



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Document no. 1

Environmental Health Commercial Services

Enforcement service delivery plan 2015 / 2016

May 2015

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Glossary

BBfA	-	Better Business for All
BRDO	-	Better regulation delivery office
CIEH	-	Chartered Institute of Environmental Health
CQC	-	Care Quality Commission
EHO	-	Environmental Health Officer
FTE	-	Full time equivalent
FSA	-	Food Standards Agency
HELA	-	Health and safety executive / Local authority enforcement liaison committee
HSE	-	Health and safety executive
HSG	-	Health and safety guidance
IAA	-	Inter authority audit
Idox	-	Idox Plc - Data software supplies to Environmental Health
LAC	-	Local authority circular
LAE1	-	Local authority enforcement annual report form to health and safety executive
LAEMS	-	Local authority enforcement monitoring system
LLEP	-	Leicester and Leicestershire Local Enterprise Partnership
LSP	-	Local strategic partnership
MIRA	-	Motor Industry Research Association
PDA	-	Personal development appraisal
RIDDOR	-	Reporting of injuries, diseases and dangerous occurrences regulations 2013
TO	-	Technical Officer

1. Introduction

This service delivery plan outlines how Hinckley and Bosworth Borough Council, through its Environmental Health services, intends to fulfil its statutory obligations to enforce food safety and health and safety legislation.

The plan brings together into one document a service plan for food safety enforcement and health and safety enforcement.

The formats of the enforcement service delivery plans are prescribed by each of the central government agencies responsible for policy in these areas. For food safety the Food Standards Agency prescribe the contents of a service delivery plan in their 'Framework Agreement on Local Authority Food Law Enforcement', the Health and Safety Executives is prescribed in Section 18 Health and Safety at Work etc. Act 1974 Mandatory Guidance. Due to these agencies differing prescription, the layout of this document is occasionally inconsistent however the essential information is conveyed as required by them.

2. Equal opportunities statement

In developing this policy, the Council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of their:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual orientation.

The Council will not be affected by improper or undue influence from any source. To assist in this:

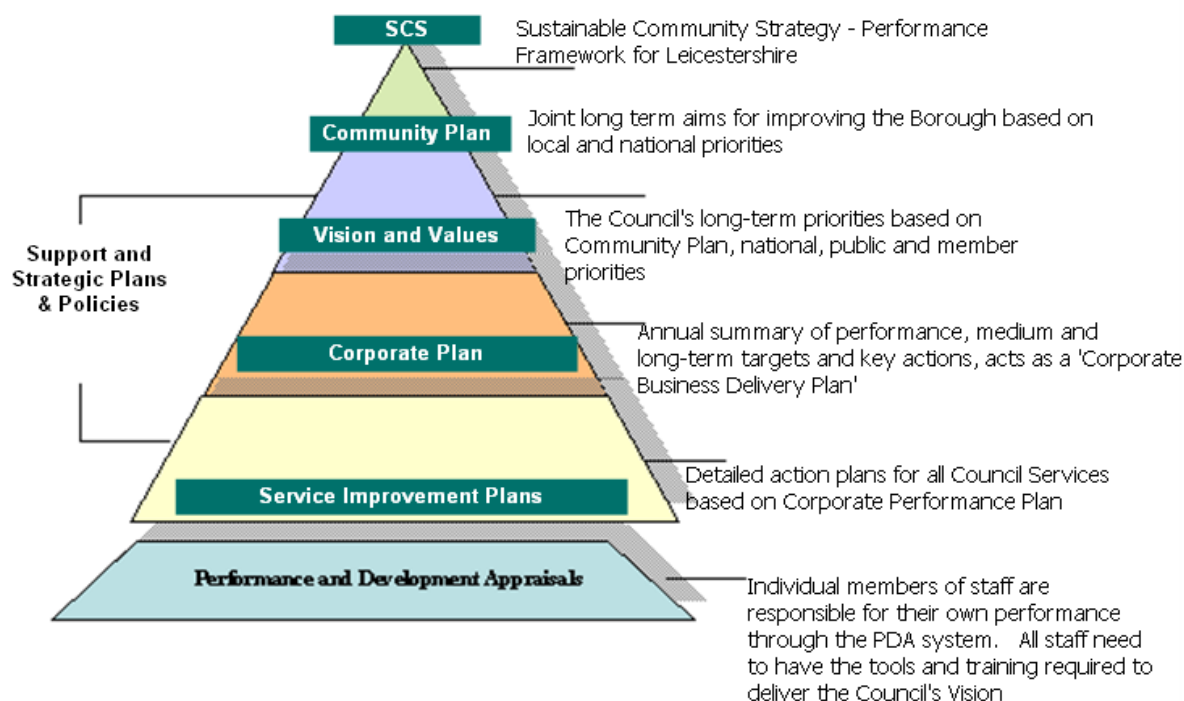
- The Policy and associated documents will be available on the Internet, and in other formats upon request.
- Multi-language sections may be included in all leaflets upon request.
- Support will be offered to individuals who are socially excluded to assist in their understanding of legislation and legal requirements

- Action will be taken to ensure that all enforcement action, particularly against those individuals from disadvantaged groups or who share protected characteristics, is dealt with fairly.
- An Equality Impact Assessment has been completed for this policy.

3. Service aims and objectives

3.1 The corporate planning framework

Hinckley and Bosworth Borough Council recognises it has to balance what it can do against the resources at its disposal in order to achieve good quality and good value. Therefore the Council has to focus its activities and resources on priority areas. In choosing its activity areas the Council uses different plans and strategies at all levels of the organisation. The framework for these plans and strategies is represented by the diagram set out below; a simple explanation is given to each element.



3.2 Sustainable community strategy - Leicestershire

The Leicestershire Sustainable Community Strategy 2008 is overseen by Leicestershire Together, representing all of the organisations and partnerships that deliver services in Leicestershire. The document sets out how to improve the quality of life and public services in Leicestershire, proposing priorities for improvement over five years. This strategy was refreshed during 2011/12, and sets out four overarching priorities, setting what the county level commissioning boards and cross cutting partnerships will be doing to achieve these strategic priorities. The outcome framework will be refreshed on an annual basis in order to ensure that it reflects the current pace of change.

3.3 The Community Plan – Hinckley and Bosworth

The Hinckley and Bosworth Community Plan 2014 - 2018 is a document setting out the key longer term challenges facing the Borough, and details priorities and arrangements for tackling them, its aim is to enhance the quality of life for the residents of the Borough through joint working. The Community Plan is overseen by the Hinckley and Bosworth Local Strategic Partnership (LSP), which brings together all of the key public sector organisations providing local services including the private sector, the voluntary and community sector, and local communities themselves, to enable more effective joint

working and bringing together of resources. The LSP is supported by a range of key delivery partnerships/groups who deliver on the priorities within the Community Plan, and report regularly to LSP on progress.

3.4. Vision and values

The councils overall vision is to create 'A borough to be proud of'; in achieving this, the authority works with a number of underpinning values:

- To continuously strive to improve
- To be customer focused by listening, caring and being respectful
- Deliver what we can and be clear about what we can't
- Be ambitious and maximise opportunities
- Equality and fair treatment for all
- To be a confident and capable council

3.5. The Corporate Plan

The Corporate Plan 2013 – 2016, sets out the aims and underpinning priorities through which the council's overall vision will be achieved, enabling everyone to know what the council will be focusing on to improve the quality of life for residents of the borough

Aims:

- Creating a vibrant place to work and live
- Empowering communities
- Supporting individuals
- Providing value for money and pro active services

3.6 Service improvement plans

Service improvement plans set out how each service area in the council contributes to the achievement of the aims set out in the corporate plan. They set out a series of actions with progress monitored against these actions throughout the year.

3.7 Environmental Health's objectives

In working towards achieving the council's vision the Environmental Health Services has the objectives of:-

- a) Ensuring the food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the borough is without risks to health and safety of the consumer and satisfies the requirements of the Food Safety Legislation
- b) Identifying and investigating where necessary all infectious diseases and food poisoning to prevent the spread, where possible, of such infections in the community
- c) Carrying out the necessary inspections to enable us to licence or register the various premises for which we are responsible and to ensure that they comply with all legal requirements for which we are the enforcing authority.
- d) Securing the workplace health, safety and welfare for both employees and the public in the borough.
- e) Disseminating information to the public and commercial organisations in the district to promote a healthier life style.

Within Environmental Health Services, these objectives are the responsibility of officers employed in the Commercial Section. This plan sets out how the Commercial Section intends to work towards achieving the objectives in 2015/16, through education, training and enforcement.

3.8 Links to strategic aims

This service plan supports the Community Plan, Corporate Plan and the council's Vision and Values by setting out in detail the actions the council intends to take, in relation to food safety and health and safety.

This plan also expands the Service Improvement Plan for the Commercial Section, already approved by council. It includes clear objectives together with key tasks, targets and performance indicators against which progress can be measured in delivering the food safety and health and safety service.

The council is well aware of the importance of involving staff, at all levels in the organisation, as part of performance management. Staff involved in the plans implementation have been consulted on its contents.

The service plan and supporting budgets form the basis of the council's work programme on food safety and health and safety for the year.

3.9 Best value and continuous improvement

The council is committed to continually improving its services to the public. A number of improvement techniques within its Performance Management Framework are used to keep its services under review to ensure they reflect the right balance between quality and cost, and also that they show continuous improvement. The Commercial section is committed to strive continually to improve service delivery in accordance with the principles of best value.

Within the framework of Best Value the council has provided extensive training to staff on the principles of continuous improvement. The Commercial section has used this concept and the advice given within the Framework Agreement on Local Authority Food Law Enforcement and Health and Safety Executive's Section 18 Guidance to look at the ways our work is carried out.

4. Background

4.1 Profile

The borough of Hinckley and Bosworth is situated in the south west of Leicestershire, covering an area of 300 square kilometres. The 2011 census showed the population of the borough to be 105,000 occupying some 46,909 homes. The population is overwhelmingly white British (94.6%) with the largest group from the ethnic population (5.2%) being Indian Asians 1.3%. Almost 90% of the borough is rural and 60% of the working population are employed within the manufacturing and hospitality industries.

Hinckley is the main administrative centre of the borough and holds regular markets (including a farmers market). Market Bosworth is a small historic market town which contains a large number of popular tourist attractions and hosts a street market every Wednesday. Other major centres in the borough include Barwell, Burbage and Earl Shilton. In addition there are 20 other parishes which contain villages and hamlets of different size and character.

The council is part of a two tier arrangement for local government in Leicestershire. Food Standards and Animal Feeding Stuffs enforcement is therefore the responsibility of Leicestershire County Council's Regulatory Services department.

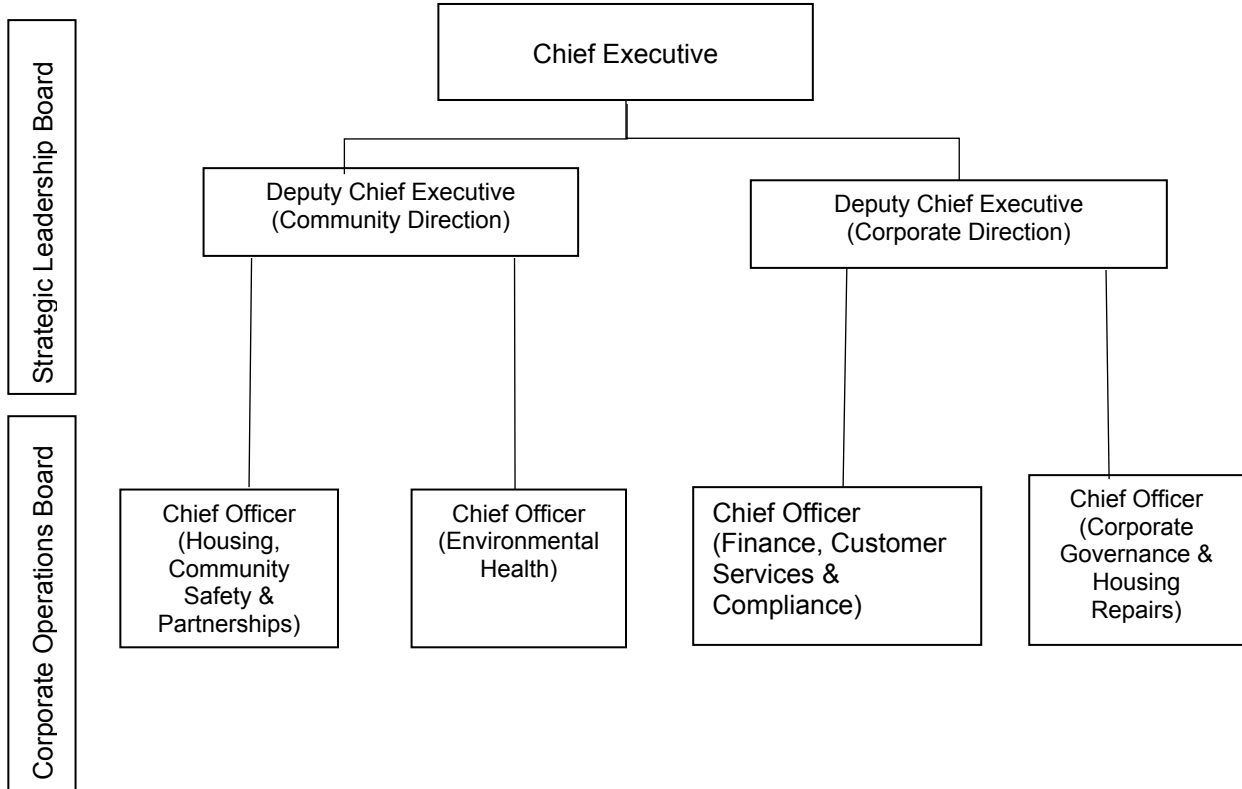
The council is also part of the national two tier arrangement for enforcement of health and safety legislation along with the Health and Safety Executive. Health and Safety enforcement in factories, construction sites and utilities is administered by the Health and Safety Executive from their Northampton offices (Telephone 01604 738300).

4.2 Organisational structure

The council consists of 34 councillors serving 24 parishes. The council operates a cabinet style structure, called the Executive. The Executive consists of eight councillors, each with an executive portfolio, one of which includes the Executive Member for environment, health and climate change. This member is responsible for ensuring the Environmental Health Service achieves the objectives and delivers the service demanded by the council.

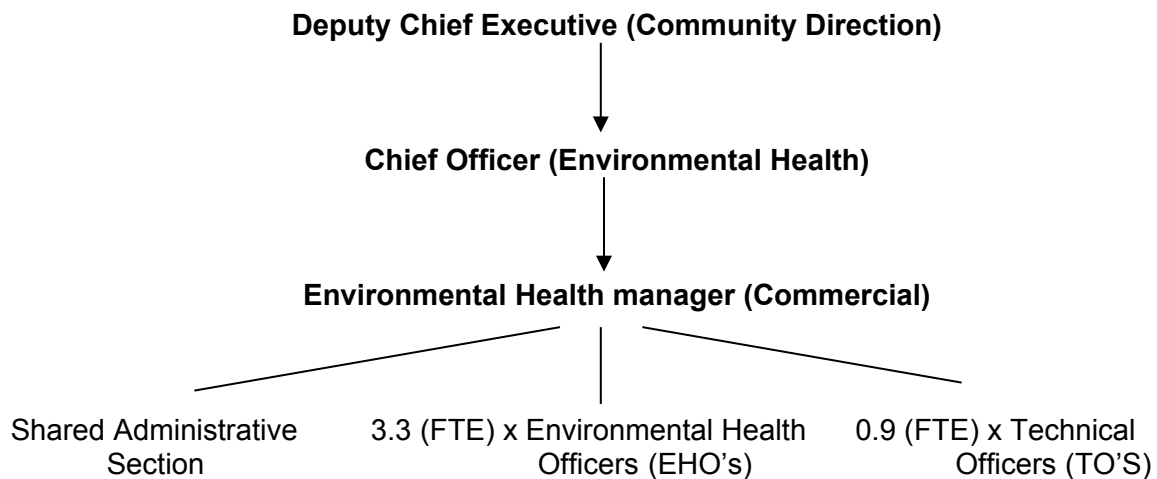
Officers headed by the Chief Executive carry out strategic and operational management of the Council Services. The Chief Executive and two Deputy Chief Executives form the Strategic Leadership Board, responsible for the strategic management, whilst four Chief Officers form the Corporate Operations Board, responsible for operational management of council services. The figure below shows the organisational structure for the delivery of council services:

Operational management structure of council services



The Deputy Chief Executive (Community Direction) is responsible for the Environmental Health Services, which includes the Commercial Section that deals with Food Safety and Health and Safety Enforcement.

The Commercial Section of Environmental Health Services structure is described below:



Contact telephone numbers for the various people involved are shown in the table below:

	Name	Telephone number
Deputy Leader of Council and Executive member for rural communities & environment	Councillor K Morrell	01530 261928
Chief Executive	Mr Steven Atkinson	01455 255606
Deputy Chief Executive (Community Direction)	Mr Bill Cullen	01455 255700
Chief Officer (Environmental Health)	Mr. Robert Parkinson	01455 255641
Environmental Health Manager (Commercial)	Mr Steven Merry	01455 255735
Lead Officer – Food hygiene & health & safety	Mr Steven Merry	01455 255735

Specialist food safety services that is a food analyst, and examiner, are not employed directly by the council. Staffordshire County Council's public analyst and Public Health England, through the Good Hope Hospital, Heart of England NHS Foundation Trust, Birmingham, provide these services respectively. Equally the services of Staffordshire County Council's public analyst are used for analysis of samples of a health and safety nature and specialist services for health and safety may be called upon from the Health and Safety Executive.

5. Food safety enforcement service delivery plan 2015/2016

5.1 Scope of the food safety service

Food safety enforcement is part of the service provided by the Commercial Section of Environmental Health Services. Besides food safety, the section is also responsible for delivering the council's obligations in relation to occupational health and safety, infectious diseases, health improvement, animal welfare and licensing. These activities in general are seen as complementary to food safety as they give a fuller picture of premises standards and therefore combined enforcement benefits both consumers and businesses alike.

Food safety activities mainly revolve around inspection of commercial food establishments in the borough, but are complemented by a food sampling programme, investigation of food complaints and food poisoning incidents, and health promotional activities including the delivery of food hygiene talks, seminars and courses.

The Commercial section is managed by the Environmental Health Manager (Commercial) who also has lead responsibility for food matters.

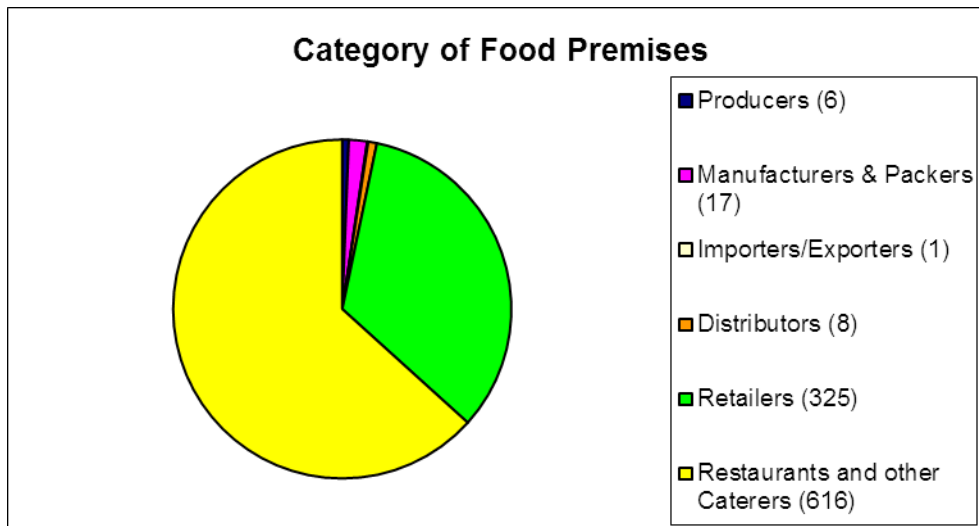
In September 2014 one Environmental Health Officer (0.7 FTE) resigned. This presented an opportunity to reorganise the staff structure of the service to enable the service to better respond to the emphasis to enforcement on higher risk businesses and activities. Hence a cost neutral restructure was undertaken by making the vacant Environmental Health Officer post full time, to 37 hours, by reducing the hours assigned to the Technical Officer post to 34 hours. Hence as at 1 April 2015 there are 4 Environmental Health Officers, (representing 3.3 full time equivalents) who undertake the full range of duties of the Commercial section. There is also one Technical Officer (0.9 FTE) who also carries out all the duties of the section who is also a qualified Environmental Health Officer but has limited experience of food safety, and therefore is currently inspecting food premises in groups C-E (see below), but as experience increases will be inspecting higher risk premises.

Support to the service on the Idox computer system is provided by a member of the ICT service.

5.2 Demands on food safety service (as at 1st April 2015)

In the borough there are 973 premises subject to food hygiene inspection in the following risk categories:

Risk category	Number of premises
A	2
B	44
C	221
D	328
E	338
Unrated	40
Total	973



The borough has two approved Dairy Products premises one manufacturing cheese the other ice cream. Additionally there is one approved premise processing chicken. These premises receive inspections from officers who have had specialist training in these fields. There are also three premises approved under European legislation as being egg grading establishments and one premises which produces Indian cooking sauces, pastes, pickles and chutneys which are exported internationally. No other specialist or complex food processing is carried out in the borough.

Staff and facilities are located on the first floor at Hinckley Hub, which is located within Rugby Road, Hinckley. All personal callers are received at reception located on the ground floor, Monday to Thursday from 8:30 hrs to 17:00 hrs and on Friday's 8:30 hrs to 16: 30 hrs.

The service can also be accessed via an out of office hours number, which is used for all emergency environmental health issues, 01455 251137. A website www.hinckley-bosworth.gov.uk is used to 'post' information about the services that the team provides for consumers and business and also provides a direct e-mail address for service requests, esadmin@hinckley-bosworth.gov.uk . Access can also be made through a community portal, www.hinckleyandbosworthonline.org.uk.

5.3 Enforcement policy

On the 6 April 2014 a revised Regulators Code came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service has drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council. The draft Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to. Currently this document is waiting Executive approval but is available on the Council website. The general principles of good enforcement practice are further enhanced by a Food Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008 and 2011, these detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises. This document will be reviewed in 2015/16 to ensure it is compatible with the Councils Corporate Enforcement Policy.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business. .

5.4 Service delivery

5.4.1 Intervention programme

All food premises receiving a food hygiene intervention will be risk rated following the intervention. The rating scheme used by Hinckley and Bosworth Borough Council is that set out in Annex 5 to the Food Law Code of Practice (England) (April 2015), produced by the Food Standards Agency. This means that all premises will receive an intervention within a range of six months to three years, depending upon the risk associated with the premises.

The current premises profile with respect to risk rating is shown below with the category of premises due in 2015/16 shown in column six

Category	Minimum frequency of Intervention	No. premises	Interventions due 2015/16	Interventions carried over from 2014/15	Total no. interventions required in 2015/16
A	at least every six months	2	2	0	2
B	at least every year	44	35	5	40
C	at least every 18 months	221	127	19	146
D	at least every two years	328	132	15	147
E	at least every three years	338	87	35	122
	Unrated	40	0	40	40
		973	383	114	497

Following the reorganisation in 2014 and effects of reduced resources being devoted to health and safety enforcement it is anticipated in 2015/ 16 that 3.5 full time equivalent officers will be engaged in food hygiene enforcement.

The issue of local authorities having insufficient resources to undertake their food safety inspections is known by the Food Standards Agency and consequently the agency do allow local authorities to use other means of assessing the lowest risk rated premises compliance with food safety legislation other than by inspection. Therefore four years ago this council introduced self assessment questionnaires for lower risk rated businesses.

In order to manage the inspections in 2015/16 emphasis will be placed on ensuring that all high risk rated food premises (Category A – C) and unrated premises (ie prospective new businesses or new registrations) will be inspected. Category D premises will also be

inspected, along with those Category E premises that did not return a self-assessment questionnaire in 2014/15 (35 premises), and those Category E premises whose last intervention was a questionnaire (25). Therefore the total inspection target for 2015/16 is 435. Those Category E premises due in the 2015/16 that received an inspection at their last intervention will be dealt with by way of self-assessment questionnaires, as detailed in our Alternative Enforcement Strategy. This equates to 62 premises.

The target therefore for food safety in 2015/16 is 497 interventions, resulting from 435 inspections and 62 self-assessment questionnaires. This will mean that 100% of all premises due an intervention will receive an intervention in 2015/16.

It is estimated that each inspection of a Category A-C and unrated food premises takes four hours to complete, whilst Category D and E take on average three hours, whilst a questionnaire takes approximately 0.5 hour to administer. 1,750 hours will therefore be required to complete the food hygiene inspection programme. These resources do not include support officer and management time or the resources required for revisits.

The number of revisits required following a programmed inspection is dependant on the level of compliance found and the action taken by the officer. Re-visits to premises following a programmed inspection will be made where significant contraventions of food hygiene or processing regulations and / or poor hygiene practices are found. In addition revisits due to proprietors requesting a revisit to improve their Food Hygiene Rating (see 5.6), will also be undertaken, last year 19 requests were received for this service, an increase in previous years from 13 in 2014/15 and 12 requests in 2012/13. In addition 46 revisits to check on progress of remedial works following an inspection were also undertaken, equating to 65 revisits in total being undertaken in 2014/15. It is likely that approximately 60 revisits will be required this year, at approximately 1.5 hours per revisit, including any follow up administration, this will require approximately 90 hours of the section's time.

In addition, other visits will be made to food premises; for instance to follow up poor sampling results, complaint investigations, special surveys etc.

The activities of the section relating to food hygiene and safety will be affected by the reactive workload as it arises and this may mean an adjustment to the routine inspection and sampling programmes in order to devote increased resources to higher priority areas of work.

No targeted inspection activity is envisaged in 2015/16 unless requested by the Food Standards Agency. Equally no priorities relating to nationally or locally driven issues are expected or known of for that period.

In previous years a measure of the councils performance with respect to food hygiene has been through a National Performance Indicator NI 184, 'The number of broadly compliant food premises'. The service has seen a substantial rise in the borough of broadly compliant premises from 78% in April 2010 to 90% in March 2013. This significant increase in the overall standards of food hygiene in the boroughs food premises has been brought about with a combination of officers promoting Safer Food Better Business and the councils introduction of its hygiene rating schemes. Whilst, the performance indicator is no longer required to be reported to national government, it is seen by the Food Standards Agency as a useful measurement as to the continuing performance of local authorities and also to this council as to a useful guide as to the overall indicator of food hygiene levels in businesses in the borough. As such it is intended to continually monitor this indicator with the aim of improving further the number of food businesses in the Borough who are broadly compliant with legislation. Clearly though as the indicator approaches its maximum value it will be harder to continue to achieve further improvement and therefore it is pleasing to note this year saw a 2% rise

in broadly compliant premises to 91% as at 31 March 2015, above our target of 90%. This year therefore a target for March 2015 has therefore been set at 92%.

In order to help achieve a level of 92% of food businesses in the borough being broadly compliant, this year Officers will continue to make use of the interventions allowed by the Food Standards Agency for those businesses which have a high level of compliance and thereby using released resource to increase attention on non compliant businesses. Therefore all food businesses rated 5 in the Food Hygiene Rating Scheme (see 5.6) at their last inspection may be subjected to only a sampling and verification visit or partial inspection to establish that conditions found on the last inspection remain. A full inspection will be made at their next programmed inspection date.

In line with the council's food safety training policy which implements in full the Food Standards Agency's Code of Practice in respect of the qualifications and experience of Authorised Officers, all officers in the section are appropriately qualified and trained, and where necessary supervised, to carry out their respective duties in relation to food safety inspections.

5.4.2 Food complaints

Complaints about food will be dealt with in accordance with procedures for the handling of complaints and enquiries to the service. In addition account will be taken of the requirements of Food Law Code of Practice (England) in respect of complaints which may be more appropriately dealt with by the County Council.

In 2014/2015 the service received 32 complaints about defective food and 76 other complaints and requests for advice concerning premises or practices. 18 of the service requests related to enquiries from prospective businesses for advice. In 2015/16 it is anticipated that there will be, in total, approximately 100 complaints and enquiries to be dealt with by the service. 1000 officer hours have been allocated to this area of work.

Any foods requiring analysis will generally be forwarded to the public analyst at Stafford and occasionally the Leicester Museum is used for identification of insects.

5.4.3 Primary Authority principle

The Primary Authority scheme operates under guidance from the Better Regulation Delivery Office (BRDO). The scheme places a legal duty upon Local Authorities to consult with a Primary Authority (a local authority which has formal arrangements with a business to offer guidance on a companies policies and procedures) where they are considering taking formal enforcement action against a business with such an arrangement.

The service has no formal Primary Authority relationships with any business in the borough.

The council and the service support and adheres to the principles of Primary Authority and has in place documented procedures to ensure that staff comply with it when enforcing food hygiene legislation, for example when investigating a food complaint in respect of food manufactured outside of the borough.

5.4.4 Advice to business

The provision of advice to food businesses on food hygiene is an important part of the team's documented enforcement policy and represents the first option when dealing with minor contraventions. Proactive advice is provided to businesses on a routine basis during inspections.

During the year it is also anticipated that a number of telephone calls for advice by businesses will be made and responded to.

Following poor hit rates of previous year's newsletters on the Council website and the adverse costs of publishing and distributing hard copies to all food businesses no newsletters were produced in 2014/15. It was instead our intention this past year to send targeted information to specific food industry sectors, similar to those sent in 2013/14 on the Food Information Regulations and to all nursing and residential care homes issuing advice on the prevention of listeria infection. However, no topical issues worthy of issuing an information mailshot emerged during the year. Should a suitable topic arise in 2015/16, consideration will be given to distributing an information mailshot.

Due to the retirement of our only qualified trainer in September 2014, in 2014/15 the service was only able to deliver one food hygiene courses for food handlers using the Chartered Institute of Environmental Health Level 2 Award in Food Safety in Catering. All 7 candidates passed the examination at the end. It is hoped that during 2015/16 we will look to train an officer to recommence these courses in the future.

5.4.5 Food sampling and inspection

The service has in place a documented food hygiene sampling policy, procedure and programme which has been developed with the help of the food examiners from Public Health England at the Good Hope Hospital, Birmingham, where the samples are taken for examination, and the county food liaison group. In order to achieve the programme 244 food samples and 74 environmental samples were taken during 2014/2015.

Through Public Health England's regional laboratory at Good Hope Hospital, Birmingham, local authorities are able to submit an allocation of samples to be analysed free of charge. During 2015/2016 it is anticipated that 270 samples will be submitted for analysis. A resource of 135 officer hours has been allocated to this area of work.

The United Kingdom Food Surveillance System (UKFSS) is a national database that centrally holds a record of all food and feed samples taken by local authorities and port health authorities. It enables greater intelligence on risk based sampling programmes at local and national levels enabling targeting of resources and thereby improved public protection. Historically the system has been used by Trading Standards in their work on compositional standards of food and animal feedstuffs, but now is expanding to record bacteriological results from sampled foods. The service joined the system in April 2014 enabled by a grant of £2000 from the Food Standards Agency which has been used to download and install the necessary software, configure our ICT systems to communicate with UKFSS and to purchase a new lap top. This allows officers to complete sampling forms in the field and transmit them electronically, saving officer time in completing paperwork, printing and duplications in data entries, as well as enabling us to interrogate the system to better inform our sampling programmes in future years. This past year has seen the system embedded and as the officers are becoming more used to the system along with improvements to the system itself benefits, primarily in administration time are becoming evident.

5.4.6 Water sampling

A programme of water samples is undertaken from large food businesses within the district. In 2014/15, one business was sampled on a regular basis, whilst others infrequently resulting in 13 samples being taken for bacteriological quality over the year.

In 2015/16 it is anticipated that 12 samples will be taken, 24 officer hours have been allocated to this area of work.

5.4.7 Imported foods

Although we do not have any inland ports we do have one premise that imports food from other countries for ingredients in its sauces that it produces. Whilst inspecting food premises checks are occasionally carried out to ensure that there is no illegal imported food used within the premises. If any are found then they will be dealt with in accordance with legal procedures.

5.4.8 Control and investigation of outbreaks and food related infectious diseases

All formal and informal notifications of food poisoning and food borne illness, except campylobacter, are investigated within two days of receipt in accordance with the appropriate policy. During 2014/2015, 120 notifications were received and of those 90 were campylobacter, 12 salmonella, 4 cryptosporidia, 11 giardia, one dysentery, two hepatitis E. Due to the isolated occurrences of campylobacter and therefore difficulties in tracing sources, campylobacter cases are not routinely investigated; however all other cases were investigated. Based on historic rates it is anticipated that a similar number, approximately 120 cases of food poisoning and food borne illness will be notified in 2015/2016, with approximately 30 cases requiring investigation, being other than campylobacter. Hence 30 officer hours have been allocated to the investigation of individual cases.

5.4.9 Food safety incidents

The service has a documented procedure which deals with the action to be taken following the receipt or initiation of food alerts. The procedure complies with the requirements of the Food Law Code of Practice (England). During 2014/15 there were 37 food alerts, three of these alerts required action from local authorities, however due to the nature of the food or its distribution no further action was required of officers from this council. A similar number of alerts are expected in 2015/16.

5.5 Liaison

The Commercial Section is represented on the Leicestershire CIEH Food Liaison Group which includes representatives from all food enforcement authorities across the county including Leicestershire County Council Trading Standards, Public Health England and the public food examiner from Good Hope Hospital, Birmingham.

Infectious disease investigations and enforcement issues in 2014/15 were co-ordinated through the Leicestershire CIEH Food Liaison Group with a representative from Public Health England attending meetings.

The Environmental Health Manager (Commercial) along with other representatives of the East Midlands Area attends a liaison meeting with Severn Trent Water Authority once per annum.

The section has internal liaison with all service areas within Hinckley and Bosworth Borough Council but especially the planning service as regards planning applications and the Licensing Service as regards matters which are being dealt with by the Licensing Committee set up to deal with licensing legislation.

5.6 Food hygiene promotion

5.6.1 Food Hygiene Rating Scheme

Since January 2008 the council has operated a food hygiene rating scheme for all catering businesses. In 2010 the council joined the national Food Hygiene Rating Scheme operated by the Food Standards Agency. When inspected food businesses are scored against a set of criteria for hygiene compliance, structural compliance and food safety management/control systems. The subsequent rated results are then posted on a website to provide members of the public details of the premises' hygiene rating at the last inspection. Each business is also supplied with a certificate displaying their rating which they were encouraged (but not legally required to do) to display either on the entrance door to the premises or adjacent windows.

At the beginning of April 2015, the hygiene rating of 817 food premises in the Borough are now available at www.food.gov.uk/ratings.

5.6.2 Food safety management systems

During inspections of food premises Officers establish if there is in place a documented Food Safety Management System, in effect documented procedures and checks to ensure that the food safety risks in the business have been assessed and are being controlled. A national model called 'Safer Food, Better Business' has been developed by the Food Standards Agency and is promoted to food business proprietors in the borough should they not have an alternative system in place during inspections, seminars, newsletters etc.

5.6.3 Food safety week

The theme for last year's Food Safety Week (16 -22 June 2014) was 'Don't Wash Raw Chicken' in order to reduce the quarter of a million people each year in the United Kingdom (UK) affected by the most common food poisoning organism, Campylobacter, 70 cases of which arose in Hinckley and Bosworth borough in 2013/14.

Washing raw chicken can spread Campylobacter by splashing surfaces, other food, aprons or clothing, kitchen sink and hands. Cooking chicken thoroughly will destroy harmful bacteria and will remove blood from the cavity of the bird, so there is no need to wash the chicken.

Campylobacter can be very severe in young children and adults over 60 years of age, with symptoms including severe diarrhoea, abdominal pain and sometimes vomiting . This year therefore officers from Environmental Health gave presentations at 11 venues within Hinckley and Bosworth to groups aimed at young children and adults aged over 60 years, i.e. within Sure Start Centres, Toddler Groups, Community Centres and Age UK.

The presentation and discussions covered important food hygiene information including chilling (ensuring proper separation between raw and cooked/ready to eat foods within the refrigerator and the refrigerator operating between 1-5°C); Cross Contamination (and importance of not washing raw chicken); Cleaning (covering hand washing, appropriate cleaning products and disinfectants for use in kitchens and cleaning procedures for surfaces and washing up);Cooking (how to check that chicken pieces and whole chickens are thoroughly cooked);the difference between Use by and Best Before dates.

Besides the presentations a press release was prepared, picked up by the Evening Tribune and we tweeted 4 messages during the week resulting in between 151 to 252 people viewing the message.

The evaluation showed all groups to have a good understanding of the information provided and discussed and additional presentations have also been requested from other Community Groups within Hinckley and Bosworth.

5.6.4 E.coli 0157

E.coli food poisoning is fortunately a rare occurrence; however when it does occur it is particularly devastating as it takes very few E.coli organisms to cause illness and the effects are usually severe with often kidney failure and death seen in a high percentage. Over the past few years the service have made a concerted effort to improve standards of food hygiene practises in the butcher's premises supplying cooked and raw meats especially concentrating on the few premises in the borough that used to use one vacuum packaging machine to pack cooked raw and cooked food. Whilst concentrating on this high risk sector, officers have also been highlighting the principles of preventing E. coli infection to the wider catering trade and have been utilising the Food Standards Agency 'Guidance on the Control of the risk of cross contamination from E.coli 0157', now on its third revision. All officers have received training on this guidance and have due regard to its contents during their inspections. The guidance has also been publicised to businesses by newsletters, given out during inspections and during correspondence with them.

5.6.5 Food hygiene coaching

One of our major achievements in recent years has been to see the rise in the standard of food hygiene in premises in the borough, from 78% broadly compliant in April 2010 to 91% in April 2015. Whilst this rise is impressive it has become harder in the past two years to achieve increases in standards across the borough. However, in April 2014 we were approached by the Food Standards Agency to take part in research on delivery of food safety advice. The scheme being examined was the delivery of practical food safety coaching to help raise standards in small food businesses and was being funded by the Food Standards Agency. The project provided support to low compliance take away food businesses, using data from the Food Hygiene Rating Scheme and targeted businesses that were 0, 1 and 2 rated. Thirteen premises in the borough met the criteria and were targeted for the one to one coaching session held at their premises. The coaching is based on the 4C's; cross-contamination, cleaning, chilling and cooking, and includes a series of practical videos and a hand washing and cleaning demonstration and will also focus on the premises food safety management system.

Monitoring progress of the effect of this coaching at their next formal inspection has so far shown that 7 of the 13 (54%) premises improved their rating, 3 remained the same and 1 premises deteriorated, and 2 remain to be assessed. Of the 7 that improved, 4 (31%) have now improved by more than two ratings. We will continue to track these premises to establish whether improvements made are maintained.

5.6.6 Further promotional work

Various articles on food matters are produced for the Borough Bulletin, a council publication sent to all dwellings and businesses within the borough. In 2014/15 two articles were published in the bulletins promoting food hygiene ratings and safe cooking at Christmas. Additionally 5 press releases on Food Safety Week, Food Hygiene Rating Scheme promotion at Christmas and Valentine's Day, Barbeque Safety and Safely defrosting turkeys at Christmas were issued resulting in several local publications publicising the topics.

6. Health and safety enforcement service delivery plan 2015/16

6.1 Description of service

Health and safety enforcement is part of the service provided by the Commercial Section of Environmental Health. The service:

- Inspects places of work and entertainment to ensure high standards of health, safety and welfare in accordance with current enforcement responsibilities
- Carries out accident and complaint investigations
- Provides advice and guidance to businesses, employees and the public

6.2 Aim of health and safety enforcement service

The overall aim of the health and safety enforcement service is:

- To secure the workplace health, safety and welfare for both employees and the public in the borough

6.3 Priorities of health and safety enforcement service

In March 2011 the coalition governments announced its plans to reform the health and safety system in Britain with the publication of ` Good health and safety, good for everyone`. Under the reforms, protecting people in the workplace and in society as a whole remained a key priority; however the focus of the health and safety regime will be a move to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules.

Consequently these reforms have required the HSE and local authorities to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue; and to increase information provision to small businesses in a form that is both accessible and relevant to their needs.

Guidance produced by the HSE through their National Local Authority Enforcement Code launched in May 2013 and the Health and Safety Executive /local authorities' enforcement liaison committee revised Local Authority Circular 67/2 (Rev 4.1) May 2015 `Advice/guidance to local authorities on targeting interventions' have therefore been used to determine this councils' key priorities for 2015/16.

The HSE code indicates that local authorities are expected to target proactive inspections on high risk activities in specified sectors or on workplaces where intelligence suggests that risks are not being effectively managed. A listing of the activities and sectors suitable for inspection is published along with the code.

Based on the code the key delivery priorities of the health and safety service of Hinckley and Bosworth Borough Council are:

- To target health and safety interventions on higher risk areas and dealing with serious breaches of health and safety legislation
- Investigating major injury incidents and fatalities. This approach is in line with national justice agenda and used to assess and target poor management as part of the better regulation agenda

The service will need in 2015/16 to continue to keep a watching brief on national developments in health and safety policy, especially any consequential changes in policy following national government elections in May 2015.

6.4 Delivery of the health and safety service priorities 2014/15

In 2014/15 three projects were identified as priority initiatives:

6.4.1 Legionella project

Following the 2012 outbreaks of legionnaires disease in Edinburgh and Stoke-on-Trent in which there were approximately 120 cases and 4 deaths, legionella became a national focus for health and safety enforcement. As part of this focus the service in 2013/14 targeted high and medium risk premises, for which we have enforcement responsibility, to ensure that businesses are adequately assessing the risks from legionella; that they had adequate controls in place to control the organism and to raise awareness of the risks posed by legionella. 33 premises were targeted, receiving a mix of inspection and a self-assessment questionnaire sent to hotels, sports clubs, and garden centres. Following on from this work 14 premises were found to either be non-compliant premises or did not return their questionnaire and a further 4 premises came to light which were thought within scope of the project.

In 2014/15 the 18 premises identified from the previous years' work were scheduled for inspections. All premises were inspected by 31 March 2015. 4 of these premises were identified as requiring follow up work to ensure they comply with legal requirements. In addition, 2 new premises came to Officers attentions, 1 is fully complaint following an inspection and the other will be inspected within 2015/16.

Overall this was a successful project that saw a number of premises adopt new systems of work to control the risk of Legionella.

6.4.2 Residential care homes

During 2013/14 a two year campaign was commenced to raise awareness of health and safety matters in the residential care home sector and signpost operators to current advice where this was found to be necessary. This project was identified following accident statistics analysis by the Leicestershire and Rutland Health and Safety Best Practise Group which highlighted a significant incident rate within the sector locally.

During 2014/15 officers at Hinckley and Bosworth Borough Council continued with the campaign resulting in a visit made to all 48 residential care homes within the borough where the local authority was the regulator for health and safety, over the two years the project has run. HSE are the regulator for nursing homes and also those residential care premises run by local authorities.

During the project in 2014/15, inspections were carried out within 31 premises.

Management of specific areas/topics were audited and these included risk assessments, individual care plans, moving and handling, falls to residents/service users, violence and aggression, hot surfaces and safe water temperatures as well as some general health and safety topics such as electrical safety, managing asbestos and welfare issues for employees. Reports/letters were provided to the premises visited.

Where areas for improvement were identified, operators were given the relevant advice.

Where this was necessary, follow up visits were made to check that matters identified on the initial inspection visit had received attention and improvements had been made.

From 1 April 2015 the Care Quality Commission (CQC) has a responsibility as the lead inspection and enforcement body for safety and quality of treatment and care matters involving residents/service users. This means they will in the future investigate incidents or accidents involving residents/service users eg a fall from a window or a scald from a bath or shower. There are requirements to liaise with the CQC and share relevant information. This took place for one of the homes visited.

The project was very well received and the managers of homes welcomed the opportunity to get advice, support and help, as well as being signposted to various relevant publications on the HSE website which will assist them in meeting their duties to employees and residents/service users.

6.4.3 Tyre and exhaust fitting

The use of two – post vehicle lifts in small and medium sized tyre and exhaust fitters , which were not part of a national chain , was identified in the national Local Authority Enforcement Code Local Authority Circular 67/2 (Rev 4) March 2014 `Advice/guidance to local authorities on targeting interventions' as a high risk activity. Concerns particularly centred on the lifts locking mechanisms which were prone to fail without proper maintenance and inspection procedures in place.

Several Leicestershire authorities, including Hinckley and Bosworth Borough Council drafted a project scope along with an 'Aide Memoire' to ensure consistent inspection and organised and received appropriate training in order that the project could be undertaken. The service initially identified 3 target premises which met the criteria for the project.

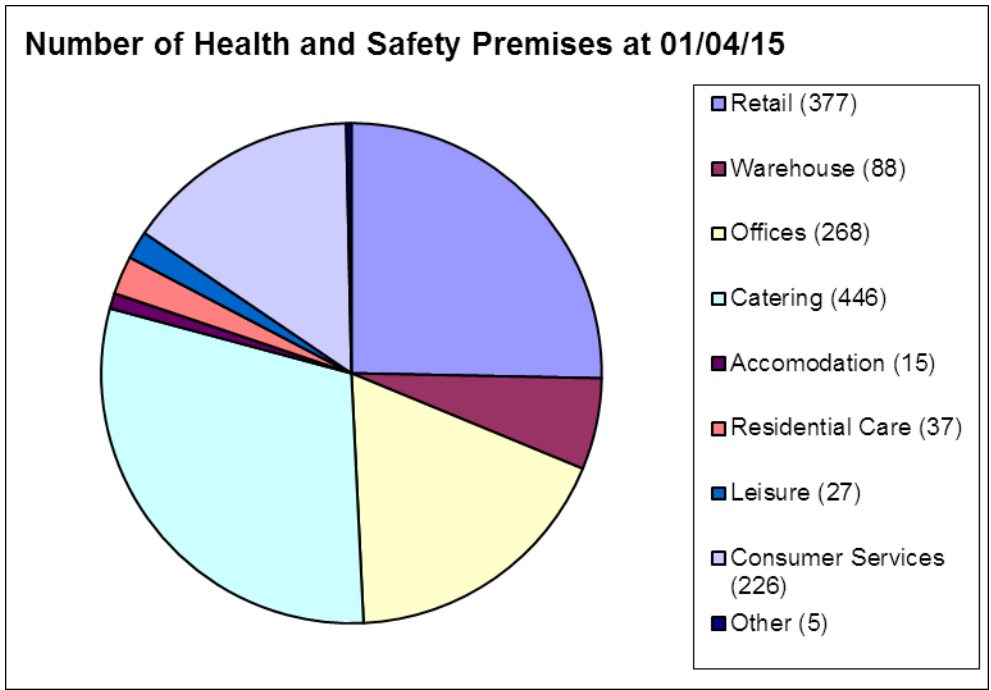
On visiting the premises it was found that 1 premises had transferred its tyre fitting activity from HBBC area to Leicester City. The other two premises were visited. One was found to be a relatively small business with 2/3 fitters at a fixed premises and 2 peripatetic fitters using vans to service breakdowns and undertake 'on site' business. All lifts had current certification, the arm locking mechanisms were found in place and working and no significant deviations from good practice identified.

The second premises were a regional tyre business with multiple sites in the Midlands which also undertook exhaust work. There were 10 employees at the branch and a number of lifts including 2 two post lifts were in operation. Again all lifts had certification including the 2 post units, the arm locking mechanisms were in place on the two post lifts and the system successfully locked the arms. The main issue identified revolved around the manual handling of tyres into the storage racks and difficulties presented by the building.

Overall, the two sites visited were well run and did not significantly deviate from the requirements outlined in the tyre project aide memoire.

6.5 Delivery of the health and safety service priorities 2015/16

The following chart illustrates the category profile of the 1489 Health and Safety premises within the borough for which the council has enforcement responsibilities at the 1 April 2015:



6.5.1 Health and safety planned inspections 2015/16

Based on the risk rating scheme the risk profile of premises whose health and safety enforcement responsibility falls to this council is shown in Table 1 below:

Table 1 – Risk profile of health and safety premises at 1 April 2015

Category	A Highest Risk	B1 Medium risk -1	B2 Medium risk - 2	(C) Lowest risk	Unrated
Summary of appropriate intervention (LAC 67/2 (Rev 4.1))	Proactive inspection	Reactive intervention only			Alternative intervention other than proactive inspection
Total number of premises	3	54	327	946	135
Total number of interventions due 2015/16	3	0	0	0	135

In

accordance with LAC 67/2 (rev 3) it is proposed in 2013/14 to target inspections at Category A businesses only, resulting in an inspection target of 3 premises. The

medium risk categories 'B1' and 'B2' premises due an intervention in 2013/14 will receive an intervention initially by means of a questionnaire or should

In accordance with LAC 67/2 (Rev 4.1) it is proposed in 2015/16 to target inspections for all Category A businesses only, resulting in an inspection target of 3 premises. Inspections of medium risk businesses (categories B1 and B2 premises) will only occur if during a food hygiene inspection a matter of evident concern is seen or reports of accidents, complaints or other intelligence suggests the premises requires an intervention. All unrated and new premises will receive either an advisory visit or questionnaire and be risk rated following the visit or return of the questionnaire. This is expected to result in a further 135 interventions. There will be no proactive interventions to low risk businesses (C rated premises) in 2015/16, however these premises will receive a visit should a reactive visit be required for instance should a service request be made or a serious accident arise.

In summary therefore it is anticipated that the service will in 2015/16 conduct 3 inspections and 135 interventions by questionnaires or advisory visits. In total therefore the health and safety service aims to achieve 138 interventions in 2015/16.

6.5.2 Revisits

Revisits are carried out to confirm that employers and other duty holders have undertaken any necessary measures to comply with their legal obligations identified following an inspection or other intervention such as a complaint or accident investigation.

A revisit will be undertaken following all interventions at which significant contraventions have been identified.

Priority will be given to revisiting those premises where:

- Formal enforcement action such as the service of an improvement or prohibition notice has been necessary to secure compliance with the law

- The premises are rated Category A

6.5.3 Accident investigation

In 2014/15 the council received 79 accidents / dangerous occurrences reported to it under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

It is not necessary to investigate all of these notifications. However, we will investigate all accidents, cases of disease and dangerous occurrences that meet the criteria set out in our policy document No7 - Procedures for the selection and investigation of accidents, diseases, dangerous occurrences and other statutory notifications. This policy is based upon HELA circular 22/13 'Incident selection criteria', which was reviewed and implemented in 2010. A high priority will be given to selecting for investigation slip, trips and fall accidents and incidents involving workplace transport.

In 2014/15 we investigated 19 (24%) of accident notifications received.

In 2015/16 it is anticipated that we will investigate approximately 25% of all the accidents reported to us.

6.5.4 Service requests

All service requests relating to standards of occupational health and safety will be investigated and appropriate enforcement action taken. We aim to respond to 100% of requests within two working days.

In 2014/15 we received 45 requests for service. In 2015/16 it is anticipated that a similar number (45) service requests will be received.

Additionally where we are notified of asbestos removal activities, we will investigate them to ensure removal of asbestos material is being carried out in accordance with the legislation and codes of practise. Whilst in 2014/15 there were no removal activities notified to us, one service request was received concerning the presence of asbestos in the workplace which was investigated.

6.5.5 Intervention plan 2015/16

The service intends to be involved in several projects during 2015/16:

Activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Outcome / output measures
Proactive interventions				
To continue to take an active role and promote the work of the LLEP Better Business For All Partnership	Research undertaken by LBRO has identified that Regulators are viewed by some businesses as being a barrier to growth	Partnerships	It is expected that by developing a new, positive, transparent relationship between businesses and regulatory services, regulators will be perceived by businesses as supportive and helpful resulting in legal compliance and business growth	Perception survey
Inspection and	Standards	Inspection (Cat A) – 3	Undertake an	Number of

provision of advice and guidance at businesses identified as risk category A	found at time of last intervention	Premises identified	intensive programme of support for all Cat A premises until the risk at the premises is reduced and can be categorised as B1	premises inspected Number of visits made Number of premises moving from A to B1
Undertake advisory visits to all unrated and new businesses	Part of the Better Business For All campaign to ensure business 'Get it right First Time'.	Advisory visit to all new and unrated businesses	To ensure business receive advice at an early stage in order for them to comply with their legal responsibilities and prevent injuries occurring in the work place.	Number of premises in receipt of an advisory visit.
Carry out survey of at least 10 Industrial Estates in the borough to ensure the accuracy of database	With fewer inspections the health and safety premises database is thought not accurate.	Survey of businesses on at least 10 industrial estates to ensure database accurate. Where new businesses identified an advisory visit will be undertaken.	To ensure business receive advice in order for them to comply with their legal responsibilities and prevent injuries occurring in the work place.	Number of industrial estates surveyed and premises visited
Reactive interventions				
Investigate reports of incidents and ill health using the incident selection criteria	RIDDOR statistics	Incident and ill health investigation.	To investigate to establish if there are any issues or poor management performance.	Number of incidents reported Number of incidents investigated Number of notices served Number of prosecutions / cautions.
Investigate reports of concern and complaint from employees or members of the public	Reports of complaint	Dealing with Issues of complaint	To investigate to establish if there are any issues or poor management performance.	Number/nature of complaints investigated Number of notices served.
Respond to professional officers concerns on the performance of a business.	Reports of concern	Dealing with Issues of concern	Respond to matters of evident concern / or significant breaches of health & safety law identified during a visit undertaken for another primary purpose e.g. a food hygiene inspection or licensing inspection or referred from another regulator e.g. Fire Service	Number of referrals from other regulators Number of matters of evident concern / significant breaches Number of notices served

6.5.6 Delivery mechanisms

In order to deliver our priorities for 2015/16 the mechanisms illustrated in the following table will be utilised.

Priority	Delivery mechanism	Deadline
Section 18 Compliance	Service Plan approved by Executive	31 August 2015
Appropriate enforcement	Continue to ensure enforcement decisions are consistent with our enforcement policy, the HSE's enforcement policy statement and the enforcement management model. This will ensure proportionate, consistent, transparent and accountable enforcement in line with the Better Regulation agenda.	31 March 2016
Staff Training	Complete personal development appraisals for all staff	31 May 2015
	Review personal development appraisals and monitor officers progress	30 November 2015
	Ensure officers attend revision /training on relevant health and safety topics to ensure they are appropriately trained and developed ensuring their competence and credibility with local businesses and encouraging staff retention/recruitment	31 March 2016

6.6 Performance indicators

Description	2014/15	2014/15	2015/16
	Target	Actual	Target
Local performance indicators			
Number of workplace interventions carried out	273	218 (80%)	138
Service Performance Indicators			
Percentage of service requests investigated	100	100	100
Percentage of service requests responded to within two working days	100	100	100
Percentage of asbestos notifications investigated	100	100 (1)	100

6.7 Provision of information

A key objective of the council's health and safety enforcement service is to provide advice and guidance to businesses and employees. In the past we have done this by newsletters, but due to costs have moved to sending targeted information to specific industry sectors, such as the letters and advice leaflets. However in 2014/15 there appeared to be no subject suitable for circulation, however the service was involved in an



unusual incident when Public Health (England) issued a National Patient Safety Alert following a case of a newly born child being found to have been infected with *Legionella pneumoniae*, the baby was born in a birthing pool at home. The pool was fitted with a recirculating pump and thermostat and had been filled well in advance of the birth, the pool was found to be contaminated with legionella bacteria. Local Authorities were asked to locate organisations supplying members of the public with similar types of equipment to ensure that adequate risk assessments had been undertaken regarding the equipment and whether sufficient instruction on use and maintenance had been given to hirers and in the short term advise potential users that the equipment should not be used until further advice from Public Health (England). Fortunately, other types of pool are available which do not have this potential problem and can be used as an alternative.

Officers successfully identified 2 suppliers of equipment in the borough within 48 hrs and were able to report back to Public Health (England) that they had confirmed that the targeted equipment was not being supplied by these businesses.

The Commercial section has made a commitment to issue press releases relating to forthcoming events planned for health and safety issues. In addition premises will be sent information on any significant changes to legislation.

6.8 Health and safety enforcement policy

On the 6 April 2014 a revised Regulators Code came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service has drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council. The draft Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to. Currently this document is waiting Executive approval but is available on the Council website. The general principles of good enforcement practice are further enhanced by a Health and Safety Enforcement Policy adopted by the council in January 2002, with revised versions in 2008 and 2011, these detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises. This document will be reviewed in 2015/16 to ensure it is compatible with the Councils Corporate Enforcement Policy.

In developing these policies through the LLEP these policies help ensure consistency of approach across Leicestershire and have been developed with input of business.

6.9 Improved contact with employee representative

It is acknowledged that an essential contact to improve health and safety standards in workplaces is the workplace Health and Safety Representative. In order to establish these contacts an effort is made to liaise with them and record their contact details at appropriate interventions. Furthermore standard inspection report letters emphasise the

legal requirement to inform employees on any health and safety items which may affect them.

6.10 Significant Case - Mallory Park fined for spectator injury

On the 15th September 2014, following a protracted and at times difficult investigation into an accident in August 2010 at Mallory Park racing circuit, Mallory Park (Motorsport) Limited were fined £1,000 following a guilty plea to a charge of failing in its duty to protect the safety of spectators. Costs of £20,000 were also given to the Council.

A spectator at a Rally Cross event at the Mallory Park Circuit was struck in the eye by a large stone thrown up from one of the vehicles passing over a loose section of track that had been created outside the tarmac race track for the event. The injury suffered has left the spectator with no useful sight in the eye despite numerous operations over the past four years.

Investigations into the incident by Officers found that the loose track had been constructed significantly closer to the spectators' area than the normal racing circuit. No account had been taken by the company of likely debris being thrown up by passing vehicles or that the separation distance between racing vehicles and spectators had been significantly reduced.

The Council brought a charge against Mallory Park (Motorsport) Ltd under Section 3 of the Health and Safety at Work etc. Act 1974 for failing to conduct its undertaking in such a way as to ensure, so far as reasonably practicable, that spectators were not exposed to a risk to their safety arising from the Rallycross motor racing event.

On the 15 September 2014 before a hearing at Leicester Magistrates Court the District Judge imposed the £1000 fine on Mallory Park (Motorsport) Ltd, commenting that the injury sustained was serious and life changing but the level of fine had to reflect that Mallory Park (Motorsport) Ltd were in liquidation rather than the seriousness of the injuries and offence.

Similar charges were also brought before the court against Lydden Hill Motorsport Club, Lydden Hill Race Circuit Limited and a Director of the Company. All three of these defendants pleaded not guilty and following a three day trial resulted in all three being acquitted. The thrust of the prosecution case was that the event was organised in effect by the company as they paid for the hire of the circuit and took race receipts, although agreements named the Club which could not be held to account under health and safety legislation as it did not have any employees. However, the Judge ruled that the prosecution had not proved beyond all reasonable doubt that the Club and Company were not the same entity.

Despite an application for wasted costs against the Council by the defendants, the Judge also ruled that prosecution was brought in good faith, with no abuse of process (as alleged by the defendants) and acknowledged the uncooperative behaviour of the defendants in refusing to attend interviews, failing to respond to correspondence, the limited nature of information supplied often not supported by the evidence, and that there appeared no clear distinction between the Club and Company. As such no costs were awarded against the Council.

Overall, despite the disappointment at not being able to secure a conviction against all defendants, the service is pleased that an organisation was publically held to account for their failings which resulted in a life changing accident to the spectator. Throughout the spectator has constantly praised the conduct of the officers involved in the investigation and twice written to the Chief Executive expressing these views.

6.11 Smoke free legislation

Smoke Free Legislation came into force on 1 July 2007. The legislation meant that virtually all enclosed public places and workplaces became smoke free. Enforcement in this borough is by officers from within the Commercial section.

During 2014/15 the service received two complaints, one from a member of the public concerning a public house and the other by an employee in an office. Investigations into both complaints resulted in two businesses being given informal warnings but no formal action was taken.

The service also continued to proactively monitor compliance with emphasis at all food hygiene, health and safety and licensing inspections, however no further action was needed following this monitoring.

Continued monitoring and appropriate enforcement will continue in 2015/16.

7. Resources

7.1 Financial allocation

Resources allocated to the Commercial team are not kept separate from the general allocation of funds in the budget for the Environmental Health section. In 2014/15 a net total budget of £790,020 was allocated to Environmental Health and revised during the year to £844,862 due to increasing costs associated with an on-going court case. At the beginning of 2015/16 a budget of £796,530 has been allocated and represents an increase in budget of 0.82 % on the original budget for 2014/15.

Operational staff all have essential user car status. They are supported with appropriate equipment to carry out their inspections and sampling activities. Specific resources are made available annually for the rolling replacement of equipment, food sampling and analysis, training and other specific aspects of service provision; again these are funded from the general Environmental Health budget.

The Idox computer system is used for planning and recording food safety and health and safety activities.

Formal enforcement action for example, prosecution of a food business proprietor would involve activity by the authority's Legal Services section. Costs incurred by legal services would be included in the annual recharge to the team and as such it is not classed as controllable expenditure.

7.2 Staff Allocation

At the 1 April 2015 five Environmental Health officers and one Environmental Health technical officer with appropriate qualifications and experience that meet the requirements of the Food Safety Act Code of Practice were involved in food hygiene enforcement. This was represented by one manager and five field staff. With the service reorganisation completed in September 2014 and effects from reduced health and safety enforcement, taking into account the services provided by the Team, in 2015/16 the service is able to increase full time equivalent officers engaged in field food hygiene enforcement from 3 to 3.3.

The service has an administration section and a systems administrator which supports the Team.

The five Environmental Health officers and one Environmental Health technical officer have the appropriate qualifications and experience to enforce Health and Safety legislation and this equates to 0.9 FTE officers employed in Health and Safety.

All field staff are competent and appropriately qualified, trained and supervised commensurate with Food Law Code of Practice (England) and with Health and Safety Executive Section 18 Mandatory Guidance `The Standard for Health and Safety Enforcing Authorities` (2008).

7.3 Staff development plan

Every member of staff has a Personal Development Review annually, usually May, with a six month review. These reviews draw out any training and development needs required of officers.

In addition the service has a documented Training Policy which is adhered to and stipulates the ongoing training requirements for staff in compliance with the Food Law Code of Practice (England) and with Health and Safety Executive's Section 18 Mandatory Guidance: `The Standard for Health and Safety Enforcing Authorities` (2008).

Should any staff return to food hygiene or health and safety work after some time out, appropriate structured refresher training in compliance with the 'Food Law Code of Practice (England)' and for 'The Standard for Health and Safety Enforcing Authorities (2008)' will be given.

Training will be given to all staff, either by external or internal means, on any new legislation or Food Standards Agency/HSE requirements.

8. Quality assessment

8.1 Quality assessment

The Food Safety service has developed 18 documented procedures to ensure the quality of its service. These cover areas of:

- Food hygiene inspection procedures
- Documentation and Implementation of a Service Delivery Plan
- Enforcement policy
- Food sampling procedures
- Food sampling programme
- Alternative enforcement strategy
- Authorisation of officers
- Infectious disease investigation procedures
- Outbreak control procedure
- Food complaints
- Operational complaints
- Internal monitoring procedures
- Food hazard warnings
- Database maintenance
- Prevention of loss of data from database
- Quality monitoring
- Documented control system
- Training systems
- Equipment maintenance and calibration
- Local liaison arrangements
- Third party or peer review arrangements
- Promotion of food safety issues

These documents were developed in 2001/2 and revision of all was completed in 2008/09 in light of a new Code of Practice issued by the Food Standards Agency in March 2006 and the issue of the Regulators Compliance Code which came into force on 6 April 2008.

The Health and Safety Service also has documented procedures developed in 2001/02 these being:

- Enforcement policy (revised 2009 and 2010)
- Enforcement procedures
- Inspection procedures
- Health and safety information policy
- Health and safety accident and RIDDOR notifications (Revised 2010), incident selection process
- Formal cautions
- Notice procedure
- Core competencies and training for enforcement offices

The Enforcement Policy was revised in 2009 to incorporate changes relating to the Regulators Compliance Code and again in 2010 following an Equality Impact Assessment. The Incident Investigation Selection Procedure was revised in 2010 as part of the process to ensure the Council is fully compliant with Section 18 guidance. The remaining documents have all been revised in 2011/12.

Historically sound management practices and the professionalism of officers have assured quality management, due the small size of the team. A quality management Procedure was drafted for the Food Safety service in 2008/09 which included relevant monitoring arrangements to ensure all procedures are complied with in relation to

enforcement work and the training and development of staff. Similar procedures also apply to Health and Safety activities.

Correspondence emanating from the officers of the section is sampled by the Environmental Health Manager (Commercial) for his perusal before despatch, in order to ensure accuracy and consistency in content. Additionally all notices are checked before service to ensure consistency, legal accuracy and compliance with our enforcement policies.

Additionally the council works with other Leicestershire Authorities with Inter Authority Audits, peer review exercises etc. The last Inter Authority Audit of the service was conducted In December 2013 which examined implementation of Food Standards Agency guidance on controlling the risk of cross contamination from E.coli 0157. The audit consisted of an examination of our service and enforcement plans, food inspection procedures, sampling records, council website, officers training, dissemination of information to food business operators, inspection aid memoire, actions taken where serious contraventions found and file checks. The audit concluded that the service 'was able to demonstrate that it is effectively implementing FSA guidance on controlling the risk of cross contamination'.

In previous years the section has conducted post inspection satisfaction surveys by way of a questionnaire sent out to premises which have received an inspection. Each returned questionnaire was monitored for any individual issues and then additionally compiled for analysis. Unfortunately due to this exercise being time intensive and with already high satisfaction levels (100% in 2010/11 and 98% in 2009/10 being satisfied with the Sections inspection service), and the service having to focus on more core activities with reduced resources, surveys have not been conducted since 2010/11.

8.2 **Better Business for All (BBfA)**

The Better Business for all project was launched in September 2011 by the Leicester and Leicestershire Local Enterprise Partnership (LLEP) to build a new relationship between businesses and regulators in the Leicester and Leicestershire area. The aim was for regulators to be seen by businesses as supporting enterprise, growth and investment, key priorities in the LLEP Strategic Economic Plan 2012 -2020.

2014/15 has proved to be an interesting year, hinging on LLEP re-structuring and changes to the programme support role. Despite the difficulties and uncertainty this has created, the programme has continued to deliver notable improvements in the way regulators and business interact and has continued to build on the achievements already made.

With funding provided by the LLEP, the BBfA programme seconded someone to the role of BBfA Project Officer and without this support, initiatives such as the development and re-energising of the regulatory advice offered on the Business Gateway would not have come to fruition.

Key Achievements 2014-15 include:

Interactions with Business

- Since the April 2014 to December 2014, there has been some 7220 contacts with businesses including face to face, telephone calls and letters
- % of businesses who were Satisfied or Very Satisfied 94.1%
- Number of start-up businesses advised or assisted 344

(Note: The above represents only a proportion of partners involved and the potential to promote BBfA and therefore LLEP is far greater).

Regulatory Standards and Policies

- Regulators Code and Service Standards templates have been developed with the support of BRDO, and these have been adopted and published by the Regulatory Services partners. Regulatory Services partners have also undertaken self-assessments against the code and continue to share best practice.
- Three key questions have been agreed and included in the satisfaction surveys to ensure performance against the code and the support for business support and growth is monitored.
- IRIS (Intelligent Regulatory Information System) - A National Pathfinder Project supported by BRDO and Business Innovation and Skills Minister. The system was developed with the Regulatory Services Partnership and on site field testing took place with Leicestershire County Council, Charnwood Borough Council, North West Leicestershire District Council and Leicestershire Fire & Rescue Service between March 2014 and October 2014. The evaluation report has been submitted to BIS Minister.
- Data sharing protocols were developed across regulatory services and the system was used locally to identify high risk premises, review shared information and to assist in reducing the number of duplicate inspections.
- Members of the Regulatory Services Partnership have also been interviewed and taken part in workshops to contribute to the data sharing evaluation undertaken by Cambridge University, commissioned by the BRDO.
- Age Restricted Sales of Tobacco and Alcohol – Sponsored by BRDO and in partnership with partners including the Tobacco Association, an Age Restricted Sales project was undertaken by Leicestershire Trading Standards Service to support and provide advice for ethnic businesses. The project's primary focus was with regards to poor compliance in underage sales of alcohol and tobacco, with the majority of occurrences taking place within Asian and other ethnic minority owned businesses, which were verified by test purchases. One of the findings highlighted persistent underage purchasers who were aggressive and abusive and it confirmed that there was a lack of confidence with businesses reluctant to admit that they have problems with this issue; due to the implications reporting would potentially have on their licences, etc.

The project has been completed and most of the recommendations made were now in place and working. The final report and recommendations were submitted and approved by the Business Steering Group in January 2015.



Steven Merry, Environmental Health Manager (Commercial) and Bill Cullen, Deputy Chief Executive (Community Direction) signing the Charter at the Better Business for All launch event.

4. Current Initiatives in Progress

Supporting Food and Drink Start-up Businesses – A Task and Finish group, including a representative from Hinckley and Bosworth Borough Council has been established to: -

- Explore existing material for start-up businesses
- Consider the business demographics
- Consider what works and what doesn't
- Network with start-up agencies

Led by a Chair from business, a review of regulatory support information is being undertaken with an easy to follow one page regulatory advice guide for a food and drink business is in development and FSA tools have been made available on the Business Gateway.

The Food and Drink Task and Finish Group have met with lead on the Growth Sector Plan for Food to ensure that regulatory support and advice forms a key part of the development of the plan.

MIRA Enterprise Zone – An offer was made to MIRA Enterprise Zone for regulatory partners to provide regulatory advice and support for the development of the site back in 2013. As the infrastructure is now in place, and changes to the way regulatory partners are able to interact with business, the offer is being re-evaluated, with Hinckley & Bosworth Borough Council acting as a lead authority. Meetings are on-going to develop this approach, with meetings with the LLEP lead for the Enterprise Zone and MIRA.

Development of the Business Gateway (Growth Hub) - Members of the Regulatory Services Partnership and Business Steering group sit on the Growth Hub Project Board to support development of the new 'Business Gateway' site. The Regulatory Services Partnership, have reviewed and developed the advice and resources available within the regulatory advice pages of the Business Gateway, ensuring that there is a more interactive and user-friendly approach. The gateway may be assessed through:

www.llepbizgateway.co.uk

As part of the information review for the Growth Hub , the BBfA Advice Pack (formerly the BBFA Start-up brochure has, with input from a Hinckley and Bosworth representative, been revised to be an easy to follow generic advice guide for all businesses and the updated format, information and advice is available on the Business Gateway, at :

www.llepbizgateway.co.uk/wp-content/uploads/2015/03/N0879_BETTER_BUSINESS_FOR_ALL_FEBRUARY-2015_FINAL-INTERACTIVE_160215.pdf

9. Review

9.1 Review

Procedures are in place to review the service plan on an ongoing basis, and annually.

The plan is regularly monitored during its year of operation by the Environmental Health Manager (Commercial) who subsequently reports progress at service management meetings. Each quarter a report is produced for all members highlighting the performance of all services in Environmental Health. In these, performance of the Commercial Section is annotated and any issues highlighted. The Executive Member responsible for the Environmental Health portfolio regularly meets with the Environmental Health managers and may also take periodic monitoring reports to the Executive. Any service adjustments required during the year may then be instigated to ensure if possible that the targets set can be met.

At the end of the year the Environmental Health Manager (Commercial) will review the Commercial Sections activities during that year. The review will report through this Service Plan information on the previous year's performance against the service plan, and any other specified performance target, and performance standards and targeted outcomes. Any identified variance from the service plan and where appropriate the reasons for that variance, will be brought to the attention of the appropriate Executive member.

The Scrutiny Commission of the council has a function to review service delivery plans. The Commission may call for the plan at any time and make comment or recommendations to the executive or the council.

9.2 Identification of variance from the Service Plan 2014/15

9.2.1 Interventions

In total the Section made 736 interventions during 2014/15, representing 85% of the target of 865 for the year.

a) Food Hygiene

The section has inspected 473 food premises for food safety and received 45 self-assessment questionnaires, totalling 518 interventions for 2014/15.

The Food Safety Enforcement Service Delivery Plan of 2014/15 required 515 premises to be inspected and 77 premises dealt with by way of self-assessment questionnaire, totalling 592 interventions for the year; hence 87.5 % of the food safety inspection programme was achieved. The number of inspections achieved was 91.8% of the programme target, with questionnaires to low risk premises only achieving 58.4 % of target.

The resultant enforcement actions are described in the table below.

Food safety enforcement actions

Type of premises	Premises issued with informal notices	Premises issued with improvement notices	Voluntary / emergency closure	Prosecution/ formal caution
Primary producers	3	0	0	0
Manufacturers and packers	6	0	0	0
Importers/exporters	0	0	0	0
Distributors/transporters	1	0	0	0
Retailers	153	3	0	0
Restaurants/caterers	250	0	0	0
TOTALS	413	3	0	0

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There was no significant enforcement action taken for food safety in 2014/15.

b) Occupational health and safety

The section has inspected three Category A rated premises for occupational health and safety, received 91 questionnaire responses, carried out 124 advisory visits, totalling 218 interventions for 2014/15.

The Health and Safety Enforcement Service Delivery Plan of 2014/15 required 273 interventions for the year; hence 80 % of the health and safety intervention programme was achieved.

The intervention programme produced no significant enforcement action being required.

9.2.2 Courses and campaigns

During 2014/15 the service took part in several Food and Health and Safety initiatives as listed below:

- Continued to embed and promote the national Food Hygiene Rating Scheme in the borough. 817 registered food premises in the borough within the scope of the scheme now have a rating and on the national website.

- Conducted a campaign during Food Safety Week on the theme of 'Don't wash raw chicken'.
- Concluded health and safety campaigns on legionella and within the residential care homes sector and conducted a campaign in the tyre and exhaust fitting sector.
- Monitored 13 poorly hygiene rated food businesses following one to one coaching in order to improve their rating. 54% of these premises improved their rating, 31% by 2 or more ratings and thereby their business prospects and public protection.

9.2.3 Service requests

In total the Section investigated 153 service requests during 2014/15. This represented 45 for health and safety and 108 food related.

9.2.4 Sampling

The 2014/15 sampling programme in which 244 food, 13 water samples and 74 environmental swabs were taken, was achieved in full.

9.2.5 Infectious diseases

The Section carried out 30 food poisoning investigations in 2014/15.

9.2.6 Areas of improvement 2014/15

The service was able to progress all of the key service improvements and objectives for 2014/15 except the revision of service specific enforcement policies, progress on which is dependent on adoption of corporate policies, and the revision of existing food and health and safety procedure notes. These tasks will be completed in 2015/16.

9.3 Areas of improvement for 2015/16

Key service improvements and objectives for 2015/16 are:

1. Draft and have approved revised enforcement policies which are in line with the regulators code along with service standards
2. Keep a watching brief on the new government policy reviews and initiatives with respect to food safety enforcement and health and safety and assess their implications on the councils enforcement service
3. Keep a watching brief on the LLEP development and its implications for the 'Better Business for All' project within the borough to improve the confidence of business in approaching the council for advice and guidance on regulation
4. Review administrative arrangements to improve efficiency and consistency in food safety and health and safety activities in particular to revise existing food and health and safety procedure notes
5. Ensure data continues to improve, in reliability, and robustness