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| LR.16 15/16 |
| Licensing and Regulatory Committee |
| 24 June 2014 |

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Subject: Food and Health and Safety Plan 2014-2015

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|--------------------|---|
| Report by: | Chief Operating Officer |
| Contact Officer: | Lesley Beevers Regulatory Team Manager 01427 675129 Lesley.beevers@west-lindsey.gov.uk |
| Purpose / Summary: | To present the 2014/2015 Food, Health and Safety Service Plan for consideration and approval. |

RECOMMENDATION(S):

- 1) **That the Food and Health and Safety Service Plan be received, noted and approved**
- 2) **That a progress and delivery update be provided to Committee in September that informs members of performance against the plan**

IMPLICATIONS

Legal:

The production of the Food and Health and Safety Service Plan is a statutory requirement.

Financial : None (Ref: FIN/17/15)

Staffing :

None

Equality and Diversity including Human Rights :

Not applicable

Risk Assessment : attached

Climate Related Risks and Opportunities :

None

Title and Location of any Background Papers used in the preparation of this report:

Framework Agreement on Local Authority Food Law Enforcement March 2014 (as amended) – Food Standards Agency Website

Health and Safety Commission (Section 18) Guidance – Health and Safety Commission Website

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Background – Food Service Plan

1.1 The Food Standards Agency has set minimum enforcement standards that are expected of Local Authorities in food law enforcement. These are described in detail in a “Framework Agreement” which the Local Authority is required to implement.

1.2 The Framework Agreement consists of four elements:

- **Standard** – Building on existing central guidance and Code of Practice, this sets out the key areas of food law enforcement and the relevant management arrangements and targets against which the Agency will monitor and audit local authority service delivery.
- **Service Planning Guidance** – This provides guidance to ensure that key areas of enforcement covered by the food law enforcement Standard are covered in local service plans, whilst allowing appropriate scope for flexibility and inclusion of any locally defined objectives.
- **Monitoring Scheme** – This sets out arrangements for the Agency to obtain information from local authorities on their food law enforcement activity and quantitative information on their performance in areas such as inspection rates, inspection focus and enforcement actions.
- **Audit Scheme** – This provides for a rolling programme of audits by the Agency to provide a more complete and qualitative assessment of the local authority food law enforcement service, identifying conformance against the Standard, best practice and areas for improvement.

1.3 Amongst other things, the Authority must draw up, document and implement a service plan in accordance with the Service Planning Guidance.

1.4 Service Plans are seen by the Food Standards Agency as an important part of the process to ensure national priorities and standards are addressed and delivered locally. The Service Plan can also:

- focus debate on key delivery issues;
- provide an essential link with financial planning;
- set objectives for the future and identify major issues that cross service boundaries; and
- provide a means of managing performance and making performance comparisons

- 1.5 The Food Standards Agency has provided Local Authorities with a service planning template to ensure that all the areas of the food enforcement service are covered in the plan.

2 Background – Health and Safety Service Plan

- 2.1 Virtually identical provisions relate to the Health and Safety Service Plan as apply to the Food Service Plan. The Health and Safety Service Plan is a key document in our being able to demonstrate to the Health and Safety Executive/Commission that ‘adequate arrangements’ have been made by the Local Authority for the enforcement of Health and Safety legislation.
- 2.2 The main components are planned general inspections; planned enforcement initiatives; investigation of accidents; investigation of complaints; advice; visits to new premises; revisits to check and the allocation of total resources to each component.
- 2.3 Wherever possible priority is being given to topic based inspections and partnership projects and through these significant contributions will be made to local and national priorities and targets.

3 Summary of Food, Health and Safety Activity 2013 - 2014

- 3.1 The food hygiene and health and safety activities carried out in 2013-2014 including requests for service, accidents, etc. have been included in relevant tables within the Service Plan.
- 3.2 Of the planned inspection programme for food businesses, 66% were completed. All Category A and B premises, complaints, unrated and new businesses were inspected.

4 Food, Health and Safety Work Plan 2014 – 2015

- 4.1 The planned activities for 2014 – 2015 are included in the Service Plan.
- 4.2 Programmed inspections have been determined on a risk basis. Whilst this plan will not deliver all the inspections required by FSA Guidance, the plan will ensure that all Category A and B premises are inspected as well as unrated premises and new businesses. All complaints about premises or food will also be investigated.
- 4.3 An enhanced performance monitoring regime has been implemented by Officers and any deviation from the programmed inspection plan will be highlighted on a monthly basis to Managers.
- 4.4 There will be an update on the delivery of this plan provided to the Licensing and Regulatory Committee midway through the civic year.
- 4.5 Staff resource equivalent to 0.8 FTE have been re-aligned to ensure delivery of this plan.

- 4.6 A new measure has been introduced to the Progress and Delivery report to inform members of the profile of food premises in the District that are rated 3 stars or more on the Food Hygiene Rating Scheme.



PUBLIC PROTECTION SERVICES

FOOD, HEALTH AND SAFETY SERVICE DELIVERY PLAN 2014 - 2015

1 Introduction

This plan has been produced in line with the Food Standards Agency Framework Agreement and the Health and Safety Commission's approved guidance.

2 Service aims and objectives

2.1 Aims and objectives

To protect and improve the health, wellbeing and safety of our residents, visitors to and workers in the district, ensure the economic prosperity of businesses and provide for the sustainable improvement of our local environment.

To strive for continuous improvement in the delivery of efficient and effective customer focused services.

To protect public health and ensure businesses comply with the relevant legislation, through advice, education and enforcement.

2.2 Links to corporate objectives

The Council's corporate priorities are set out in the Corporate Plan. The work of the Public Protection Service is linked into the following corporate aims:-

1 A Prosperous and Enterprising District

Regenerating and growing our District by working with and supporting new and existing businesses to ensure that they remain both sustainable and prosperous by compliance with the law.

2 The Entrepreneurial Council

Ensuring that our services are customer focused and provides value for money.

3. Active, healthy and safe citizens and communities.

Through ensuring businesses remain compliant with health and safety and food safety legislation we will ensure that the food we consume and places we work are safe and without risk to public health.

The Council has adopted the Cabinet Office Enforcement Concordat principles, which are embedded into the enforcement policy and the working procedures of the Section generally. The enforcement policy

and working procedures also give consideration to the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.

The quality and performance aspects of the service are continuously monitored in order to seek continued improvement, complaints are acted upon and actions taken where appropriate.

The Service strives to communicate with customers in plain English and will provide explanation of our enforcement policy through a number of media including the use of our web site, publications and guidance documents, actively seeking the views of businesses and customers to continually improve the service.

Wherever possible the regulatory burden on business is minimised by adherence with the Better Regulation Enforcement Concordat, the Council's Enforcement Policy and working procedures.

The Service works closely with businesses in order to enable them to comply with the legislation and maintain good food hygiene and health and safety objectives.

3 Background

3.1 Profile of the Authority

The District is situated in the north of the County of Lincolnshire between Lincoln and Scunthorpe. The River Trent forms much of the western boundary and the eastern side extends almost to Grimsby.

The District is predominantly rural with three main areas of population being concentrated in the market towns of Gainsborough, Market Rasen and Caistor.

3.2 Scope of the Service

The Service is provided by a multi-functional team of qualified Officers. As a District Council we are responsible for enforcement of all food safety matters with the exception of those involving product labelling, weights and measures, and animal foodstuffs, which are dealt with by Lincolnshire County Trading Standards Department.

The main functions of the Section are detailed below;

- ❖ Inspection of all registered food premises within the District.
- ❖ Investigation of food poisoning and infectious disease notifications.
- ❖ Investigation of food complaints.

- ❖ Inspection of businesses within the District to ensure compliance with Health and Safety legislation.
- ❖ Investigation of statutory reportable accidents.
- ❖ Responding to requests for advice and guidance, food export certificates, unsanitary premises and unsafe work environments.
- ❖ Responding to national and local Food Alerts.
- ❖ Maintenance of a register of cooling towers and food premises.
- ❖ Internal safety role of advice and co-ordination of systems and policies, including training.

3.3 Demands on the service

Food hygiene premises profile at the 1st April 2014

| Category | Number | Minimum Intervention Frequency |
|----------|--------|--------------------------------|
| A | 5 | 6 months |
| B | 50 | 12 months |
| C | 161 | 18 months |
| D | 240 | 24 months |
| E | 453 | 36 months |
| Unrated | 59 | |

Total number of registered* food premises = 968. (* Not all food businesses require registration).

There are also 10 Approved premises which require at least 2 inspections each year.

Health and Safety premises Profile at the 1st April 2014

| Category | Number | Minimum Intervention Frequency |
|----------|--------|--------------------------------|
| A | 3 | 6 Months |

The total number of Health and Safety premises 1332, due to guidance from Health and Safety Executive the only proactive visits that are conducted are to Category A premises.

The table below shows the demand on the service over the last 4 years.

| | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 |
|---|------------------|------------------|------------------|------------------|
| Programmed Food Premises Inspections | 389 | 380 | 252 | 475 |
| % Food Hygiene inspections carried out that were required to be carried out | 92 | 80 | 90 (225/252) | 66 (314/475) |
| Programmed Health and Safety Premises Inspections | 229 | 9 | 46 | 6 |
| % Health and Safety inspections carried out that were required to be carried out | 89 | 80 | 60 | 50 (3/6) |
| Requests for Service | 339 | 295 | 301 | 293 |
| Accident Investigations | 177 | 47 | 78 | 55 |
| Infectious Disease Notifications | 197 | 184 | 246 | 157 |
| Other service requests | 210 | 225 | 220 | 234 |

3.4 Enforcement policy

A documented enforcement policy has been produced which officers are expected to abide by at all times. The Authority has signed up to the 'Enforcement Concordat' as promoted by the Cabinet Office, and the principles of this are embedded into the enforcement policy. Any action taken by the Authority will be taken in line with the policy. The service Enforcement Policy was reviewed and adopted in July 2010 in line with the Corporate Enforcement Policy, which was adopted by Council in April 2010.

4 Service Delivery

4.1 Planned Inspection Programme

4.2. Food Safety

An inspection programme is established and maintained for all food premises within the District. It is this Authority's intent that premises are inspected in accordance with the minimum requirements of the

Food Safety Act 1990, Code of Practice. Inspection weightings are applied such that the premises presenting the greatest risk are inspected more frequently than those presenting a lower risk.

A documented matrix for the appointment and authorisation of officers is in place.

The Food Law Code of Practice Guidance (April 2014) gives Authorities various options with regard to food premises interventions. The intervention type chosen will be the most effective for ensuring that food safety is maintained or improved and will be carried out on a risk based approach. The range of interventions includes full inspections, partial inspections, sampling visits, advisor visits, and training and self assessment questionnaires.

The planned inspection/intervention programme for the year 2014-2015 is below.

| <u>Risk Category</u> | <u>Frequency</u> | <u>Number of premises</u> | <u>Interventions/ Inspections</u> |
|--|------------------|---------------------------|--------------------------------------|
| A | 6 months | 5 | Official Control-10 |
| B | 12 months | 50 | Official Control-50 |
| C | 18 months | 129 | Official Control 129 |
| D | 24 months | 195 | Official control 195 |
| E | 36 months | 178 | Alternative enforcement strategy-178 |
| unrated | | 59 | Official Control-59 |
| Projected number of new businesses | | | Official Control-80 |
| Total annual no. of inspections as required by FSA:- | | | 523 |
| Total number of other interventions | | | 178 |
| Number of inspections to be completed | | | 396 |
| Monthly average inspections:- | | | 33 a month |

Rationale for target setting. The service is not currently resourced to deliver all of the inspections required under the FSA guidance (523). The programme is however designed to ensure that all Risk Category A and B premises are inspected, as well as unrated and new businesses and any premises requiring inspection following a complaint. If the service target is achieved within year and resources allow, efforts will be made continue to move towards the FSA target.

The inspection process is dependant upon the type and the nature of the food business but in all cases the inspection is undertaken having regard to the following documentation / advice:

- 1) The Food Safety Act 1990, regulations made there under, food regulations made under the European Communities Act 1972 and Community Hygiene legislation (EC 852/3 etc).
- 2) The statutory Code of Practice issued under the Food Safety Act 1990, Regulation 26 of the Safety and Food Hygiene (England) Regulations 2013, and Regulation 6 of the Official Feed and Food Controls (England) Regulations 2009.
- 3) Guidance notes issued by LG Regulation on the subject of programmed food hygiene inspections.
- 4) Relevant Industry Guides and Food Standards Agency publications.
- 5) Other Directives and Regulations from Europe.

Further revisits may also be required dependent on problems found and are scheduled in accordance with inspection policy guidance.

If premises are found not to be compliant formal action may result. This is taken in line with our Enforcement Policy and relevant guidance. It should be noted that increased enforcement action will impact on delivery of the planned inspection targets.

4.3 Food sampling and inspection

The Authority will only take food/water samples in the following circumstances:

- Food poisoning investigations – samples of food or water may be taken as part of any investigation.
- Complaint samples – taken as part of a complaint investigation.
- Special investigations – for example, at the request of the Food Standards Agency or in response to a significant food safety issue.
- Routine sampling – this will be undertaken with regard to the sampling programme from the FSA.

4.4 Food poisoning and infectious disease

A documented working policy exists called the “Procedure for the Control of Food Poisoning and Infectious Disease”. It is the guiding

principle to respond to all notifications in line with this policy. The policy has been developed in association with the CEHO Food Group and Lincolnshire Health.

Liaison takes place with GPs, Hospitals, West Lincolnshire Primary Care Trust, Health Development Agency, other Local Authorities, food businesses and the Food Standards Agency, depending on the circumstances of each case.

It is difficult to pre-plan the availability of staffing resources for this activity as individual notifications and outbreaks cannot be predicted and are often sporadic.

When an incident occurs it may be necessary for the whole section to become involved, which may create problems in other work activities and lead to the rescheduling of these.

Some emergency cover exists through the standby Officer Service but this can not be considered as being a failsafe.

4.5 Food Alerts

It is our policy to respond to (or generate) food alerts in accordance with the Food Safety Act Code of Practice and Guidance. Where necessary additional guidance is sought directly from the Food Standards Agency.

4.6 Health and Safety

It is the Council's policy to ensure that a risk based inspection programme is established and maintained for Health and Safety premises in accordance with HELA/HSC guidance.

A Health and Safety work plan has been produced in conjunction with the HSE and other Lincolnshire Authorities. The aim of this plan is to focus on key health and safety topic areas to compliment the inspection programme.

A documented procedure for the inspection of Health and Safety premises is in place. (Health and Safety Inspection Policy)

Only officers qualified and experienced in accordance with Health and Safety Commission Section 18 guidance and RDNA (Regulatory Development Needs Analysis) shall be authorised.

A documented policy for the appointment and authorisation of officers is in place.

In accordance with the HELA rating system the number of inspections have been projected for 2014-2015.

| <u>Risk Category</u> | <u>Frequency</u> | <u>Number of premises</u> | <u>Annual Visits/ Interventions</u> |
|----------------------|------------------|---------------------------|-------------------------------------|
| A | 6 months | 3 | 6 visits |

If premises are found not to be compliant formal action may result. This is taken in line with our Enforcement Policy and relevant guidance. It should be noted that increased enforcement action will impact on delivery of the planned inspection targets.

As well as the targeted inspections all complaints are responded to, and partnership work undertaken.

4.7 Accident Investigations

It is this Authority's policy to ensure that all accidents and dangerous occurrences are appropriately investigated and dealt with having regard to the Health and Safety at Work etc. Act and the various Codes of Practice, and guidance issued by HELA.

Officers are required to operate in accordance with the Section's Accident Investigation Policy, which includes response times for various accidents.

Depending on the complexity of the accident, the length of the investigation will vary considerably.

4.8 Lead/Home Authority Principle

The Authority currently has no formal Home/Lead Authority agreement with any business operating in the West Lindsey district. This Authority does act informally as a liaison between businesses operating in this district and other Regulatory Bodies according to the Lead / Home Authority Principle, when requested by either party.

4.9 Advice for Businesses/Requests for Service

It is the policy of the Council to encourage Officers to offer advice to businesses whenever possible. This is usually in the form of answering simple questions on the telephone and to give advice on new legislation or proposed alterations. Visits are not routinely made to give advice.

Offering advice is an integral part of the work and cannot be separated from routine inspections or enforcement activities. There is much value to working with businesses in order to ensure that good standards are

maintained, and the team have received positive feedback with regard to this.

In addition to the advice given during inspections, approximately 300 requests for service are received annually.

It is the policy of the Council to ensure that requests for service are dealt with in line with the request for service policy. Any action relating to requests will be taken in line with the service Enforcement Policy and detailed working procedures as necessary.

Requests for service relating to Health and Safety issues will be dealt with having regard to the aforementioned documentation and also HSC/HELA strategic objectives.

4.10 Liaison with other organisations

The Council recognises the importance of acting in a consistent manner with its neighbouring authorities.

Arrangements are in place to ensure consistency of approach with neighbouring authorities, including:-

- 1 membership of the Chief EHO Food and Health and Safety Group which has:-
 - Encouraged the development of common protocols
 - Organised consistency and training events and exercises
 - Organised inter-authority auditing to ensure consistency
 - Liaison with other county groups
 - Carried out benchmarking exercises
 - Development of a collaborative work plan
 - Communities of practice website
- 2 Consultee for relevant planning and building control applications.
- 3 Compliance with HELA, LACORS and other Food/Health and Safety and Licensing guidance.

5 Promotional Activities

5.1 Food Safety

The Council recognises the importance of Food Safety Promotion as part of the service it provides. This includes;

- Continued development and promotion of the 'National Food Hygiene Rating Scheme'.

- During inspections officers will provide food safety information and advice to staff and proprietors, the overall aim being to improve the levels of food hygiene knowledge.
- In response to requests for service the section will provide specific advice and information on hygiene matters.

5.2 Health and Safety Strategic Planning.

The Council recognises the importance of Health and Safety Promotion as part of the service it provides including:

- During inspections officers will provide health and safety information in line with HELA and HSC strategic themes, detailed in the development plan.
- Focused inspections to highlight HELA and HSC strategic themes.
- Partnership working.

6 Resources

6.1 Financial Allocation

6.2 Staffing Allocation

| Title | FTE |
|---|-----|
| <u>Public Protection Services Manager</u> | |
| Leads the Public Protection Services division responsible for monitoring the overall performance of the section. | 0.1 |
| <u>Regulatory Team Leader</u> | |
| Leads the Food/Health and Safety Section and is also responsible for other services. Is responsible for policy development, visit allocation and ensuring the risk-based inspection programme is met. Does not contribute to the risk inspection programme. Authorised in accordance with the section policies in relation to food/health and safety enforcement. | 0.3 |
| <u>Senior Environmental Health Practitioner</u> | |
| Contributes to risk inspection programme. Authorised in accordance with the section policies in relation to food and health and safety enforcement. Involved in all food safety/health and safety activities. | 1.0 |
| <u>Environmental Health Practitioner</u> | 0.8 |
| Contributes to risk inspection programme. Authorised in accordance with the section policies in relation to food and health and safety enforcement. Involved in all food activities. | |
| <u>Food/Health and Safety Technical Officer</u> | |
| Contributes to risk inspection programme. Authorised in accordance with the section policies in relation to food and health and safety enforcement. Involved in all food activities. | 1.0 |

| | |
|---|-----|
| <u>Health and Safety Co-ordinator</u> | |
| Contributes to risk inspection programme. Authorised in accordance with the section policies in relation to food and health and safety enforcement. Involved in all health and safety activities. | 0.2 |
| <u>Administrative Support</u> | |
| Carrying out support duties associated with food safety including taking complaints/messages and typing letters/reports. | 0.2 |

6.3 Staff Development Plan

The Council recognises it is essential that staff are qualified and trained in accordance with Food Safety Acts Codes of Practice which specifies that officers must receive at least ten hours per annum ongoing training for Officers and HELA Section 18 guidance.

This is arranged as necessary and includes:-

- Attendance at approved training courses.
- Regular in-house briefings during Team Meetings as well as ad hoc specific meetings.
- Attendance at training events co-ordinated by the Lincolnshire Environmental Managers Group, Infectious Disease sub-group and Health and Safety Group.
- Attendance at appropriate training events organised by the Food Standards Agency, LACORS, HSE and HELA.

The majority of training needs are identified through the appraisal scheme and all training is recorded and kept on staff files.

7 Quality Assessment

The Council is committed to the principle of value for money and continuous improvement, including the provision of a quality, customer focussed service.

The following measures are in place to assess that the quality and levels of performance achieved:-

- Documented policies/procedures
- Production of monthly performance figures for the Service Manager regarding inspection targets
- Reporting of performance figures to the relevant committee(s) and managerial bodies in line with the Council's performance management framework
- Benchmarking against other local authorities.
- Monitoring of inspection files and audited inspections.
- Inter-authority auditing with other Lincolnshire Authorities.

- Monitoring food premises that are broadly compliant.
- Benchmarking, value for money, customer satisfaction and performance with Audit Commission family groups 2010-2011.

Abbreviations

FSA-Food Standards Agency

HSE-Health and Safety Executive

LACORS- Local Authority Coordinators of Regulatory Services

HELA- Health and Safety/ Local Authority Liaison Committee

CEHO- Chief Environmental Health Officer

HSC- Health and Safety Commission

Risk Assessment Template

Committee Report Title: Food and Health and Safety Plan 2014 - 15

Committee: Licensing and Regulatory Committee (24th June 2014)

Officer Responsible: Chris Allen

Date of Risk Assessment: June 14

| No. | Category of Business Risk | Explanation of the Risk | Likelihood of the Risk (1 low to 4 high) | Impact of the Risk (1 low to 4 high) | Risk Magnitude | Method of Control | |
|--|--|---|---|---|----------------|---|--|
| The risks associated with adopting the recommendation | | | | | | | |
| 1 | Members are adopting a food premises (risk based) inspection programme in 2014/15 that is unlikely to meet the Food Standards Agency minimum inspection requirement for our profile of food premises | <ul style="list-style-type: none"> a) Adverse audit report from FSA b) Food Poisoning cases increase c) Complaints about food safety or food premises increase putting demand on the service | 1 x | 1 | 1 | <ul style="list-style-type: none"> 1. Progress report provided to L&R in Sept 14. 2. Revised service performance measures in place designed to warn early of departures from plan 3. Additional resources (0.8 FTE) identified to deliver plan 4. A risk based rationale has been adopted when determining the inspection programme 5. New P&D | |
| 1 x | 4 | 4 | | 1 x | 2 | 2 | |

| | | | | | | |
|--|--|---|--|--|--|--|
| | | | | | | report measure based upon profile of food premises rated 3 and above 6. Service risk register updated to reflect risk associated with none compliance with FSA guidance |
| The risks associated with not adopting the recommendation | | | | | | |
| 2 | Members are adopting a food premises (risk based) inspection programme in 2014/15 that is unlikely to meet the Food Standards Agency minimum inspection requirement for our profile of food premises | <ul style="list-style-type: none"> a) Service not compliant with mandatory FSA guidance to produce a service plan b) Adverse audit report from FSA c) Food Poisoning cases increase d) Complaints about food safety or food premises increase putting demand on the service | <ul style="list-style-type: none"> 1 x 2 x 2 x 1 x | <ul style="list-style-type: none"> 2 4 2 2 | <ul style="list-style-type: none"> 2 8 4 2 | <ul style="list-style-type: none"> 1. Progress report provided to L&R in Sept 14. 2. Revised service performance measures in place designed to warn early of departures from plan 3. Additional resources (0.8 FTE) identified to deliver plan 4. A risk based rationale is adopted when determining the inspection programme 5. New P&D report measure |

| | | | | | | |
|--|--|--|--|--|--|---|
| | | | | | | based upon profile of food premises rated 3 and above 6. Service risk register updated to reflect risk associated with none compliance with FSA guidance |
|--|--|--|--|--|--|---|