

# Food, Health and Safety Work Plan - 2021/2022

Housing and *Environmental* Enforcement

## Table of Contents

1	Introduction	Page 3
2	Service Aims and Objectives	3
3	Links to Corporate Plan	3
4	Links to Other Corporate Functions	4
5	Authority Profile	4
6	Scope of the Service	4
7	Service Delivery	5
8	Profile	8
9	Service Demand	9
10	Planned Inspection Programme	10
11	Resources	12
12	Liaison With Other Organisations	13
13	Review	13
Appendix A	Statement of Commitment between Local Authorities and the Health and Safety Executive	14

## **1. Introduction**

- 1.1. The Council is required to produce and approve a work plan that is in line with both the Food Standards Agency Framework Agreement, and the Statement of Commitment agreed nationally between Local Authority Representatives and the Health and Safety Executive (appendix A). It covers all work undertaken within the Housing and Environmental Enforcement work area relating to Food and Health and Safety.
- 1.2. The purpose of the work plan is to set out how the Council delivers its official controls and fulfils its duties under food, health and safety, public health and drinking water legislation.
- 1.3. Service Delivery against the Food and Health and Safety Work Plan is, and will continue to be impacted by the current Covid-19 crisis. Resources are, and may continue to be diverted away from routine work contained within this Plan, towards emergency management of the current crisis. The food and health & safety team continues to provide the Council's response to the ongoing coronavirus pandemic in relation to advice, education and ultimately, enforcement, to both businesses and residents.
- 1.4 During this period the impact of Brexit on the service has also been managed. Whilst this has not resulted in any direct service impacts as such to date, the work area is prepared for these should they arise.

## **2. Service Aims and Objectives**

- 2.1. The food and health and safety work areas play a key role in ensuring that the district is safe and healthy. The work of the service;
  - Protects and improve the health, wellbeing and safety of all persons who live in, work in or visit the district
  - Enables economic development and prosperity
  - Protects and improves the local environment
  - Ensures that a proportionate and risk based approach to enforcement is delivered

## **3. Links to the Corporate Plan**

- 3.1. The Councils Corporate Plan 2019 – 2023 has the following vision;

“West Lindsey is a great place to be where people, businesses and communities can thrive and reach their potential”

In order to deliver the Councils vision it will focus on three key areas; Our Council, Our People and Our Place.

- 3.2. This work plan supports this vision and specifically contributes to a

number of key activities such as;

- Creating a safer, cleaner district in which to live, work and socialise
- Reducing health inequalities and promote wellbeing across the district through the promotion of healthy lifestyles
- Creating strong and self-reliant communities and promote positive life choices for disadvantaged residents

#### **4. Links to Other Council Functions**

4.1. The Councils Corporate Enforcement Policy was reviewed and updated in 2018 and provides the framework under which these functions operate.

4.2. The work across the wider Housing and Enforcement service area seeks to broaden the scope of the food and health and safety work areas. This particularly relates to food premises that may present wider issues relating to housing or environmental health.

4.3. The work areas also contribute and influences work relating to development management and policy, growth, licensing and community safety.

#### **5. Authority Profile**

5.1. The West Lindsey District is one of the largest and most rural in England. It covers 1,156km<sup>2</sup> (446 square miles), with the administrative center in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.

5.2. The mid-year population estimate for 2017 was 94,300; an increase of 566 people or 0.6% compared to 2016. The population is steadily growing and is dispersed across 42,670 households. However it is an ageing population and is ageing at a faster rate than the population nationally. The south of the district has experienced sustained growth.

5.3. Across the district there are wide variations in the levels of deprivation. Some areas experience the highest levels of deprivation in the country, while others are amongst the most affluent.

#### **6. Scope of the Service**

6.1. The Food and Health and Safety functions sit within the wider Housing and Environmental Enforcement work area. The main functions of the work area are as follows:

- Inspection of registered food premises
- Investigation of food poisoning and infectious disease notifications
- Investigation of food related complaints
- Responding to national and local food alerts
- Inspection of businesses in relation to health and safety compliance
- Investigation of statutory reportable incidents

- Provision of advice and guidance in relation to the matters above
- Maintenance of a register of cooling towers and food premises

6.2. A number of functions within the food safety work area come with an associated fee. These fees are reviewed annually and detailed on the Councils website.

## **7. Service Delivery**

### **7.1 Staff Development / Internal Monitoring**

We are committed to ensuring that we have a high standard of competency for Authorised Officers working within the Food / Health and Safety Team. We will ensure that resources are available to allow Authorised Officers to meet their obligations of Continued Professional Development. Training needs will be reviewed as part of the appraisal process to identify any competency deficiencies and further staff development.

Internal monitoring of food interventions / complaints / service requests will be conducted by the Food Team Manager / Lead Food Officer. Verification of the above will be undertaken at regular 1-2-1 meetings with Authorised Officers. Review of Competency Assessments, required under the Food Law Code of Practice / Practice Guidance will form part of the appraisal process. Subject to the findings of the internal monitoring at 1-2-1 meetings. Accompanied food hygiene inspections will be undertaken as a minimum, yearly.

### **7.2 Food Complaints**

We will investigate all complaints about food / complaints about food premises received, where we have the authority and jurisdiction to do so. Food complaints will be investigated by Authorised Officers, demonstrably competent to do so, in accordance with the requirements of the Food Law Code of Practice: Statement of Competence for Authorised Officers. Officers will use their Professional Competency, coupled with available guidance, to determine the nature and scope of the investigation. Advice may also be obtained from colleagues. All complaints may trigger a food hygiene inspection, at the professional discretion of the Authorised Officer

### **7.3 Home Authority Principle & Primary Authority Scheme**

The council supports the Primary Authority Scheme and Home Authority Principle. However, the Food Service does not have any formal Home Authority arrangements with individual businesses. Currently there are no food related Primary Authority relationships in place.

### **7.4 Advice to Businesses**

The Council provides advice and education to food businesses, to support them in complying with their legal requirements, whilst also helping them to adopt good practices. The Council supports businesses

by providing information on the Council webpage. Advice is readily available by contacting Officers directly. The Council also operates one to one advice visits for the benefit of food businesses, although this is a paid service.

### 7.5 Control of Infectious Disease

The service will investigate all outbreaks of food or water borne disease. All suspected cases will be followed up and confirmed cases will be contacted by telephone or by questionnaire to try and ascertain if there are any common factors.

### 7.6 Food Safety Incidents

Food safety alerts notify the public and food authorities of incidents concerning food which does not meet food safety or composition standards. Alerts are received via the FSA alert system into the Commercial Team shared e-mail inbox which is monitored during office hours. Any alert marked "for action" is referred to the Team Leader to determine the most appropriate course of action.

### 7.7 Sampling

West Lindsey District Council shall comply with all relevant UK and retained EU legislation to ensure food within the district is appropriately sampled for microbiological safety. Each year a food sampling policy and programme will be produced and published to be available to local businesses and consumers. This will outline our general sampling strategy and approach relating to specific local situations. Sampling within the district will be carried out in accordance with this policy, programme and following a set documented procedure.

West Lindsey District Council has access to Senior Microbiologists from the Food, Water and Environmental Microbiology Laboratory (York) Laboratory as Food Examiners.

West Lindsey District Council aims to participate in all sampling programmes organised nationally through the Food Standards Agency and Public Health England. As agreed through Lincolnshire Environmental Health Manager's Group all programmes organised through Lincolnshire Food Sampling Group will be participated in.

Locally, West Lindsey District Council will have regard to sampling from food businesses and manufacturers, particularly those premises producing high risk foods of animal origin. The Council will also sample businesses which produce and distribute foods outside the area. Food sampling and swabbing of food premises may be included as part of food hygiene inspections to help assess hygiene standards and processes. Food sampling will also be used as an important tool, when appropriate, in the investigation of food complaints and food poisoning incidents.

### 7.7.1 Food Sampling Policy

This policy will set out West Lindsey District Council's general approach to food sampling and its approach in specific situations such as process monitoring, Home Authority Principles, inspections, complaints, special investigations and national, regional and locally co-ordinated programmes.

Sampling makes an important contribution to the protection of public health and the food law enforcement function of the Local Authority. It is a useful tool for:

- Investigating complaints
- Investigating food poisoning or food contamination incidents
- Assisting in measuring compliance with food safety legislation when undertaking food hygiene inspections.

These matters are demand driven and samples will be taken as required.

Local Authorities have a duty to ensure food meets legally prescribed standards and routine sampling will monitor compliance.

West Lindsey District Council will ensure appropriate action on non-compliance with food safety legislation is taken in accordance with relevant Food Safety Legislation, Food Standards Agency Codes of Practice and the Enforcement Policy.

A procedural document details the method for taking samples, continuity of evidence and preventing deterioration or damage to samples whilst under the Authority's control.

Samples for examination are sent by courier to Public Health England, Food Water and Environmental Microbiology Laboratory (York). Other accredited laboratories may be used for specialist projects.

West Lindsey District Council's sampling programme will reflect the manufacturing, retail and catering premises within the district to ensure locally produced foods meet legal requirements and to assist those businesses in monitoring compliance. This will also reflect our Home Authority and any future Primary Authority responsibilities.

West Lindsey District Council will participate in PHE and local co-ordinated sampling programmes with other Local Authorities.

Figures relating to food sampling undertaken by the Authority will be returned to the Food Standards Agency via the Food Surveillance System and LAEMS returns.

West Lindsey District Council will follow documented procedures to ensure consistency following results of sampling and consider the Enforcement Policy before deciding what action to taken.

During routine sampling if unsatisfactory results are found the manufacturer or if relevant the local retailer/caterer will be notified of the results to discuss the proposed course of action.

If formal samples are taken in accordance with the FSA Code of Practice the local business will be notified and action taken in accordance with the Code of Practice, the Council documented Food Sampling Procedure and the Enforcement Policy in consultation with the Senior Environmental Health Officer/Environmental Health Manager as appropriate.

The sampling programme will be reviewed and updated annually and as required to reflect local and national priorities.

## 8. Profile

8.1. The current profile of food premises and timescales for inspections are as follows:

Category	Primary Producers	Manufacturers & Packers	Importers / Exporters	Distributors / Transporters	Retailers	Restaurants & Caterers	Totals
A (6 months)	0	0	0	0	1	3	4
B (12 months)	0	6	0	0	1	17	24
C (18 months)	0	16	0	1	8	123	148
D (24 months)	0	3	0	1	29	215	248
E (36 months)	9	7	0	33	103	330	482
Unrated	0	5	0	3	15	117	14
<b>Total</b>	<b>9</b>	<b>37</b>	<b>0</b>	<b>38</b>	<b>157</b>	<b>805</b>	<b>1046</b>

8.2. The total number of food premises is 1046 and there are currently 9 approved premises which may require 2 inspections per year.

8.3. The food hygiene rating system (FHRS) extends to businesses supplying food directly to consumers. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. The system helps to inform members of the public in regards to places they wish to eat or purchase food from. This in turn helps to raise food hygiene standards. The rating of premises across the District as of March 2021 is shown below;

FHRS Rating	Description	Number	%
5	Very Good	497	78.5%
4	Good	87	13.7%
3	Generally Satisfactory	36	5.7%
2	Improvement Necessary	1	>0.5%
1	Major Improvement Necessary	9	1.4%
0	Urgent Improvement Necessary	3	>0.5%

\*\* Please note. These figures come from the Food Standards Agency website and includes premises that may have been rated but that may no longer require rating.

## 9. Service Demand



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

	2017/18	2018/19	2019/20	2020/21
<b>Total Routine Planned Food Hygiene Inspections (A to D)</b>	394	358	372	291
<b>Completed Food Hygiene Inspections</b>	307 (78%)	248 (67%)	347 (92.5%)	18 n/a
<b>Food Inspection Visits (inc abortive)</b>	336	268	401	39 (M38)
<b>Food Inspection Revisits (additional)</b>	54	47	25	4 (M24)
<b>Request for Revisit (FHRS)</b>	30	20	16	0
<b>Food / H&amp;S Complaints and Service Requests (note 2020/21 figure includes covid related complaints and service requests)</b>	409	334	354	875
<b>Service Requests Requiring a Premises Visit (additional)</b>	56	35	45	5
<b>Accident Investigations</b>	3	6	2	12
<b>RIDDOR Reports</b>	71	42	37	50
<b>Infectious Disease Reports</b>	134	74	41	23
<b>Sampling Undertaken</b>	0	0	37	4

9.2. There is a level of uncaptured demand that relates to general advice and queries that arise as part of the day to day work relating to food and health and safety. The offering of advice provides additional value to businesses in the district and help to ensure that strong relationships are in place.

9.3. There is a specific charging schedule in place for various aspects of food safety work such as food hygiene revisits and advice and guidance provided to new businesses.

## 10. Planned Inspection Programme

10.1. An inspection programme is established and maintained for all food premises within the District. Inspections are undertaken in accordance with the Food Safety Act 1990, Code of Practice. The frequency of inspection is determined by the risk that is presented. The Council has no formal Home/Lead Authority Agreement with any business operating in the district.

10.2. In 2021/22 the service aims to:

- Provide advice and support to businesses and residents

- Achieve compliance with the FSA Local Authority Recovery Proposal (currently draft) in relation to food hygiene inspections
- Ensure that any high risk complaints are addressed
- Maintain a level of 97% of premises rating 3\* or above
- Continue to respond to the Covid-19 pandemic recovery as required

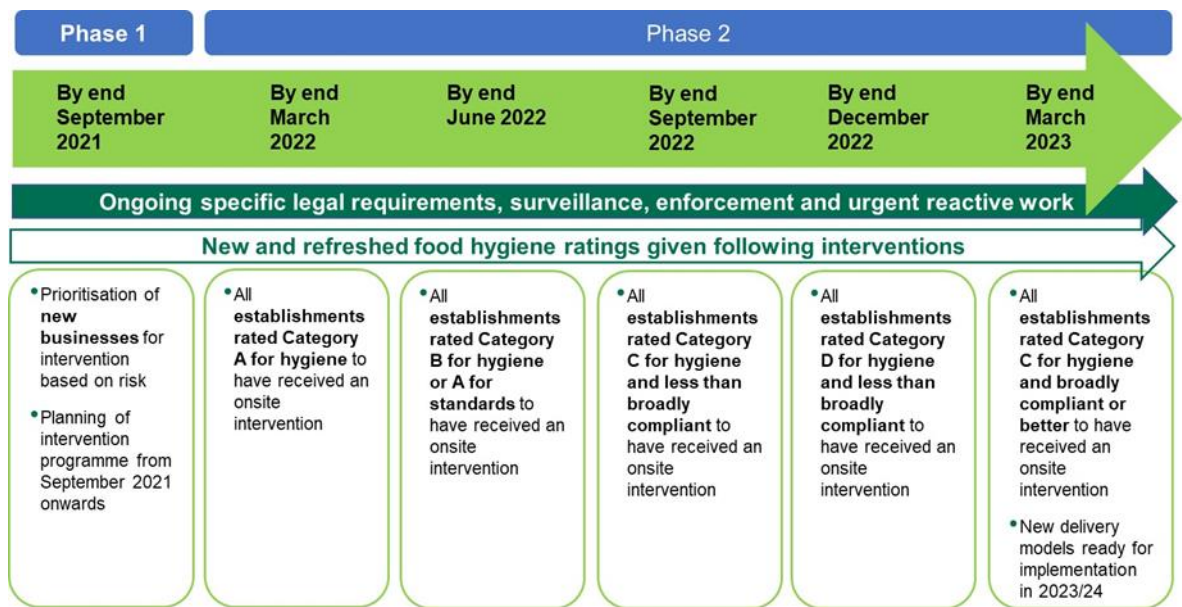
10.3. The Food Law Code of Practice (March 2021) provides opportunity for a range of interventions in relation to food premises. The approach that the Council takes regarding these interventions is linked to its corporate enforcement policy, which officers have regard for when making any decision.

10.4. The planned programme of intervention is shown in the table below

<b>Category</b>	<b>Inspection Frequency</b>	<b>No of Premises</b>
<b>A</b>	6 months	4
<b>B</b>	12 months	24
<b>C</b>	18 months	143
<b>D</b>	24 months	243
<b>E</b>	36 months	321
<b>UNRATED</b>		140

10.5. The above table represents a normal routine inspection programme for the Year 2021/22 of 875. Of these, 554 require a physical food hygiene inspection, and 321 category E, are inspected via an Alternative Enforcement Strategy.

10.6. During 21/22 the FSA have set out within their Recovery Plan how they wish for the Council to approach the inspection regime. This is set out in the table below;



10.7. As a result of the above it is likely that the Council will have a significant backlog (a minimum of 554) of inspections during 22/23, which will need to be addressed.

10.8. The Food Standards Agency have also stated that there has been a significant increase in the number of food businesses where the risks associated with them remain largely unknown as initial inspections have not been undertaken. The Food Standards Agency have also stated that there is anecdotal information suggesting that there has been a general trend of reducing hygiene standards in food establishments since the onset of the pandemic. The above two points may impact on delivery against the service plan in the short to medium term. This again, may require further resources, which will be monitored ongoing.

Food hygiene inspections undertaken which do not form part of the routine inspection programme are estimated to add a further 20 to 30% to these figures. Non-routine inspections include:-

- Paid for food hygiene inspections undertaken as part of the Food Hygiene Rating Scheme.
- Food hygiene inspections undertaken as part of a complaint investigation.
- New food businesses opening after 1<sup>st</sup> April 2021.
- Changes to the risk rating, resulting in more frequent inspection.

10.9. Food sampling is an important aspect of food safety enforcement, providing information about the microbiological safety of food available within the district. Sampling will be undertaken in accordance with the relevant guidance and may be taken during a routine inspection, in response to a complaint or as part of a national sampling programme.

10.10. The Council ensures that a risk based approach to inspections occurs in regards to its health and safety obligations. Reference is made to targeting advice produced by the Health and Safety Executive contained within Local Authority Guidance LAC 67/2 version 9, ensuring we are aligned with wider national priorities, and other relevant guidance.

Programmed work focuses on reports that are received from members of the public or reports that are received via the Health and Safety Executive.

10.11. The Council is required to undertake accident investigations relating to fatalities and life changing injuries as a result of poor health and safety practice. We also investigate cases of occupational ill health and dangerous occurrences as defined by the Reporting of Incidences, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

10.12. The Council works in partnership with Public Health England to identify, control and prevent the spread of infectious diseases.

## 11. Resources

11.1. There are currently three authorised officers who undertake both food and health & safety related work within the Council. This equates to 2.0 FTEs for food, and 0.3 for health and safety. A further 0.3 FTE, towards delivery of the food and health & safety function, is provided by administrative support. This will increase to 3 FTE for food once the recently appointed officer has completed all competency demonstrations required to conduct food hygiene official controls

11.2. There is sufficient support officer resource in place to assist with the administrative functions relating to food and health and safety. These resources are shared across the broader work areas.

11.3. All relevant officers are delegated and authorised to carry out their functions. The level of authorisation is determined by their specific role, responsibility and competency level. Specific competency assessments for individual officers are in place relating to the work areas.

11.4. Financial Allocation - FS05 Food Safety Budget 2021- 2026

Ledger Code Food Safety	Base Budget 20/21 £	Base Budget 21/22 £	Base Budget 22/23 £	Base Budget 23/24 £	Base Budget 24/25 £	Base Budget 25/26 £
Employees	209,000	217,700	225,700	233,300	239,500	245,700
Transport	9,100	9,100	9,100	9,100	9,100	9,100
Supplies and Services	1,400	1,400	1,400	1,400	1,400	1,400
Third Party Payments	300	0	0	0	0	0
Support Services	53,000	80,700	81,900	84,400	86,000	87,500
Customer and Client Receipts	(6,700)	(6,800)	(6,900)	(7,000)	(7,100)	(7,200)

## **12. Liaison with Other Organisations**

12.1. Alongside working within the Council, officers liaise with a number of other local authorities, agencies and organisations to ensure that consistency is maintained, develop best practice and to share learning. The groups engaged with as are as follows:

- Lincolnshire Environmental Health Managers Group
- Lincolnshire Food and Health and Safety Group
- Food Standards Agency (East Midlands, Yorkshire and Humber Region)
- Health and Safety Executive
- Public Health England
- Lincolnshire County Council
- Lincolnshire Police
- Drinking Water Inspectorate
- Anglian Water

## **13. Review**

13.1. The Food and health and Safety Work Plan will be reviewed on a yearly basis

# HSE

## Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

### Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 18 of the Health and Safety at Work etc. Act 1974 to 'make adequate provision' for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) ([www.hse.gov.uk/lau/la-enforcement-code.htm](http://www.hse.gov.uk/lau/la-enforcement-code.htm)).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the the Code and its supporting documentation e.g. annually updated targeting advice ([www.hse.gov.uk/lau/lacs/67-2.htm](http://www.hse.gov.uk/lau/lacs/67-2.htm)) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
- Reducing the need for local public health and support for those recovering from injury and ill health.
- Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.

This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HELA) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association ([www.local.gov.uk/](http://www.local.gov.uk/)), Welsh Local Government Association ([www.wlga.gov.uk/](http://www.wlga.gov.uk/)) and Society of Chief Officers of Environmental Health in Scotland ([www.socoehs.com/](http://www.socoehs.com/)) and recognises that:

- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
- Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
- The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. ([campaigns.hse.gov.uk/hgbww/](http://campaigns.hse.gov.uk/hgbww/))

employers, service providers and procurers/commissioners of goods and services can be found on the HSE website ([www.hse.gov.uk/services/localgovernment/index.htm](http://www.hse.gov.uk/services/localgovernment/index.htm)).

# Joint LA/HSE Commitments to Targeted Sustainable Health and Safety Enforcement

## What LAs & HSE will do together as co-regulatory partners to #HelpGBworkwell

LAs & HSE will provide an effective regulatory framework by:

- Sharing information, to make sure we take decisions on the best available evidence.
- Delivering risk based, targeted frontline interventions.
- Maintaining liaison and effective two-way communication via joint representation at county liaison groups as well as the joint LA/HSE HELA and Practitioner forums.

LAs & HSE will secure effective management and control of risk by:

- Delivering a consistent approach to the enforcement of work related health and safety across GB in line with the principles of the Regulator's Code ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)).

LAs & HSE will lead and engage with others to improve workplace health and safety by:

- Promoting the benefits of proportionate health and safety in their frontline engagement.
- Working together as co-regulatory partners to influence businesses as part of a national strategy.
- Using the latest in behavioural insight to develop new ways to change business behaviour.

## What LAs will do as independent co-regulators to #HelpGBworkwell

LAs will provide an effective regulatory framework by:

- Providing the competency, capacity, resource and support to fulfil their delivery plans.
- Working with other LAs to peer review activities and promote better health and safety outcomes.

LAs will secure effective management and control of risk by:

- Developing and implementing local delivery plans which clearly link to national and local priorities.
- Using national and local intelligence to effectively target poor performing sectors.
- Annually reporting their health and safety enforcement activity to HSE.

LAs will lead and engage with others to improve workplace health and safety by:

- Leading and engaging with their local business community to promote health and safety priorities and adopting the "Better Business for All" approach where relevant and sustainable.
- Sharing relevant local intelligence with HSE to inform the national perspective.
- Championing their role as health and safety regulators.

## What HSE will do as the national policy lead and a co-regulator to #HelpGBworkwell

HSE will provide an effective regulatory framework by:

- Reviewing the effectiveness of GB's occupational health and safety system.
- Providing LA regulators with access to topic specific materials and technical / forensic support.
- Monitoring and reporting on LA regulatory activity to the HSE's Board and other stakeholders.

HSE will secure effective management and control of risk by:

- Setting national regulatory priorities and the overarching strategic direction.
- Sharing expertise, practice and supporting materials to promote consistent/proportionate regulation.
- Supporting LAs to develop effective intervention plans by providing targeting guidance based upon up-to-date information and intelligence via targeting guidance which accompanies the Code.

HSE will lead and engage with others to improve workplace health and safety by:

- Co-ordinating national engagement and promotion of proportionate health and safety and using feedback from LAs to inform the development of national priorities in the LA enforced sectors.
- Providing support for LA local and national regulatory liaison and industry sector working groups.
- Championing the LA role as health and safety regulator.



