

Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title:	Monitoring Report on the Delivery of the Food Law Enforcement and Health and Safety Service Plans
Meeting/Date:	Licensing and Protection Committee – 17 October 2018
Executive Portfolio:	Executive Councillor for Operations and Regulation - Cllr M 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 30 September 2018. The first six 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 vacancies for most of this year which has impacted on targets and service delivery. From October we will be joined by two full-time Graduate Officers who will complete a competency based induction programme to ensure they develop the necessary skills to contribute to the relevant service plans. We will continue to prioritise 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 30 September 2018.

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 and 30 September 2018.

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. The alternative enforcement strategy is currently at amber; this is not however an immediate concern as these is our very low risk premises that are assessed by means other than visits and will be picked up throughout the remainder of the year.

- 4.3 Delivery of the programmed intervention schedule is currently rated as amber with less than 25% of premises requiring inspection having been visited. There are 348 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 the end of the year. Premises which are part of the low performer 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 is low with businesses generally compliant, 97% of premises have an FHRS score of 3 or higher; however one business has been affected by a cockroach infestation which has required officer time to monitor and support compliance over the summer.

- 4.4 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. Complaints and service requests were much higher than expected

over the summer period. Further work is being undertaken to determine whether there was any identifiable underlying cause for this increase.

- 4.5 This area of service delivery has been heavily impacted by the vacant posts within the team. Whilst there is an outstanding part-time vacancy in the team, recruitment to the two full time positions has been successful. Both officers will participate in a competency based induction programme to ensure they have the necessary skills prior to being authorised to undertake the full range of enforcement duties. It is anticipated that whilst this may take a little while they should be able to effectively contribute to other aspects of service delivery.
- 4.6 The food hygiene training programme is continuing to be delivered with a very high success rate. Our partnership with Cambridgeshire Catering Services is in the process of being dissolved as County Council have now out-sourced the rest of the school meals service. We are however 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.
- 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' behaviour, rather than to deliver regulation in the traditional sense. Recent progress includes:
- Business start-up and enhanced registration will become easier with the introduction of a new digitally enabled approach, facilitating on-line registration and access to 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. The system should be ready to go live by March 2019, requiring an awareness programme in the New Year to inform businesses of the new process.
 - Segmentation of food businesses. Currently all food businesses are inspected when they first start trading, regardless of their food safety risk. This "one size fits all" approach is not sustainable, proportionate or risk-based. The FSA have been building a risk engine which uses a set of business rules to generate a risk score which segments businesses into categories. This categorisation will determine the nature, frequency and intensity of official controls for all new businesses using the online service to register. The proposal currently being considered is for businesses providing low risk food or those that are of limited scale and complexity will no longer receive an initial inspection but rather only be inspected as and when additional information or a complaint indicates that one is necessary. An initial version of the risk engine is expected to be released with the new enhanced registration system in March 2019.
 - For multi-site operators there will be an increased focus on the controls that operate at business level rather than doing this routinely at each individual outlet. This will be achieved by the introduction of Standards for Primary Authority National Inspection Strategies. These are suited to businesses that demonstrate high levels of compliance. Assurance that the business is meeting its

responsibilities will be assessed centrally by its primary authority, feedback from Local Authorities will be used to check the inspection strategy is working and the Food Standards Agency will have oversight that the approach is reliable and robust. This means responsible businesses could face a lower burden from regulation and Local Authority resources can be better targeted to the businesses that present the greatest (residual) risk to public health.

- The Food Standards Agency is committed to securing the necessary support to introduce a statutory scheme for Food Hygiene Rating. They are preparing a framework in order to roll this out as soon as the opportunity is presented.
- In terms of the Food Standards Agency monitoring of Local Authorities they are looking to improve the way in which they provide oversight of our performance. It is envisaged that in future this will be in the form of a Balanced Scorecard, a digitally enabled tool which can use internal and external data, including FHRS data to help provide a more rounded and up-to-date picture of performance. This will also allow for benchmarking with other authorities, providing a driver for service improvement.

It is envisaged that these changes will be ready for implementation from March next year. However this will be dependent on the progress of work currently underway.

- 4.8 We are keeping a watching brief on plans for the UK to leave the European Union and what that might mean for food and feed legislation. This is key to maintaining public protection particularly around import controls and supporting businesses that wish to export. There are over 20 European Regulations relating to food and enforcement that will need to be translated into UK law. As soon as these are confirmed we will need to ensure that our delegated powers and officer's authorisations are amended to reflect the change. The Food Standards Agency have acknowledged that if this detail is not known soon enough there could be a time pressure in ensuring that enforcement can continue on day one. Government are working to confirm changes at the earliest opportunity.
- 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 team have planned a LEAN review of the service in October to look at current processes and to re-evaluate service provision ahead of drafting the service plan for 2019-20.
- 4.10 The Coroner's Inquest into the death reported at Hamerton Zoo has not yet been concluded requiring ongoing commitment from officers. A further hearing date has been set for 16 November 2018. Work has also commenced with the zoo in preparation for the renewal of their licence which is due in 2019.
- 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. Recruitment to two vacant posts has been successful but both officers are

required to complete a competency based induction programme before they will be able to carry out the full range of duties provided by the service. 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 “*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

Mrs Susan Walford
Operational Manager (Business)
Tel 01480 388002