

**HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title:</b>	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
<b>Meeting/Date:</b>	Licensing and Protection Committee – 7 <sup>th</sup> February 2017
<b>Executive Portfolio:</b>	Executive Councillor for Community Resilience, Well-Being and Regulatory Services - Cllr Angie Dickinson
<b>Report by:</b>	Operational Manager (Business) – Susan Walford
<b>Ward(s) affected:</b>	All

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**Executive Summary:**

The Food Law Enforcement Service Plan and Health and Safety Service Plan 2017-18 were approved by committee in June 2017.

This monitoring report covers the period from 1 April 2017 to 31 December 2017. The first nine months of 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.

The team have carried a vacancy for most of this year and whilst this is impacting on targets and service delivery, management of workload by prioritising higher risk interventions and complaints whilst continuing to provide business support has maintained the quality of the service.

**Recommendation(s):**

Members are requested to:-

1. Consider the report noting progress and providing comment on progress of the delivery of the two Service Plans for the period 1 April 2017 to 31 December 2017.

## **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 2017 and 31 December 2017.

## **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 and sampling visits are all green. The alternative enforcement strategy is currently at amber; this is not currently a concern as these are our low risk premises and will be picked up in the fourth quarter of the year.
- 4.3 Figure 1 shows our position in delivering the programmed intervention programme. There are 170 outstanding category A-D premises requiring an intervention before the end of March. Whilst the indicator is red it is likely that official controls will be undertaken in all high risk premises (A and B), 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 is low with businesses generally compliant (figure 2); however one Huntingdonshire business is resisting support to bring them to compliance and following two voluntary closures the food business operator is being prosecuted. Notices served at another premises relate to training of staff, following this training there has been a positive impact on both the business and the general compliance with hygiene standards.
- 4.4 Our new format food hygiene training programme was launched over the summer and three courses have been held to date with a very high success rate.

4.5 Primary Authority work continues with Cambridgeshire Catering Services. Amendments implemented in the Enterprise Act 2016 aims to extend and simplify the process enabling all UK businesses to benefit including pre-start-ups. Regulatory Delivery the section of government who promote primary authority expects 250,000 businesses to be included by 2020. Our aim is to be able to support local business into a primary authority partnership where possible.

4.6 The service plan also refers to two new initiatives that are being explored for roll out by the team.

1. Regulatory Delivery supported a county-wide workshop to introduce the Better Business for All project to regulators in December. Business representatives such as the LEP, Chamber of Commerce and the Federation of Small Businesses were represented as well as most regulatory services, all local authorities and economic development officers. A working group is being set up in order to plan how we can best support compliant economic growth with vibrant villages and town centres.

2. The Healthier Options programme is progressing supporting wider council initiatives on healthy eating strategies. Uptake has been slow from food outlets but an Indian restaurant in St Neots has registered an interest and is considering ways to improve its menu and cooking methods.

4.7 The Food Standards Agency continues to develop their Regulating our Futures programme. This is the new strategic plan for delivering food safety and standards in the UK. The aim is a sustainable, flexible and adaptive system designed to leverage changes in business's behaviour, rather than to deliver regulation in the traditional sense. Recent developments have seen:

- The launch of a video describing the new target operating model. This takes a virtual food business on a journey through the future stages of regulation <https://www.food.gov.uk/enforcement/regulation/regulating-our-future> this will remain with the local authority in whose area it is
- Enhanced registration focussing on capturing better information so we know more about each business and can more easily assess their risk before they start operating.
- Segmentation. Not all businesses present the same risks to the public, so each business will be assessed to decide if, how and when they need to be inspected change of ownership, data from other agencies and the nature of the business. We will then be able to make proportionate decisions on getting the evidence that businesses are fulfilling their legal obligations.
- We will use a range of sources as evidence to help assess whether businesses are providing food that is safe and what it says it is. Developing confidence in businesses that they are doing the right thing.
- Intervention, firm and prompt action will be taken to protect consumers when businesses aren't meeting their responsibilities.
- The FSA will have oversight of the whole system. Understanding businesses and anticipating risk will make it much easier to spot when problems arise.

It is envisaged that changes will be made to the code of practice this year to enable some of these operational measures to be introduced; specific consultation on these changes will take place in March. Enhanced registration and the risk engine approaches are still being developed and are not likely to be implemented until next year. It is possible that we will be asked to take part in a pilot exercise in the near future if resource allows.

4.8 Appendix 2 refers to the unplanned (reactive) work. 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. The number of inspections carried out is down with reported accidents being higher than envisaged and taking resources.

- 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.
- 4.10 Resources continue to be channelled into investigation and research around the recent work place death reported at Hamerton Zoo. Liaison with the police, HSE and the wider zoo community involves considerable officer time. The coroners hearing in November set a date of 21 May 2018 for an inquest with jury and we are working with the coroner and specialist advisers to ensure that any outcome will result in recommendations to prevent a further recurrence.
- 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). The frequency with which they 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. A recruitment drive is currently underway which will hopefully resolve this issue.

## **6. LINK TO THE CORPORATE PLAN**

- 6.1. These reporting arrangements support the wider corporate objectives to "*Improve the efficiency of service delivery and become more business-like*" and to "*drive service priorities*".

## **7. LEGAL IMPLICATIONS**

- 7.1 None

## **8. RESOURCE IMPLICATIONS**

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

## **9. OTHER IMPLICATIONS**

- 9.1. None.

## **10. REASONS FOR THE RECOMMENDATION**

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

## **11. APPENDICES**

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

## CONTACT OFFICERS

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