

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Executive Summary:

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

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

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

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

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

Recommendation:

Members are requested to:-

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

1. PURPOSE OF THE REPORT

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

2. WHY IS THE REPORT NECESSARY?

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

3. A DESCRIPTION OF THE SERVICES COVERED BY THE REPORT

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

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

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

- a) Planned activities such as unannounced inspections of high risk businesses and targeted interventions in line with the HSE's strategic aims;
- b) Unplanned (reactive) work such as the investigation of notifiable accidents, prescribed diseases, complaints and dealing with serious risks that are identified during other activities (Matters of Evident Concern);
- c) The provision of compliance advice to businesses.

4. PROGRESS AGAINST THE APPROVED PLANS

- 4.1 Appendices 1 and 2 relate to the delivery of the Food Law Enforcement Service Plan.

- 4.2 Appendix 1 compares the recorded activity in each of the programmed work service areas with the predicted activity in the approved Service Plan. The key activities of compliance revisits, approved premises inspections and other proactive visits are all green. Inspections of premises within the risk based programme and those of new food businesses are both at red, this is owing to the impact of vacancies within the team and a higher number of new food business registrations coming through. The alternative enforcement strategy is currently at amber; this is not however an immediate concern as these are our very low risk premises that are assessed by means other than visits and will be followed up throughout the remainder of the year.

- 4.3 The current focus is targeting those outstanding category A-D premises requiring an intervention before the end of March. Official controls will be undertaken in all high risk premises (A and B) by this date. Premises that have a history of poor performance project will be visited whilst those rated C and D that are broadly compliant may be subject to an alternative intervention other than a full or partial inspection. Current enforcement activity involves a pending prosecution against a food business operator who was preparing food in an area which lacked adequate natural or artificial lighting.

- 4.4 Appendix 2 refers to the unplanned (reactive) work undertaken by the service. The number of customer complaints and service requests is driven by demand, so they are closely monitored and prioritised according to risk using publicly available selection criteria. Any intelligence emerging around trends can be used to inform proactive work through education or enforcement action. Complaints and service requests were much higher than expected over the summer period and appear to relate to factors associated

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

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

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

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

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

5. RISKS

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

6. LINK TO THE CORPORATE PLAN

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

7. LEGAL IMPLICATIONS

- 7.1 None

8. RESOURCE IMPLICATIONS

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

9. OTHER IMPLICATIONS

- 9.1. None.

10. REASONS FOR THE RECOMMENDATION

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

11. APPENDICES

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

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