

**REPORT TO THE REGULATORY COMMITTEE MEETING OF
Wednesday 27th July 2011**

Status: Decision
Title: Annual Service Plans: Food Safety Enforcement and Health and Safety Enforcement 2011/ 12
Originator: Ruth Hollingsworth, Business Compliance Manager, Health and Enforcement Services
Where from: Management Board
Where to next: Council

1 Purpose of the Report

1.1 To present to Members of the Regulatory Committee the Health and Enforcement Services service plans for Food Safety Enforcement and Health and Safety Enforcement 2011/ 12. These have been developed in accordance with guidance from the Food Standards Agency under the Framework Agreement on Local Authority Food Law Enforcement, and the Health and Safety Commission under Section 18 guidance to Local Authorities.

2 Recommendations:

R 2.1 That the Food Safety Enforcement Service Plan and the Health and Safety Enforcement Plan for 2011/12 are approved and submitted to Council for adoption.

3 Summary of Reasons for the Recommendations

3.1 The Authority must draw up, document and implement a service delivery plan in accordance with guidance from the Food Standards Agency, and the Health and Safety Commission respectively.

4 Impact on Communities

4.1 Failure to deliver the service could contribute to a decline in standards in food hygiene, and occupational safety throughout the district. Consequently, there would be potential for an increase in the incidence of food related illness, and work related accidents within the community.

5 Key Facts

- 5.1 Harborough District Council is responsible for the enforcement of Food Hygiene regulations within approximately 820 commercial premises, and health and safety enforcement in around 1,400 premises.
- 5.2 The Food Standards Agency published the latest amendment to the Framework Agreement on Local Authority Food Law Enforcement in 2009.
- 5.3 Chapter two of the publication requires Local Authorities to draw up, document and implement a service delivery plan in accordance with guidance contained in the document. The Service Plan for Food Safety Enforcement (attached to this report as Appendix A) follows the format and content prescribed in the guidance.
- 5.4 The Health and Safety commission has issued guidance to Local Authorities that requires them to produce and make available an annual health and safety service plan (attached to this report as Appendix B) which is agreed by their elected Members.
- 5.4 These service delivery plans shall include a performance review of the previous year. This should be documented, and submitted for Member approval.

6 Legal Issues

- 6.1 The Food Standards Agency conducts audits of local authorities' enforcement activities, and assesses conformance with the Framework Agreement and associated guidance. Where local authorities are found to be failing to implement all or part of their plan the Food Standards Agency can consider the use of its powers or direction and default.

7 Resource Issues

- 7.1 Budgets already exist to facilitate the delivery of Food Safety Enforcement and Health and Safety Enforcement.

The Commercial Team is responsible for delivering both the food hygiene and health and safety service for Harborough District Council. These are both statutory functions.

8 Equality Impact Assessment Implications

- 8.1 All businesses that fall within the scope of Food Hygiene and Health and Safety regulations are subject to enforcement. Where necessary information on enforcement action is provided in languages other than English and translation facilities are used to ensure effective communication about enforcement issues.

8.2 Equality impact assessments for these service areas have been completed.

9 Impact on the Organisation

9.1 The delivery of these services is included in the Health and Enforcement Services Team Management Plan 2011/12. Failure to deliver these services will result in poor performance and possible intervention by the Food Standards Agency or Health and Safety Executive.

10 Community Safety Implications

10.1 None in the context of this report.

11 Consultation

11. Consultation is not required in the context of this report.

12 Options Considered

12.1 Harborough District Council is required to produce specific service plans for these activities, and failure to do so would be a contravention of guidance.

Previous report(s): None.

Information Issued Under Sensitive Issue Procedure: No.

Appendices

Appendix A Service Plan for Food Safety Enforcement 2011/12

Appendix B Service Plan for Health and Safety Enforcement 2011/12



SERVICE PLAN FOR FOOD SAFETY ENFORCEMENT 2011/12

1. Introduction

1.1 This Plan outlines how the Commercial Team of Health and Enforcement Services intend to fulfil its statutory obligations to enforce food safety and hygiene legislation.

1.2 Summary.

The Council's responsibilities with regard to food hygiene legislation are discharged by the Commercial Team of the Health and Enforcement Services division.

The key points of this service plan are summarized below:

- 96% of those high risk premises that were due to receive an inspection during the year 2010/11 did so.
- 87% of food businesses are currently classed as being broadly compliant with food legislation. This is an increase of 2% from last year.
- The Council has continued to operate and publicise a publically available food premises star rating system to enable consumers to make informed food choices, and drive up standards of compliance with food legislation.
- Two businesses were awarded Harborough District Council's Healthy Workplace Award, which recognises the provision of healthy food choices and promotion of active lifestyles for employees.

2. Background

2.1 Profile

The District's population of 82,800 (mid-2008 estimate) is split between the two market towns of Market Harborough and Lutterworth (37%), large villages of Broughton Astley, Great Glen, Kibworth and Fleckney (27%) and Bushby, Thurnby and Scraptoft part of Leicester's Urban Fringe (6%). The remaining 30% of the District's population live in the smaller rural settlements, 71 of which have a population of less than 500.

Market Harborough, with a population of over 20,000, is the largest settlement in the District and lies on the southern boundary of the District adjacent to Northamptonshire. It has a key role in providing services, employment, public transport, and shopping and leisure facilities to the surrounding population. Lutterworth and Broughton Astley, both settlements with a population in the region of 9,000, are located in the west of the District.

Harborough District covers an area of 238 square miles of rural south and east Leicestershire. It lies within the East Midlands Region, bordering Warwickshire to the west, Northamptonshire to the south and Rutland to the east. Harborough borders 4 other Leicestershire district authorities, namely Charnwood, Melton, Oadby and Wigston and Blaby, and adjoins the east of Leicester City at Bushby, Scraptoft and Thurnby.

Its central location means that the District has good access to regional and national transport links. The M1 passes through the District in the west whilst the M6/A14 is located to the south. Other main routes in the District include the A6, A47 and A 508 which between them provide links to Leicester, Northampton, Kettering and Corby. Market Harborough is located on the East Midlands Trains route and enjoys frequent links to London, Leicester and stations to the north. Both East Midlands Airport and Birmingham Airport are within 50 miles of Market Harborough.

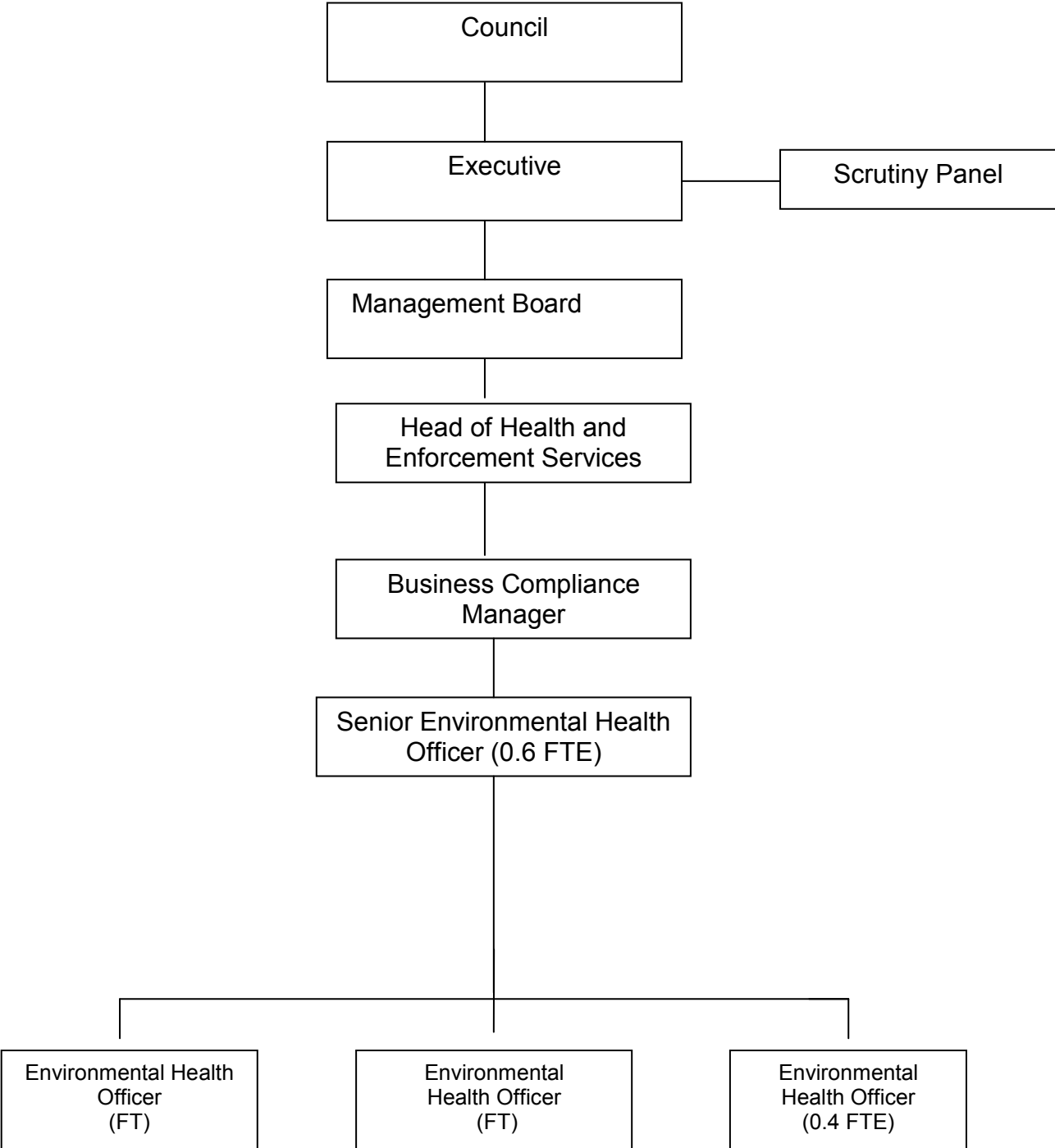
2.2 Organisational Structure

The enforcement of food hygiene is delivered by the Business Compliance Team, part of Health and Enforcement Services. All decision making functions are delegated to the Head of Health and Enforcement Services. This report is presented to Regulatory Committee for approval.

The Council has 37 Councillors and operates a Leader and Executive form of political management.

Page 6 shows a simple hierarchical chart that details the reporting structure for the Commercial Team which delivers the food safety service. Enforcement of Health and Safety at Work, Infectious Disease Control and some health promotion duties are also functions of that team.

Organisational Chart



The Commercial Section is responsible for food safety enforcement in Harborough District Council's area and enforcement officers are authorised with powers under the Food Hygiene (England) Regulations 2006, Food Safety Act 1990, European Communities Act 1972 and associated legislation.

The statutory routine functions carried out by the service include:

- i) Food hygiene inspections and re-visits of commercial undertakings
- ii) Investigation of food complaints and food premises complaints.
- iii) Food sampling
- iv) Investigation of infectious diseases
- v) The detainment, examination and seizure of food in appropriate cases
- vi) Initiation of legal action where appropriate
- written warnings, improvement notices, prohibition notices, formal cautions and prosecution.

In addition, Harborough District Councils Food Safety Enforcement Service also provides:

- Advice and information to businesses during routine inspections.
- The Council has a food premises hygiene rating system which is available to the public via the public Access system. Every registered food premises is assigned a star rating based on the last routine inspection. This ranges from no stars for failing premises to three stars for those premises that display compliance with food hygiene legislation. The aim of the scheme is to provide consumers with the information to make informed choices about where they purchase their food, and further to drive up standards of food hygiene amongst businesses. The details for each premises can be viewed at www.harborough.gov.uk/scoresonthedoors.

The Commercial Team has close links with other sections within the Council, in particular the Licensing Team, which is now part of the Business Compliance Team, Community Protection, Planning & Development Control and Building Control Sections.

Close links have also been made with external agencies to ensure a full, comprehensive food safety service is provided. The Public Analyst analyses our food complaint specimens and provides a source of professional advice regarding physical and chemical and matters affecting food. The Public Health Laboratory Service (PHLS) analyses food samples, water samples, and tests human faecal samples that the section submits as part of infectious disease investigations and is able to offer advice and guidance on the microbiological safety of food.

The council offers a health promotion function, delivered by the Sports and Health Development officer. This post has been created through the merger of two part time roles where it was identified that tasks and desired outcomes were closely related and could be more effectively delivered in this way. This post is part of the leisure and community development team, but the Business Compliance Manager has significant input into the work plan. Throughout the year initiatives which focus on food safety and health improvement will take place, aimed both at food businesses and members of the public.

2.2.1 Future Action

The future delivery of public health will transfer to local authorities in 2012 as a result of the Healthy Lives, Healthy People White Paper. The detailed delivery plans have yet to be announced, but it is likely that Harborough District Council will have a significant role to play in delivering local health improvement projects. The council will continue to monitor this development and take part in any local service delivery planning.

The Food Standards Agency has now developed one consistent nationwide scheme of food premises rating systems, which was launched in the autumn of 2010. It is likely that legislation will be implemented that requires local authorities to operate a food premises rating scheme in advance of the London Olympics. The Council is has submitted a bid for start up funding from the Food Standards Agency to support the necessary preparation work. In the mean time the existing rating scheme will continue to operate.

The terms of the national rating scheme require local authorities to carry out a verification visit to check compliance at the request of the business operators, which is not current practice. The level of demand for this is difficult to predict but may have an impact on the service.

3.0 Demand

In Harborough District there are approximately 820 premises subject to food hygiene inspection. Of these approximately half are currently assessed as high risk and the

other half as low risk. All premises fall within the scope of the inspection regime, although the type of intervention undertaken in each business can vary.

There are currently 2 approved product specific premises. These premises are involved with the production of high risk foods, such as meat products and egg products. The level of regulation of these particular premises can be higher as the potential harm to public health is greater should control measures fail.

The district has a number of small low risk premises which have restricted access due to limited or seasonal opening, e.g. cricket clubs and village halls. This sometimes makes it difficult to carry out inspections when they are due. Every effort is made to visit these premises whilst they are trading.

Staff and facilities are located at the Council Offices in Market Harborough. The office is open to personal callers Monday, Tuesday, Thursday and Friday from 8.45 hrs to 16.45 hrs. On Wednesday the office is open from 9.30 hrs to 16.45 hrs. Lutterworth Service Shop is open from 13:00 -16.45hrs on Wednesdays and from 8.45 hrs to 16.45 hrs on Thursday and Friday. All officers have Direct Dialling Inwards telephones with Voicemail facility and personal e-mail addresses. There is 24 hour corporate telephone access in the event of an emergency.

The Council's website holds a wide range of information relating to food hygiene including advice and links to relevant agencies.

The Commercial Team is currently piloting a system of remote working to identify more efficient methods of working. The pilot commenced in November 2010 and will run until November 2011, after which a full evaluation will take place. One of the commercial team officers acts as the duty officer each day, which helps customer services to identify a single point of contact each day. Officers have been equipped to operate from their home and have full access to all necessary IT systems. This supports the council's priority to reduce the amount of office space that it occupies and to deliver services in an innovative way.

3.1 Future Actions

The pilot will be fully evaluated to identify benefits to the council and employees and assess the feasibility of extending the pilot.

3.2 Enforcement Policy

An Enforcement Policy is in place for Health and Enforcement Services. This was adopted by the Council at its Regulatory Committee in November 2009 in a revised format that meets the requirements of the Better Regulation Office. The current document is available from Health and Enforcement Services or on the Council's website.

4. Service Delivery

4.1 Inspection Programme

Harborough District Council's Commercial team presently consists the following posts:

- Business Compliance Manager (0.8 FTE) A small part of this role includes food hygiene inspections.
- Senior Environmental Health Officer (60% FTE) (50% role involved in food hygiene work)
- 2 X Environmental Health Officers (70% role involved in food hygiene work)
- 1 x Environmental Health Officer (0.4 FTE)

The premises profile for food businesses is described in paragraph 3.0 above.

Each Environmental Health Officer who undertakes routine food hygiene inspections is allocated a number of food hygiene inspections to undertake each month.

Programmed Inspections are carried out in accordance with the level of risk which is based on a score attributed to each premises by the inspecting officer following inspections. Officers score premises in accordance with the guidance contained in the FSA Food Law Code of Practice (England).

Risk Categories range from category A to E. Category A-C premises are considered high risk in terms of food safety and will receive a full inspection in accordance with the Food Law Code of Practice in accordance with the table below.

Category	Minimum Frequency of Inspection
A	at least every 6 months
B	at least every 12 months
C	at least every 18 months
D	at least every 2 years
E	alternative enforcement strategy

Premises rated as category D are classed as low risk but still receive a full inspection.

Premises rated as category E are subject to an alternative enforcement strategy. This is in the form of a self assessment questionnaire which allows officers to establish which category the premises falls into. If once returned the questionnaire indicates that the premises should fall into category A-D, a full inspection will be made. To ensure that the assessments are accurate a random sample of premises are also subject to inspection.

Premises ratings are fed in to the Idox database at Harborough District Council, allowing a monthly inspection list to be generated, and a star rating to be allocated.

The food safety inspection programme for 2011/2012 is expected to involve approximately 250 routine food inspections of high risk premises plus the necessary re-visits. Inspections are also carried out whenever a new premise opens. Based on previous years approximately 30 new premises will open during the year.

4.2 Cost of providing the service

The following costs are associated with providing the food service:

Staff costs (including salaries, training, travelling expenses etc)	£101,000
Recharges (including IT, HR, accommodation)	£20,000
Other costs including equipment	£11,000

These figures represent a reduction in the cost of providing the service compared with previous years, caused by reduced staffing levels. However it is hoped that new ways of working will enable the service to be provided more efficiently.

4.2.1 Future Action

As shown above the team has reduced capacity due to changes in staff working patterns. One previous full time officer returned from maternity leave in December on reduced hours. Following a process of service reviews, some activities will cease to be delivered. The remaining portion of this post has now been deleted.

The Code of Practice for food law enforcement was substantially amended in 2008, and allowed local authorities to change the way that they approach this area of work. The code has been amended to address some of the issues raised in the Hampton report released in 2005, Reducing Administrative Burdens: Effective Inspection and Enforcement. The risk rating categories outlined above will remain, but officers will be allowed some discretion in which of a suite of interventions they apply in all but the two highest risk categories. All premises will continue to receive visits on a regular basis but the depth and focus of the inspection will vary. Officers will be required to use their professional judgment as to the degree of intervention required. This should allow officers the capacity to focus their attentions on those premises that require most help to achieve compliance with legal requirements.

Harborough District Council intends to adopt this new approach when the Idox computer data base can be configured such that visits can be recorded accurately. Discussions are ongoing to ensure that this happens as soon as possible.

4.3 Complaints

Complaints about food will be dealt with in accordance with the requirements of the Food Law Code of Practice (England).

Complaints and enquiries about defective food made to the Authority average around 15 in number per annum. There has been a steady reduction in the number of food complaints received in last three years, and it is therefore assumed that there are likely to be similar numbers in 2011/12. The anticipated resources to service this will be 20 officer days.

Food complaints are logged on the Idox computer system, which has improved consistency of monitoring and recording.

A documented procedure for dealing with food complaints is in place.

4.4 Primary Authority Principle

The service adheres to the Primary Authority Principle in line with LBRO and Food Law Code of Practice advice. Certain large, multi outlet food businesses have established a Primary Authority relationship with a local authority, which tends to be where the head office is located. This scheme aims to give these large businesses one local authority that they can build a close working relationship with, and benefit from their expertise. Where a Primary Authority relationship exists, other local authorities must have regard to this and should not take enforcement action in these premises without first discussing it with the Primary Authority. The intention is to encourage consistency for food businesses where they are regulated by several different local authorities.

Harborough District Council does not act as the Primary Authority for any food business but should we be approached by a business to do so, due consideration would be given to the proposal.

In the main, Primary Authorities are contacted by the commercial team in relation to food complaints investigation.

4.5 Advice to Business

The Service has in the past, prided itself on its proactive approach in providing advice to business since it believes this to be an effective method of achieving compliance with legislation. The Enforcement Policy recognises this as a form of informal action.

4.5.1 Future actions

As a result of business activity analysis the decision was taken to withdraw this service from 1st June 2011. During enforcement inspections officers will give advice and guidance in addition to merely detecting compliance and contraventions, but they will no longer offer pre opening advice visits to new businesses and will not carry out visits to advise on the suitability of premises. Customers will be directed to the council's website, which has been updated to provide more comprehensive advice. It

is possible that this will result in a higher level of enforcement action to rectify deficient premises, and a reduction in the level of satisfaction with regulatory service.

4.6 Food Sampling and Inspection

The Service has a documented procedure for collecting food samples. Samples may be taken as part of investigations into food poisoning outbreaks or complaints.

From April 2011 food samples will be analysed at Good Hope Hospital, Birmingham, with collection points at local authority offices across the county. If samples are collected outside the usual collection days, a courier service will collect the samples from a convenient point.

The County Analyst Service analyses our food complaint samples.

4.6.1 Future actions

In previous years Harborough District Council has participated in county wide coordinated food sampling activities. An annual programme is drawn up by the Leicestershire Food Liaison Group in conjunction with the Public Health Laboratory Service to target high risk food groups. This resulted in around 100 routine food samples being collected and analysed each year by Harborough District Council. Service planning activities have meant that routine food sampling will cease. Sampling in order to identify potential sources of food poisoning outbreaks will continue.

4.7 Control and Investigation of Outbreaks and Food Related Infectious Diseases

The total number of infectious diseases reported to the authority last year was approximately 140 cases of which around 90% may be of water or food borne origin and are potentially transmissible to other persons. All cases are assessed and investigated accordingly to determine origin and effect control measures. There have been no confirmed outbreaks during the last four years.

Subject to there being no large outbreaks, 16 officer days will be required for this activity. The Council has documented procedures for investigating infectious diseases and outbreaks of food borne illness, and works closely with the Health Protection Agency.

4.8 Food Alerts

The service operates in accordance with the Food Alerts Warning System set out in the Food Law Code of Practice (England). The Food Standards Agency issues Product Withdrawal Information Notices and Product Recall Information Notices to let consumers and local authorities know about problems associated with food. In some

cases, a 'Food Alert for Action' is issued. This provides local authorities with details of specific action to be taken on behalf of consumers.

The Commercial Section is alerted to a food hazard warning by e-mail direct from the Food Standards Agency. The alerts are received by every member of the team, and the Business Compliance Manager, or Senior Environmental Health Officer decide on any action required. Food Alerts are also received by the Business Compliance Manager in the form of Text messages, which allows necessary action to be considered outside office hours if required. A documented procedure for dealing with food alerts is in place.

4.9 Liaison

The service is a member of numerous groups designed to aid communication and co-operation between relevant food-interested organisations and to ensure a consistent approach between neighbouring local authorities with regards to food enforcement action.

GROUP	LIAISON WITH	PURPOSE
Leicestershire Food Liaison Group (Quarterly – ½ day Business Compliance Manager)	Trading Standards Public Health Laboratory Service County Analyst Neighbouring Local Authorities within Leicestershire	Co-ordination and consistency of the LA food sampling and analysis role. Consistency of enforcement Discussion of enforcement overlap issues with Trading Standards.
Leicestershire CIEH Food Hygiene Best Practice Group (Quarterly – ½ day Business Compliance Manager)	Neighbouring Local Authorities Invited attendees from both the public and private sector (for discussion of issues common to Leicestershire LAs)	Co-ordination of the LA food enforcement role To expose the Authority to third party examination by way of Officer Peer Review and Third Party Audit
The Leicestershire Health Authority Infectious Disease Group (Twice yearly – ½ day environmental)	The Health Protection Agency East Midlands South, Infection Control Nurse, Representatives of Local Hospitals, DEFRA Veterinary Investigation Officer	To be informed of geographical trends in infectious disease To share and acquire knowledge

health officer/ Business Compliance Manager)	LA Environmental Health Officers	
G16 Group (Quarterly –1 day Head of Health and Enforcement Services)	Benchmarking group which includes 16 local authorities who are in the same audit commission family audit group	To share examples of best practice and to benchmark our service in order to implement Best Value

4.10 Food Safety and Hygiene Promotion

The team has involvement with initiatives either directly or indirectly relating to food hygiene matters which raises awareness amongst the public and aims to assist people achieving and maintaining a healthy lifestyle.

In conjunction with all other local Authorities in Leicestershire, Harborough District Council now offers a Healthy Workplace Award. The award is given to those employers who are committed to providing healthy food choices, opportunities to improve activity levels and providing a smoke free environment. This scheme currently focuses on medium size office environments. This work is undertaken by the Sports and Health Improvement Officer.

5. Resources

5.1 Financial Allocation

The Food Safety service is an integral part of the wider work of the Health and Enforcement Services Section. Paragraphs 4.2 ante indicate the planned operational time allocated for some of this work.

Staff are supported with appropriate equipment and instrumentation particularly for sampling, examining food complaints and health and safety issues. Part of the Departments Operational Equipment and Analysts budgets are available and these need to be preserved at least at current levels.

A documented procedure for the maintenance and calibration of equipment operates.

Health and Enforcement Services uses the Idox information system for planning and recording its food safety activities.

A documented procedure to ensure that the premises database is accurate and up to date is in place.

5.1 Staff Allocation

In accordance with the Food Law Code of Practice, Harborough District Council ensures that all its food Enforcement Officers are suitably qualified, experienced and competent to carry out its functions under relevant food hygiene legislation. Records of qualifications, certificates of registration and details of update training are all retained by the Department.

Currently, there are five qualified Environmental Health Officers (3 P.T.) authorised to inspect category A-C (high risk) food premises within the District. The Head of Health and Enforcement Services is a Corporate Member of the CIEH. The Business Compliance Manager (who acts as the Lead Officer for food safety) and Senior Environmental Health Officer both hold Chartered Environmental Health Practitioner status.

A documented procedure for the authorisation of Officers is in place.

5.2 Staff Development Plan

Funding is available for training; individuals needs are highlighted through the appraisal system.

Staff who are members of Professional Bodies (either as Graduate Members, Corporate Members or Chartered Members) are subject to the requirements relating to Continuous Professional Development. The Authority supports this through the training budgets and funds membership of a relevant professional organisation.

Training is also given to take account of any new legislation and the effect on the Service.

Bi-monthly Team meetings are held where current and new issues are discussed and specific issues are considered with in-house training sessions. Notes of meetings are recorded.

Ensuring the expertise of our officers with regard to food safety is of the utmost importance.

5.3 Legal Support

Currently the Head of Legal Services provides legal support on routine enforcement matters. Where more specialised expert help is required this will be provided by external sources.

6. Quality Assessment.

The Service is not externally accredited to ISO 9000:2000 series or equivalent or Charter Mark. The following Auditing arrangements are carried out.

- Performance against the programme of inspections is a standing item on the bi-monthly team meetings
- Monthly Performance against the Service Plan local indicators is reported into the Authority's Monthly Performance Report via the TENS system.
- Consistency is discussed at team meetings and special meetings
- Random checks for accuracy and consistency are made by the Business Compliance Manager
- The section took part in Inter Authority Auditing carried out in Leicestershire in 2008 the findings of which were reported to the Food Standards Agency.
- Peer review exercises are carried out in conjunction with the Leicestershire Food Liaison Group to ensure consistency.
- National Indicator 186 measures business satisfaction with regulatory services. A sample of those businesses who are contacted every month are asked for their perception of the value of the intervention. Figures for 2010/11 indicate that 73% of those who responded were satisfied with the service they received.

See also Liaison Table 5.8 above concerning Peer Review and Inter authority Audits.

A documented Internal Monitoring Procedure to ensure conformance with the standard, relevant legislation, codes of practice and the authorities own documented policies and procedures is in place

7. Review.

7.1 Review against the Service Plan

The service plan for 2010/11 had the following local performance indicator targets:

- The %of food premises inspections that should have been carried out that were carried for High Risk premises: 95%

The actual outturn for this period was 98% high risk premises.

An alternative inspection strategy has been developed and introduced for those premises which are classed as category E under the risk rating system as described in part 5.1.

The Food Standards Agency has introduced a performance measure that they will use to assess the effectiveness of food safety interventions. It has been recognized that resources should be targeted at those premises who consistently fail to comply with legal requirements and therefore potentially put the public at risk. In future years food services will be required to report on the proportion of food businesses within their district that are classed as broadly compliant with food hygiene legislation. As yet no target level has been set, but local authorities are expected to show an improvement in the number of businesses that are classed as broadly complaint year on year.

Current figures indicate that 87% of food businesses within Harborough District Council's area are broadly compliant with food legislation, an increase on the previous year.

7.2 Variation from the service plan

The commercial team continued to suffer from staffing shortages during part of the period 2010/11, due to maternity leave which was not covered with alternative staffing. However the team managed to meet its target for inspecting high risk premises. This is in part due to the change in working practices implemented through the mixed location working pilot, which have reduced travelling time and made service delivery more efficient.

The majority of premises that did not receive an inspection at the scheduled time were those premises that had restricted access due to seasonal trading or temporary closures. These premises will however receive inspections as soon as access can be arranged, and will all be carried out in the coming year.

7

.3 Action Plan 2011/2012

- The Council will continue to promote and deliver the Safer Food Better Business initiative.
- To publicise the service plan.
- To implement the changes to the food inspection regime in accordance with the amended Code of Practice, to ensure that resources are focused on those businesses that are not broadly compliant.



SERVICE PLAN
FOR
HEALTH AND SAFETY ENFORCEMENT 2011/12

1. Introduction

1.1 This Plan outlines how Health and Enforcement Services intends to fulfil its statutory obligations to enforce health and safety legislation.

1.2 The Council's responsibilities with regard to health and safety legislation are discharged by the Commercial Team of the Health and Enforcement Services division.

The key points of this service plan are summarised below:

- **Officers carried out specific inspection and education campaigns relating to the safety of gas installations with buried pipelines, the maintenance of gas equipment in catering kitchens, and the operation of sun beds.**
- **The prosecution action against Lidl Gmbh UK Ltd was completed, with the council securing a conviction resulting in fines of £80,000.**
- **Work has been undertaken to move towards compliance with new guidance regarding the organisation of health and safety services.**
- **The revised priority rating scheme which determines the inspection frequency for premises has been implemented.**

2. Service Aims and Objectives

- 2.1 The Council is responsible for the enforcement of the Health and Safety at Work etc Act 1974 (HASWA) as described by the Health and Safety (Enforcing Authority) Regulations 1998. Section 18 of the Health and Safety at Work etc Act 1974 states that it is the duty of every local authority to perform in accordance with guidance from the Health and Safety Commission.

The Health and Safety Commission Guidance also requires that Local Authorities produce an intervention plan detailing the Local Authorities priorities and its aims and objectives for the enforcement of health and safety.

The overall aim of the service is to protect people's health and safety by ensuring risks in the changing workplace is managed properly.

Our priority is to manage the risk in high risk, poor performing businesses, and to investigate major injury incidents and fatalities. We will undertake work that has been identified as a national or local priority, for example Gas Pipeline Safety, and the management of health and safety. We will work in partnership when possible and we will take part in the flexible warrant scheme which is currently being developed with the HSE and other Leicestershire Authorities.

3. Background

3.1 Profile of Harborough District Council

The District's population of 82,800 (mid-2008 estimate) is split between the two market towns of Market Harborough and Lutterworth (37%), large villages of Broughton Astley, Great Glen, Kibworth and Fleckney (27%) and Bushby, Thurnby and Scraptoft part of Leicester's Urban Fringe (6%). The remaining 30% of the District's population live in the smaller rural settlements, 71 of which have a population of less than 500.

Market Harborough, with a population of over 20,000, is the largest settlement in the District and lies on the southern boundary of the District adjacent to Northamptonshire. It has a key role in providing services, employment, public transport, and shopping and leisure facilities to the surrounding population. Lutterworth and Broughton Astley, both settlements with a population in the region of 9,000, are located in the west of the District.

Harborough District covers an area of 238 square miles of rural south and east Leicestershire. It lies within the East Midlands Region, bordering Warwickshire to the west, Northamptonshire to the south and Rutland to the east.

Harborough borders 4 other Leicestershire district authorities, namely Charnwood, Melton, Oadby and Wigston and Blaby, and adjoins the east of Leicester City at Bushby, Scraptoft and Thurnby.

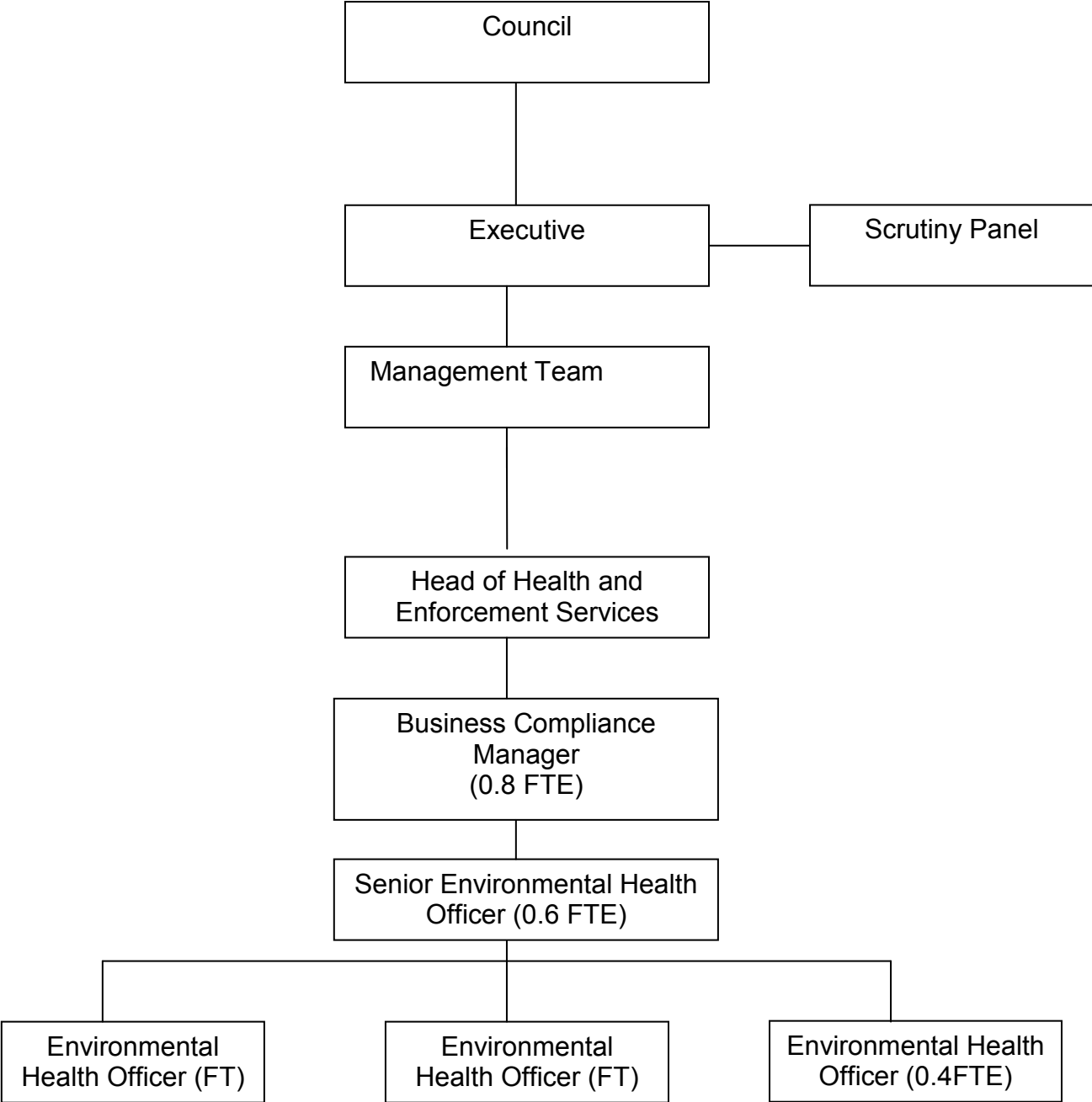
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3.2 Organisational Structure

The enforcement of health and safety is delivered by the Commercial Team of the Health and Enforcement Services department. Decision making functions are delegated to the Head of Health and Enforcement Services. The Council has 37 Councillors and operates a Leader and Cabinet form of political management, with Executive portfolio responsibilities.

A simple hierarchical chart that details the reporting structure for the Commercial Team which delivers the health and safety service is shown below. Enforcement of food hygiene, infectious disease control and some health promotion duties are also functions of that team.

Organisational Chart



3.3 Demands on the health and safety service

The Commercial Section is responsible for health and safety enforcement in Harborough District Council’s area and enforcement officers are authorised with powers under the Health and Safety at Work etc Act 1974.

The routine functions carried out by the service include:

- i) Carrying out a planned programme of inspections of our health and safety premises, prioritised according to risk, and pursuing the appropriate course of action, e.g. verbal advice, informal letters, improvement and prohibition notices and prosecution.
- ii) Carrying out a planned programme of inspections focusing on specific areas of risk determined by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee.
- iii) Involvement in specific campaigns which support the HSE’s priorities. See section 5.1.9
- iv) Investigation of workplace accidents and work related diseases in accordance with the councils policy
- v) Responding to requests for health and safety advice from businesses and the public (these will now be directed to sources of information and the councils website)
- vi) Investigate complaints relating to poor health and safety conditions

There are currently around 1450 premises for which the Council has health and safety enforcement responsibility, which can be broken down into the following risk categories:

Risk Rating	Minimum visit frequency
A	Not less than once per year
B1	Not less than once per 18 months
B2	Non inspection intervention not less than once per 2 years
C	Non inspection intervention review every five years

Each risk category relates to the relative degree of risk posed by a particular business. Those premises rated as risk category A pose the greatest risk, either in terms of the nature of the operation (e.g. use of large amounts of dangerous machinery or chemicals,) or due to poor management practices. Such premises might include large warehouses, tyre fitters etc. Premises are often rated at this level for a limited amount of time, and if practices improve the risk rating is amended accordingly and they move into a different category.

Those premises which fall into category B2 and C are those that pose the lowest level of risk to employees and members of the public, and include such premises as community halls, offices and small retail shops.

Harborough District Council's Commercial team presently consists the following posts:

Business Compliance Manager (0.8 FTE) A small part of this role includes health and safety inspections.

Senior Environmental Health Officer (60% FTE) (50% role involved in health and safety work)

3 x **Environmental Health Officers** (two full time, and one 0.4 FTE. These officers spend around 30% of their time involved in health and safety work). An unfilled 0.4 FTE post has been deleted from the establishment as a result of cost saving measures.

4.4 Access to Health and Safety Services

Staff and facilities are located at the Council Offices in Market Harborough. The office is open to personal callers Monday, Tuesday, Thursday and Friday from 8.45 hrs to 16.45 hrs and 9.30 hrs to 16.45 hrs on Wednesday. Lutterworth Service Shop is open from 13.00 hrs to 16.45 hrs on Wednesday and from 8.45 hrs to 16.45 hrs on Thursday and Friday. All officers have Direct Dialling Inwards telephones with Voicemail facility and personal e-mail addresses.

Inspections are carried out outside office hours as necessary.

The Commercial Team is currently piloting a system of remote working to identify more efficient methods of working. The project will run until November 2011 before being fully evaluated. All officers are fully equipped to operate at remote locations and have access to all necessary IT programmes. This supports the council's priority to reduce the amount of office space that it occupies.

The Council's website has a range of information relating to health and safety matters.

4.5 Enforcement Policy

An Enforcement Policy is in place. This was reviewed in 2009 and was approved by the Regulatory Committee in November 2009.

5. Health and Safety Service Delivery 2010/2011

5.1 Programmed Health and Safety Inspections

The Council has always operated the health and safety service in accordance with HELA Circular 67/1 rev 3 "Advice to Local Authorities on Inspection Programmes and an Inspection Rating System", inspecting premises at frequencies determined by the risk rating shown in 4.3 above.

The Council has for some years operated a small firm's initiative to allow officers to target low risk premises without necessarily making a visit. Premises which are identified to be low risk will be targeted by means of a self assessment questionnaire. This means that officer resources can be utilised effectively to concentrate resources on those premises which require inspections.

As stated earlier the risk rating system has changed and all premises need to be gradually assimilated into the new scheme. For the period 2011/2012 officers will routinely continue to carry out inspections of premises which are risk rated in the highest categories and also inspect any low risk premises that they feel might have become higher risk due to the revised rating scheme.

The majority of premises rated as category B2 and C will not receive a physical inspection unless officers have knowledge that the nature of the business operation has changed or there has been a history of accidents or complaints.

5.1.1 Focus of Interventions

As outlined above inspections are focused on those premises that present the highest risk, fit one of the HSE's current high priority topics or have been identified as a local priority.

5.1.2 Revisits

Revisits will be made to check compliance before the next programmed inspection where there has been a significant breach of the regulations taking into account the willingness of the employer to comply, the history of compliance and the officers confidence in the management of the business.

5.1.3 Accident Investigation

Accident notifications under the Reporting of Incidences, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) are investigated as appropriate in accordance with the departmental policy. This is based on the HSE Incident Selection Criteria scheme.

For the period 2010/2011 approximately 165 reports of accidents or dangerous occurrences were received by the department. It is assumed that a similar number will be received for the period 2011/2012.

Where an investigation is required it will commence within 5 working days.

5.1.4 Health and Safety complaints

All complaints of poor health and safety conditions will be investigated and an initial response must be made within 5 working days.

5.1.5 Health and safety advice

An extensive range of guidance leaflets, booklets and advice notes are kept within the department, and is available on the Councils website. From 1st June 2011 the council will no longer carry out visits purely to give advice and the amount of advice given over the phone will be limited. Customers with general enquiries will be signposted to sources of information. This is as a result of activity planning exercises which concluded that this service should be withdrawn.

Requests for advice from businesses are estimated to be around 60 for the year 2011/2012.

5.1.6 Primary Authorities

The service adheres to the Primary Authority Principle in line with LBRO advice. Certain large, multi outlet food businesses have established a Primary Authority relationship with a local authority, which tends to be where the head office is located. This scheme aims to give these large businesses one local authority that they can build a close working relationship with, and benefit from their expertise. Where a Primary Authority relationship exists, other local authorities must have regard to this and should not take enforcement action in these premises without first discussing it with the Primary Authority. The intention is to encourage consistency for food businesses where they are regulated by several different local authorities.

Harborough District Council does not act as the Primary Authority for any business but should we be approached by a business to do so, due consideration would be given to the proposal.

In the main, Primary Authorities are contacted by the commercial team in relation to complaints investigation.

5.1.8 Partnerships, Relationships and Liaison

The Council is a member of several groups designed to aid communication and co-operation and the sharing of information between relevant Health and Safety Enforcement agencies. This also ensures a consistent approach between neighbouring local authorities with regard to enforcement action. The key groups are listed below:

- Leicestershire Chief Environmental Health Officers Group
- Leicestershire CIEH Health and Safety Best Practice Group
- G16 Benchmarking Group

5.1.9 Health and Safety Campaigns to Support Local and National Priorities

The Council has committed to participate in a number of initiatives that support the HSE's strategy- The Health & Safety of Great Britain- be part of the solution.

The Council has agreed to participate in 3 initiatives this year which will focus on locally significant topics.

Some of these initiatives will be delivered through specific targeted campaigns but a significant proportion of the work will be delivered as part of the planned inspection programme.

6. Resources

Staff resources are outlined in section 4.

7. Staff Competencies and development

The Council ensures that it only appoints officers with the necessary competencies and qualifications to carry out Health and Safety enforcement and they are authorized according to their level of competency and experience.

Harborough District Council has in place a training and development plan. Training needs are identified as part of the Appraisal process.

Staff who are members of Professional Bodies are subject to requirements relating to continuous Professional Development and the authority supports them in achieving the requirements.

The HSE has developed a mechanism for assessing the competence of inspectors (Regulators Development Needs Assessment Tool). This not only makes an assessment of the officers level of competence but also indicates what areas of work they are therefore capable of undertaking. The tool allows a development programme to be created for each individual officer.

8. Quality Assessment

8.1 Internal Quality Assessment

- Performance against the programme of inspections is a standing item on the bi-monthly team meetings
- Monitoring of a sample of each officers post inspection administration is carried out by the Business Compliance Manager.
- The Team Leader carries out at least two shadowing visits for each officer each year.
- All statutory enforcement notices are approved by the Business Compliance Manager or Head of Service.
- Officers are authorised to varying levels to reflect their experience.
- National Indicator 186 measures business satisfaction with regulatory services. A sample of those businesses who are contacted every month are asked for their perception of the value of the intervention. Figures for 2010/11 indicate that 73% of those who responded were satisfied with the service they received.

8.2 External Quality Assessments

The Council was subject to a full HSE Audit in 2003 and no significant areas of improvement were identified.

The Council participates in a benchmarking exercise which compares the activities of all local authorities in Leicestershire. The last benchmarking exercise was completed in early 2007.

9. Review against the service plan.

9.1 Performance 2010/2011

The Council had the following Local Performance Indicators:

To deliver four campaigns based on Fit 3 topics.

This indicator was achieved. The topics for 2010/11 were as follows:

- Sunbed Safety (5 premises)
- Gas Safety in Catering Premises (23 premises)
- LPG gas pipeline safety (4 premises)
- Magna Park premises survey (6 premises)

In addition to this inspections of 5 high risk premises were carried out in accordance with the risk rating scheme. A significant number of those premises that were part of the gas safety in catering premises project were also scheduled to receive a routine inspection and the two interventions were carried out at the same time.

9.2 Variance from service plan

Some premises that were due to be inspected during the period were not inspected. Staff shortages have resulted in a significantly reduced capacity to undertake inspections.

