1 – Programmed (proactive) Activity

Proactive Tasks	Level of activity	
	Predicted 2021-22	Actual 2020-21 (to Nov 20)
Planned food hygiene inspections (risk group A-D, in addition to those below)	629	64
Alternative Enforcement Strategy (AES) (e.g. cake makers and child-minders)	106	25
Revisits	50	9
Inspections of new food businesses	130	97
Inspections of Approved Establishments	10	4
Primary Authority Partnership Activity – includes requests for advice, attendance at meetings and provision of training*	20	0
Other proactive visits (food, water and environmental samples/advisory)	150	30
Prosecutions	2	0
Formal action (service of notices)	10	0
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	

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Appendix 2 – Unplanned (reactive) Activity

Proactive Tasks	Level of activity		
	Predicted 2021-22	Actual 2020-21 (-2 months)	
Service requests/complaints about food and food businesses	550	486	
FHRS re-score requests	26	9	
Food, water and environmental samples taken	25	0	
Infectious disease control – notifications of food-borne/food poisoning illness	80	56	
FSA Food Alerts for Action	2	3	

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Licensing and Protection Committee – 10th March 2021.

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice.

Report by: Acting Operational Manager – M.Bebbington.

Ward(s) affected: All.

Executive Summary:

Huntingdonshire District Council is a health and safety enforcing authority. The Health and Safety Executive (HSE) is the national regulator for health and safety and requires every local authority to outline how it will fulfil its duty “to make adequate arrangements for the enforcement of the relevant statutory provisions within its area”. This requirement is supported by the National Local Authority Enforcement Code and Local Authority Circular (LAC) 67/2 (Revision 9).

Recommendation(s):

Members are requested to:-

- 1. Comment on, and if in agreement approve the Service Plan for Health and Safety Regulation 2021-22 (appendix 1) 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 2020-21 performance data within the Service Plan prior to publication**
- 3. Request quarterly reporting figures on progress against the annual service plan.**

1. PURPOSE OF THE REPORT

- 1.1 The report formally presents the Service Plan for Health and Safety Enforcement 2021-22 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 2021-22 workload based upon commitments, resources and work delivered since 1 April 2020. The plan highlights that the Covid pandemic has and continues to have a significant impact on workload with Health and safety complaints being significantly increased over 2019 -20 figures that showed a total across all Health and Safety matters 119 interventions compared to 511 by the end of Jan 2021
- 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.
- The Continued impact of Covid 19 will be a key priority and any advice or enforcement in such matters will be a high priority based on the risk identified.

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 departure from 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.
- 4.3 The implementation of a new EH software package that will allow more agile working and streamline current processes is near completion and should be operational by April 2021.

5. ACTIONS – PROGRESS AGAINST APPROVED PLANS

- 5.1 The service plan will be delivered during the 2021-22 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 2020-21 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 2021-22 remains largely the same at approximately £42k as that for 2020-21 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 2021-22

CONTACT OFFICER

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COMMUNITY DIVISION

SERVICE PLAN FOR HEALTH AND SAFETY REGULATION 2021-22

**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
10th March 2021

EXECUTIVE SUMMARY 2021-22

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 2021 -22. Any references to work delivered in 2020-21 are based upon the data recorded for the period between 1 April 2020 and 31 January 2021. The references to programmed work for 2021 - 22 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.

The current staffing levels allocated to the Health and Safety function is 1.1FTE which is unchanged from 2020-21

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 2021-22 remains largely the same as 2020-21. Expenditure for 2021-22 is expected to be approximately £42k.

It is very difficult to plan for 2021/22 due to the current effects of Covid 19 and the effect on H&S workload. However a balanced workload has been proposed for 2021-21 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).

2021-22 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.
- 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.
- The effect of Covid 19 has and will continue to take precedence into 2021-22 as reports of non-compliance in the workplace remain constant. Joint working to investigate and provide clear guidance to business has and will continue for the foreseeable future in collaboration with the Health and Safety Executive.

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 Covid strategy
- 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 2,334 premises on the premises database which remains similar to previous years:-

Analysis of Premises by HSE Classification

Retail Shops	494
Catering, restaurants and bars	549
Offices	349
Consumer services (e.g. hairdressing, tyre fitting, tattooing)	363
Wholesale, warehouses and fuel depots	231
Leisure and cultural services (e.g. cinema, place of worship)	144
Hotels, camp sites and other short-stay accommodation	53
Provision of permanent residential accommodation	56
Other premises (not classified above)	42
HSE enforcement	26

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 9)
- 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 is likely to frequently occur
- Residential care homes
- Large scale public events
- Commercial catering premises using solid fuel cooking equipment
- Premises with vulnerable working conditions (e.g. lone working)
- Professional firework display operators

- 2.2.4 Proactive inspections may also be carried out at premises where a food hygiene inspection is due and a health and safety inspection can be targeted. 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 (MEC`s) 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 including Covid related matters.
- 2.3.2 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.
- 2.3.3 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 78 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.

	2021-22
Environmental Health Officers	0.67
Environmental Health Enforcement Officers	0.12
Operational Manager (Business)	<u>0.15</u>
	0.94
Business Support staff	0.16
TOTAL	1.10

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

3.2 Financial

	2021-22
Direct Costs	
Employees (salaries, NI and pensions)	£42,600
Other (Legal fees, PPE, equipment etc.)	£1,350
Transport	£1,000
Income & Fees	-£3,000
TOTAL	<u>£41,950</u>

3.2.1 The overall budget for 2021-22 remains largely the same as 2020-21 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 development process with annual appraisals and regular 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 to maintain their level of competence. During 2021-22 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, However 2 qualified EHO's joined us in Oct 2020. One of which has extensive Health & Safety experience.

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 previous year.

Table 3 – Enforcement Action

	2020-21 To Jan 21	2021-22 estimate
Total number of inspections, visits and revisits	83	400
Improvement notices (Low is good)	27	50
Prohibition notices (low is good)	3	10
Simple cautions (low is good)	0	1
Prosecutions (low is good)	0	0
Health & Safety complaints and service requests	225	350
Accident Notifications	71	95

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 and include an estimate to take into account significant increased work load due to Covid 19.

5.3 A Review of the 2020-21 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 key reactive areas including accident notifications, Covid related enquiries provision of advice primarily around Covid and matters of evident concern.

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 either directory or through partnership working with other HDC teams and Health & Safety executive.

5.3.4 Covid compliance has been the major factor during 2020-21

accounting for more than 85 requests for service which has more than doubled the workload in respect of Health & safety matters

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

5.4 Plan of work for 2021-22

- 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. Appendix 1 outlines expected activity in 2021-22.
- 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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Appendix 1 – Health and Safety Activity 2021-22

Activity	Level of activity		2019-20
	2021-22 Estimate	2020-21 Actual to Jan 2021	
Premises inspections and interventions (including revisits and remote inspections)	400	189	12
Health and safety complaints and requests for service *	300	225	60
Accident and dangerous occurrence investigations commenced **	95	71	30
Specific smoke free enforcement visits***	0	0	0
Matters of Evident Concern (MEC)****	30	26	23
Health and safety promotion and advice to business/enquiries	<ol style="list-style-type: none"> 1. Issue of legionella advice to business 2. Safe reopening information 3. Health and safety in the workplace (covid bias) to registered businesses 4. Work with “Safer urban spaces group on range of promotions) 		
Liaison with other organisations	Six 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, including Covid related matters. 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.

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Suspension & Revocation of Hackney Carriage & Private Hire Licences.

Meeting/Date: Licensing and Protection Committee – 10 March 2021.

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr Mr K Prentice.

Report by: Licensing Team.

Ward(s) affected: All.

1. INTRODUCTION

The Acting Operational Manager (Business) has delegated authority to refuse, suspend or revoke private hire and hackney carriage driver and vehicle licences under the powers delegated by or on the recommendation of the Licensing and Protection Committee.

Below is a summary of the actions that have taken place since the last meeting of the Committee.

2. REPORT

2.1

Date	Licence type	Decision	Reason	Outcome
06.10.2020	Private Hire Vehicle Licence	Suspended S68	Dangerous defects	Suspension removed on 08.10.2020
07.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle - SORN	Suspension removed on 08.10.2020
07.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle - SORN	Suspension removed on 08.01.2020
07.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle - SORN	Suspension removed on 08.10.2020
07.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle - SORN	Suspension removed on 08.10.2020

09.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Authority could not establish who the rightful owner of the vehicle was	Suspension removed on 12.10.2020
14.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle untaxed	Suspension removed on 14.10.2020
15.10.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle untaxed	Suspension removed on 15.10.2020
16.10.2020	Private Hire Vehicle Licence	Suspension S68	Dangerous defect found during test	Suspension not removed. Licence lapsed
16.10.2020	Hackney Carriage Vehicle Licence	Suspension S68	Dangerous defect found during test	Suspension removed on 04.01.2021
04.11.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b)	Failure to provide proof of insurance Non – compliance with licence	Licence now expired
11.11.2020	Hackney Carriage Vehicle Licence	Suspended Section 68	Unfit Several defects found during mandatory compliance test.	Licence now expired
12.11.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Failure to provide V5 document Failure to comply with licence conditions	Licence remains suspended
17.11.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle had defective brake lights	Suspension removed on 18.11.2020
26.11.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle being operated by an unlicensed operator	Suspension removed on 08.12.2020
02.12.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle untaxed	Suspension later removed

07.12.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle damaged in collision	Licence remains suspended
07.12.2020	Private Hire Vehicle Licence	Suspended S60 (1) (b) & (c)	Vehicle untaxed	Suspension removed on 10.12.2020
07.12.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle unfit - Smashed windscreen	Suspension removed on 15.12.2020
07.12.2020	Private Hire Vehicle Licence	Suspended S68	Vehicle damaged in collision	Licence surrendered on 18.12.2020
07.12.2020	Hackney Carriage/Private Hire Driver Licence.	Suspended S61 (1) (b)	Non – compliance with conditions: Unfit on medical grounds [driver of PH340]	Suspension removed on 08.12.2020
10.12.2020	Private Hire Operator Licence	Revocation	Non – compliance with licence and conditions. Not operating from the licensed premise	Appeal made to Magistrates. Indemnified to operate under appeal rules

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2 The following licensing decisions from previous reports are still awaiting a court date:

Date of original HDC decision	Licence type	Result
08.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Appeal upheld. HDC decision stands
28.11.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [Renewal applicant]	Full trial pending Appeal adjourned several times. New trial date set for 21.01.2021
19.12.2019	Refusal to grant a Hackney Carriage/Private Hire Driver Licence. [New applicant]	Appeal upheld – HDC stands

31.07.2020	Revocation of a Private Hire Vehicle Licence [Review of licence]	Magistrates upheld HDC decision to revoke. Appellant has now appealed the Magistrates decision to the Crown Court. Trial date yet to be set.
11.09.2020	Revocation of a Private Hire Vehicle Licence Review of licence]	Appeal – administration hearing scheduled for 20.01.2021

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information

Contact Officer: Licensing Team
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