



**Hinckley & Bosworth  
Borough Council**

**Document no.1**

**Environmental Health Commercial Services**

**Enforcement service delivery plan**

**2017 / 2018**

**May 2017**

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## **Glossary**

BBfA	-	Better Business for All
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 plan, 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.

### 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 detailed below with an explanation given to each element:

#### 3.2 The Community Plan

The Community Plan 2014 – 2018 details the long term vision for the Borough of Hinckley & Bosworth, and sets out the priorities for tackling the most important challenges facing the Borough, in achieving this vision. The priorities are informed by evidence gathered through ongoing consultation and research.

The Community Plan is overseen by the Local Strategic Partnership (LSP), to ensure that progress is being made on the agreed priorities. The LSP brings together senior representatives from all of the key organisations providing local services including: the local authority, the county council, police, the education sector, private sector and the voluntary and community sector.

The LSP Board is supported by a range of key delivery partnerships, who deliver on the Community Plan priorities and present regular performance reports to the LSP.

#### 3.3 Vision, priorities and values

The councils overall vision is to create 'A Place Of Opportunity'; in achieving this, the authority works with three 'Priority Ambitions':

- People – Helping people to stay healthy, active and protected from harm
- Places – Creating clean and attractive places to live and work
- Prosperity – Encouraging growth, attracting businesses, improving skills and supporting regeneration

Underlying these priority ambitions the Council has four key values:

#### OUR VALUES



##### LEAD

To lead in the community and work proactively with our partners. Where we do not control services, we have an important role to play in influencing our partners and working with them to tackle issues on behalf of our residents.



##### INVOLVE

To involve local people, our partners and businesses in our decisions and listen to their views.



##### FAIR

To value diversity, promote equality of opportunity and fair treatment for all and ensure that our services are accessible to everyone. We will be proactive in engaging our rural and more remote communities as well as those who live in our main towns.



##### EFFICIENT

Be driven by efficiency – We will do everything we can to make sure that we provide quality services for everyone that represent good value for money and make the best use of our assets.

### 3.4. The Corporate Plan

The Corporate Plan 2017 – 2021, sets out in more detail how our vision will be delivered for each of the underpinning priority ambitions. This enables everyone to know what the council will be focusing on to provide the right opportunities and services and provide them in the best way to improve the quality of life for everyone who lives and works in the borough of Hinckley and Bosworth. For each of the priority ambitions a set of overarching statements of what the Council will achieve is given:

PEOPLE	PLACES	PROSPERITY
Helping people to stay healthy, active and protected from harm	Creating clean and attractive places to live and work	Encouraging growth, attracting businesses, improving skills and supporting regeneration
<ol style="list-style-type: none"><li>1 Enable and inspire older people to make the most of later life</li><li>2 Support vulnerable people and those who are most in need</li><li>3 Help people to stay healthy, be active and feel well</li><li>4 Recognise diversity and celebrate what unites us</li><li>5 Support an effective and viable voluntary and community sector</li><li>6 Take measures to reduce crime and anti-social behaviour and protect people from harm</li><li>7 Give children and young people the best start in life and offer them the opportunity to thrive in their communities</li></ol>	<ol style="list-style-type: none"><li>1 Keep our borough clean and green</li><li>2 Make our neighbourhoods safer</li><li>3 Protect and improve our parks and open spaces for everyone across the borough</li><li>4 Improve the quality of existing homes and enable the delivery of affordable housing</li><li>5 Inspire standards of urban design that create attractive places to live</li><li>6 Support and celebrate our cultural and heritage facilities and events for the benefit of residents and businesses alike</li></ol>	<ol style="list-style-type: none"><li>1 Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough</li><li>2 Support the regeneration of our town centres and villages</li><li>3 Support our rural communities</li><li>4 Work with partners to raise aspirations of residents and provide opportunities for training, employment and home ownership</li><li>5 We will support our tourism partners in promoting our local attractions</li></ol>

Further explanation as to `what's is going to happen` to achieve these statements is then given in the plan. A full copy of the Corporate Plan 2017 -2021 can be obtained at:

[http://www.hinckley-bosworth.gov.uk/downloads/file/163/corporate\\_plan\\_2017\\_-\\_2021](http://www.hinckley-bosworth.gov.uk/downloads/file/163/corporate_plan_2017_-_2021)

### 3.5 Service improvement plans

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

### 3.6 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 2017/18, through education, training and enforcement.

### **3.7 Links to strategic aims**

This service plan supports the Community Plan, Corporate Plan and the council's Vision, Values and Priority Ambitions 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.

### **3.8 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 and provides training to staff to improve their performance and knowledge. 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 Stuff enforcement is therefore the responsibility of Leicestershire County Council's Regulatory Services department.

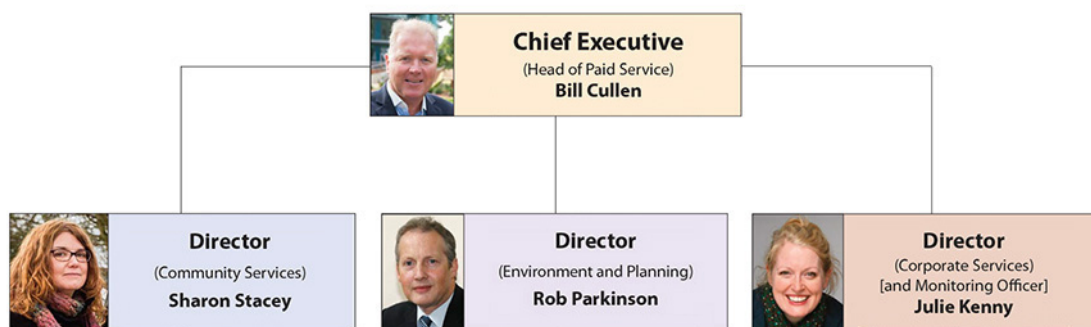
The council is also part of the national two tier arrangement for enforcement of health and safety legislation along with the Health and Safety Executive. Health and Safety enforcement in factories, construction sites and utilities is administered by the Health and Safety Executive from their Northampton offices (Telephone 01604 738333).

### 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 rural communities & tourism, licensing & environmental services. This member is responsible for ensuring the Environmental Health Service achieves the objectives and delivers the service demanded by the council.

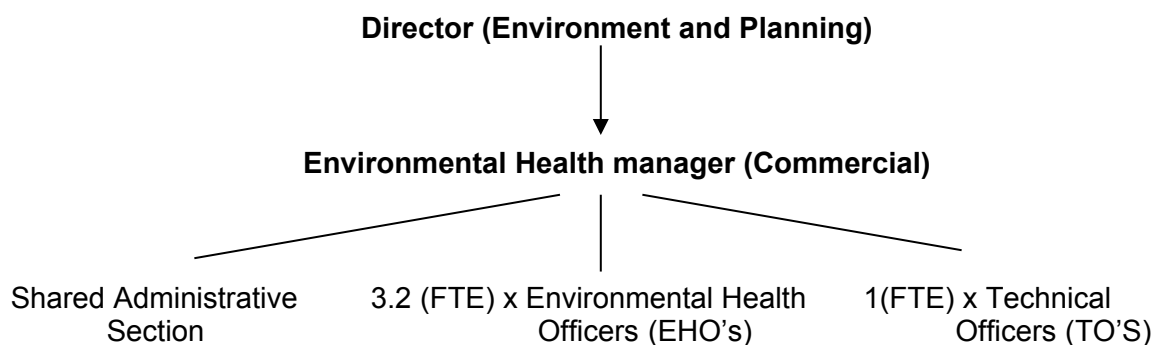
Officers headed by the Chief Executive carry out strategic and operational management of the Council Services. In December 2016 the then Chief Executive retired and a new management structure commenced from 1 January 2017. The new Chief Executive and three Directors now form the Strategic Leadership Team (see figure below), responsible for the strategic management, with service managers, responsible for operational management of council services reporting direct to a Director.

#### Senior management structure



The Director (Environment and Planning) 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:

	<b>Name</b>	<b>Telephone number</b>
Deputy Leader of Council and Executive member for rural communities & tourism, licensing & environmental services	Councillor K Morrell	01530 261928
Chief Executive	Mr Bill Cullen	01455 255606
Director (Environment & Planning)	Mr. Robert Parkinson	01455 255676
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, 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 2017/2018**

### **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.

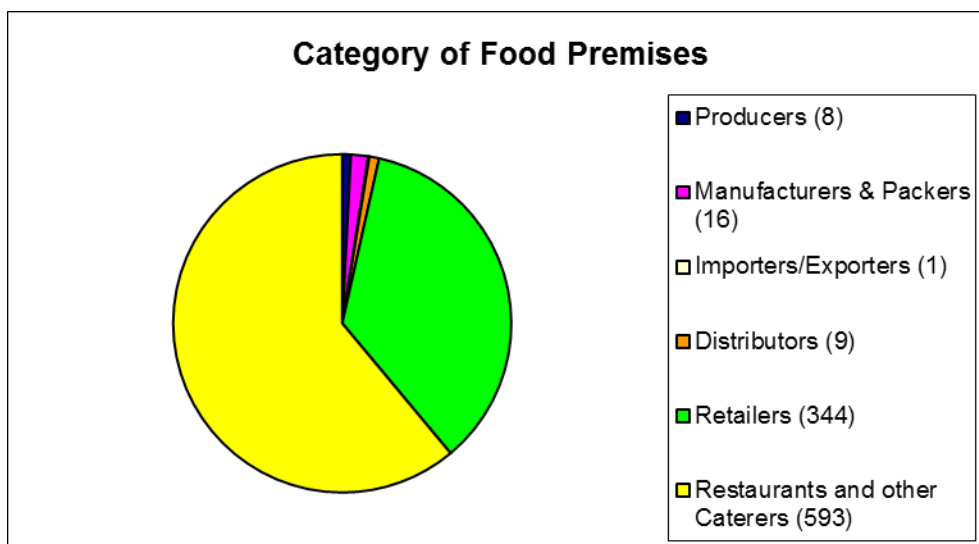
The Commercial section is managed by the Environmental Health Manager (Commercial) who also has lead responsibility for food matters. At 1 April 2017, 4 Environmental Health Officers, (representing 3.26 full time equivalents) were in post undertaking the full range of duties of the Commercial section, plus one full time Technical Officer who is also a qualified Environmental Health Officer with considerable experience of food safety and therefore competent to inspect all food premises risk categories and to carry out all the duties of the section.

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 2017)**

In the borough there are 971 premises subject to food hygiene inspection in the following risk categories:

<b>Risk category</b>	<b>Number of premises</b>
A	3
B	26
C	184
D	384
E	360
Unrated	14
<b>Total</b>	<b>971</b>



The borough has two fully approved Dairy Products premises one manufacturing cheese the other ice cream. Additionally there is one fully approved premise processing chicken. The Conditionally Approved Dairy Products premise, referenced in last year's plan, relocated to a neighbouring authority in 2016. All Approved 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 ethnic 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](http://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](mailto:esadmin@hinckley-bosworth.gov.uk) . Access can also be made through a community portal, [www.hinckleyandbosworthonline.org.uk](http://www.hinckleyandbosworthonline.org.uk).

### **5.3 Enforcement policy**

On the 6 April 2014 a revised Regulators Code from the Better Regulation Delivery Office came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council which was formally adopted at the Council's Executive in September 2015 . This Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to and 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, 2011 and 2015. These detail what food businesses and others being regulated can expect from officers and how specific legislative powers are applied to food premises.

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 Chapter 5.6 to the Food Law Code of Practice (England) (March 2017), 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 2017/18 shown in column six

Category	Minimum frequency of Intervention	No. premises	Interventions due 2017/18	Interventions carried over from 2016/17	Total no. interventions required in 2017/18
A	at least every six months	3	6	0	6
B	at least every year	26	26	0	26
C	at least every 18 months	184	104	6	110
D	at least every two years	384	183	11	194
E	at least every three years	360	120	13	133
	Unrated	14	14	0	14
		971	453	30	483

It is anticipated in 2017/18 that 3.5 full time equivalent officers will be engaged in food hygiene interventions.

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. This Council adopted, several years ago, the use of self-assessment questionnaires for lower risk rated businesses.

In order to manage the inspections in 2017/18 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 and those Category E premises whose last intervention was a questionnaire (55). Therefore the total inspection target for 2017/18 is 405. Those Category E premises due in the 2017/18 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 78 premises.

The target therefore for food safety in 2017/18 is 483 interventions, resulting from 405 inspections and 78 self-assessment questionnaires. This will mean that 100% of all premises due an intervention will receive an intervention in 2017/18.

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. 1410 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 16 requests were received for this service, equivalent to those requested in 2016/17. In addition 67 revisits to check on progress of remedial works following an inspection were also undertaken, equating to 83 revisits in total being undertaken in 2016/17. It is likely that approximately 80 revisits will be required this year, at approximately 1.5 hours per re-visit, including any follow up administration, this will require approximately 120 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 2017/18 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 council's 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 94% in March 2016. 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 council's 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 an additional 2% rise in broadly compliant premises to 96% as at 31 March 2017, achieving our target of maintaining a level of 93% or higher. This year therefore a target for March 2018 has therefore been set to maintaining a level of 96% or higher.

In order to help achieve a level of 95% 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 2016/2017 the service received 51 complaints about defective food and 82 other complaints and requests for advice concerning premises or practices, totalling 133 requests for service. 27 of the service requests related to enquiries from prospective businesses for advice. In 2017/18 it is anticipated that there will be, in total, approximately 120 complaints and enquiries to be dealt with by the service. 1200 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 Regulatory Delivery, part of Department for Business, Energy & Industrial Strategy. 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.

In the past targeted information to specific food industry sectors has been sent out from the service, for instance 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 2017/18, consideration will be given to distributing an information mailshot.

Since the retirement of our only qualified trainer in September 2014, the service was unable to deliver any food hygiene courses for food handlers using the Chartered Institute of Environmental Health Level 2 (Foundation Certificate). However during the year one of the Environmental Health Officers undertook and passed the Level 3 Award in Education and Training providing the opportunity for the Council to recommence Level 2 Awards in Food Safety in Catering in 2016/17 when one course was undertaken resulting in all 9 candidates completing the course and passing the examination to gain the accredited qualification.

The CIEH have announced that they have voluntarily surrendered their recognition as a regulated awarding organisation for all courses they operate, including food safety and health and safety. However, their Royal Charter gives them the power to prescribe, approve and accredit training themselves and therefore intend to develop standards and deliver products and services to support professional development themselves. This Council, now having an accredited trainer to CIEH standards, is therefore expecting to continue to deliver courses through the CIEH 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 have been developed with the help of the food examiners from Public Health England, who analysis the samples for free, and the county food liaison group.

In 2016 Public Health England announced that following a review of its 5 Food, Water and Environment laboratory structure in England, the laboratory at Good Hope Hospital, Birmingham, used by all Leicestershire authorities, including Hinckley and Bosworth was to close with services being provided by 3 laboratories nationally. Consequently, since September 2016 and implementation of a project plan all Leicestershire samples are now be couriered to London for analysis and no deterioration in service levels has been noticed due to the changes seen.

Due to uncertainties created in the review period, Good Hope Hospital did suffer staff shortages and as such in combination with transfer arrangements it was anticipated that the number of samples to be submitted during 2016/17 would have been reduced. However, during 2016/2017, with the smooth transition and no noticeable drop in service levels to this authority we were able to submit our usual levels of samples. Therefore in 2016/17 we exceeded the anticipated 225 samples to be submitted for analysis, with 230 food and 73 environmental swabs submitted, totalling 303 samples analysed.

In 2017/18 it is anticipated that our normal level of 270 samples will be submitted to the London Public Health England laboratory. A resource of 135 officer hours has been allocated to this area of work.

The service still continues to use the United Kingdom Food Surveillance System (UKFSS), 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 enabling targeting of resources to risk based sampling programmes at local and national levels and thereby improved public protection. The system also 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.



#### **5.4.6 Water sampling**

A programme of water samples is usually undertaken from large food businesses within the district. In 2016/17, it was our intention to procure samples from the Conditionally Approved Dairy Products premises, however, with its relocation to another borough no water samples for bacteriological quality were taken from food businesses over the year.

In 2017/18 it is anticipated that 10 samples will be taken, 20 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 premises that import food, including a manufacturer for ingredients in its sauces and a honey importer. 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 2016/2017, 118 notifications were received and of those 76 were campylobacter, 6 salmonella, 2 E.coli, 14 cryptosporidia, 13 giardia, 6 hepatitis E, 1 suspected food poisoning. Due to the isolated occurrences of campylobacter and therefore difficulties in tracing sources, campylobacter cases are not routinely investigated however 1 case involving an under 1 year old was investigated; and with all other cases investigated, 43 investigations arose into food infectious diseases in 2016/17.

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 2017/2018, with approximately 50 cases requiring investigation, being other than campylobacter. Hence 50 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 2016/17 there were 64 food alerts, three of these alerts required action from local authorities in tracing suspect food, however no effected foods were found in the borough. A similar number of alerts are expected in 2016/17.

### **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, including a public food examiner.

Infectious disease investigations and enforcement issues were discussed with Public Health England (East Midlands) at an Environmental Health Liaison meeting in April 2016. In addition representatives of Public Health England attend the Leicestershire CIEH Food Liaison Group.

The Environmental Health Manager (Commercial) along with other representatives of the East Midlands Area was represented at the annual liaison meeting with Severn Trent Water Authority.

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 sticker 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 2017, the hygiene rating of 856 food premises in the Borough are now available at [www.food.gov.uk/ratings](http://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. We are able to provide this model at cost, to businesses along with different sector and foreign language versions.

### **5.6.3 Food safety week**

The theme for last year's Food Safety Week (4 -10 July 2016) was 'Reducing Food Waste' to highlight the 7 million tonnes of food and drink thrown away from our homes in the UK each year. The Food Safety Agency campaign focussed on how we can all reduce waste, save money and still provide safe food. Using this scheme we were able to provide additional resources to assist local people to reduce food waste. The theme was conveyed through two methods. Online media, such as facebook and twitter, with hints and tips on what to do with leftovers. The messages included:

- Planning meals ahead;
- Batch cooking and freezing multi buys;
- Freezing food, including both raw and cooked meats up to the use by date;
- And remembering not to trust the sniff test as food can look and smell fine even after its use by date, but that doesn't mean it's safe to eat. It could still be contaminated. You cannot see, smell or taste the bugs that cause food poisoning.

The other method was by providing recipe books, meal planners and other useful resources at local supermarkets throughout the district. An officer was available at Sainsbury's, Asda and Co-operative Earl Shilton where members of the public were invited to discuss reducing food waste and a great number of positive interactions were

made. In addition materials were also provided at smaller Cooperative stores for displays in Desford, Markfield, Ratby and Groby.

#### **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. During interventions officers prioritise examining practises involved in handling cooked and raw meats especially in premises in the borough that use one vacuum packaging machine to pack raw and cooked food. Highlighting the principles of preventing E. coli infection to the wider catering trade is done through 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 Hinckley Food and Drink Festival**

The service took part in Hinckley's first-ever food and drink festival over the 2016 May bank holiday weekend. Feast Hinckley welcomed street food businesses from across the country as well as proprietors from the borough. The festival was designed to show case a range of regional, national and international cuisine, as well as having demonstrations from chefs along with rides and activities for children.

Our service prepared the way by scrutinising the food hygiene rating of businesses before the event and advising them on food hygiene on the day. The service also attended a stall on the Saturday promoting the national Food Hygiene Rating Scheme and having a live link to the web site in order that the public could look up the hygiene rating of their favourite food premises.



#### **5.6.6 Communication for Compliance Trial**

Since February 2017 the service has been part of a cross government project between the Department of Business, Energy and Industrial strategy (BEIS) (Behavioural Insights and Regulatory Delivery Teams) and the Food Standards Agency (FSA), to trial an intervention that positively encourages new food businesses to act on the written advice

and information provided by officers. The project intends to encourage businesses to 'get it right first time' by improving the levels of compliance of new food businesses, measured through their Food Hygiene Rating Score. It is expected this project will last for one year.

#### **5.6.7 Meat Traceability**

The 1 January 2017 saw the commencement of a joint project with Leicestershire County Councils Trading Standards to improve intelligence surrounding the supply of meat in the supply chain. In recent years, it has become apparent that the substitution of meat has been occurring undetected within the food industry, culminating in the horse meat scandal of 2013. The substitution of one meat for another has a wide impact on consumers for a number of reasons, including; religious, ethical or cultural as well as the possibility of being misleading and financially detrimental. Food Fraud can also have a negative impact on the reputation and finances of businesses and has been demonstrated to be linked to larger organised crime operations.

Officers, during their inspections are gathering intelligence from food businesses handling meat as to the species, quantities and their suppliers. Where offences are detected, i.e. failing to comply with traceability requirements advice is being provided to businesses, such as only using reputable suppliers and where to report suspicions of fraudulent activity. However, in addition, this information is then being passed to Trading Standards who are able to analyse the information from across the county and along with our officers identify any suspicious activity for further investigation. The project is programmed to last for one year and within the first two months has highlighted a few premises where further investigations on suppliers are required.

#### **5.6.8 Further promotional work**

In 2016/17 the service produced one article on recommencement of food safety courses for the Borough Bulletin, a council publication sent to all dwellings and businesses within the borough.

The service also issued three press releases during the year on Food Safety Week, Safe handling of turkeys at Christmas and on food waste at Christmas resulting in several local publications publicising the topics. The Hinckley Times also did a feature on the 2016/17 service plan concentrating on 9 out of 10 food businesses in the borough have a good food hygiene rating.

The service also produced two articles to promote the Food Hygiene Rating Scheme and businesses that had attained a 5 rating in Hinckley. One article was produced for the "Wonderful Hinckley" campaign feature published in the Hinckley Times in December 2016, the other for the "Local Rock", a local advertising booklet delivered to households in the borough, for their special "Come Dine" edition.

#### **5.7 Future food hygiene strategy**

In February 2016 the FSA began consultation on the future of food safety regulation. It is recognised that the existing food regulatory system, which has operated some 30+ years still works well however is coming under strain with technological and market advances. Therefore the FSA is looking at a new regulatory model fit for a further 30 years and have identified five principles that are presently being consulted on and form the core of discussions with stakeholders:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy –

businesses have a responsibility to be transparent and honest in their provision of that information

2. FSA and regulatory partners' decisions should be tailored, proportionate and based on a clear picture of UK food businesses

3. The regulator should take into account all available sources of information

4. Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not

5. Businesses should meet the costs of regulation, which should be no more than they need to be

The past year has seen a number of developments from the FSA to progress this project with a view to introducing the new model by 2020. Achieved so far includes:

- Setting up the Industry and Professions Expert Advisory Groups to provide advice and guidance to the FSA.
- Successful Hot House events held with SMEs, local authorities and Primary Authorities to help inform development of the Target Operating Model.
- Tesco and Mitchells and Butler feasibility studies, carried out to explore opportunities for the use of industry data in assurance models.

Further information on progress can also be seen at:

[https://www.food.gov.uk/sites/default/files/rofsummaryleaflet\\_0.pdf](https://www.food.gov.uk/sites/default/files/rofsummaryleaflet_0.pdf)

In addition the service will continue to watch and participate on consultations on the strategy as it develops.

## **6. Health and safety enforcement service delivery plan 2017/18**

### **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 recent years protecting people in the workplace and in society as a whole remained a key health and safety priority for central government; however the focus of the health and safety regime has moved to a lighter touch approach concentrating on higher risk industries and on tackling serious breaches of the rules. Consequently the HSE and local authorities have reduced 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 6) 2017 'Advice/guidance to local authorities on targeting interventions' have therefore been used to determine this councils' key priorities for 2017/18.

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 used to assess and target poor management as part of the better regulation agenda

The service will need in 2017/18 to continue to keep a watching brief on national developments in health and safety policy. In particular, regard will be had to the Health and Safety Executive 2016 new strategy document for improving health and safety, 'Helping Great Britain Work Well'. This document has six themes; Acting Together; Tackling Ill Health; Managing Risk Well; Supporting Small Employers; Keeping Pace with Change; Sharing our Success. The emphasis of the document is on the strategy not just being for regulators but for further improvements in health and safety at work to occur all

sectors need to work together including employers, employees, unions, insurers and government. The document is available to view at:

<http://www.hse.gov.uk/strategy/index.htm>

#### **6.4 Delivery of the health and safety service priorities 2016/17**

In 2016/17 three projects were identified as priority initiatives:

##### **6.4.1 Industrial Estates Survey**

During 2015/16 it was our intention to survey at least 10 Industrial Estates in the borough to ensure the accuracy of database. However, only 3 sites were surveyed due to time constraints on other activities and it was the intention to complete this programme in 2016/17. However, in 2016/17 only a further 3 sites were surveyed due to other activities. Whilst this activity has proved useful in identifying a system to more simply cross reference records with business rates, it is also recognised that the task moving forward will be carried out on an ad hoc basis.

##### **6.4.2 LPG in Caravan Parks**

In 2004 an explosion at a plastics factory in Glasgow resulted in the death of 9 people and 33 injured. The investigation which followed, found that Liquefied Petroleum Gas (LPG) leaking from a corroded underground metal pipe into the basement ignited, causing an explosion which led to the catastrophic collapse of the four-storey building. One of the recommendations of a subsequent public inquiry was that all buried metallic LPG pipes should ultimately be replaced with polyethylene. Within a few years a joint HSE/LA inspection campaign was completed visiting the highest priority sites. However, falling out of this campaign a lower priority risk campaign was identified as a national priority in LAC 67/2 (Rev 5) March 2016; that of surveying Caravan Parks to establish if they have any buried metal LPG pipe work to communal/amenity blocks. A project was therefore undertaken during 2016/17 to survey, as part of the annual Caravan Licensing regime, for buried metal LPG pipe work to communal / amenity blocks and follow up advisory visit to all sites with an identified risk. 26 sites were inspected in 2016/17 with only one premises being found requiring further investigation. Clarification on the type of material used for the underground pipework at this site is currently continuing but not considered an imminent risk.

##### **6.4.3 Fragile Roof Project**

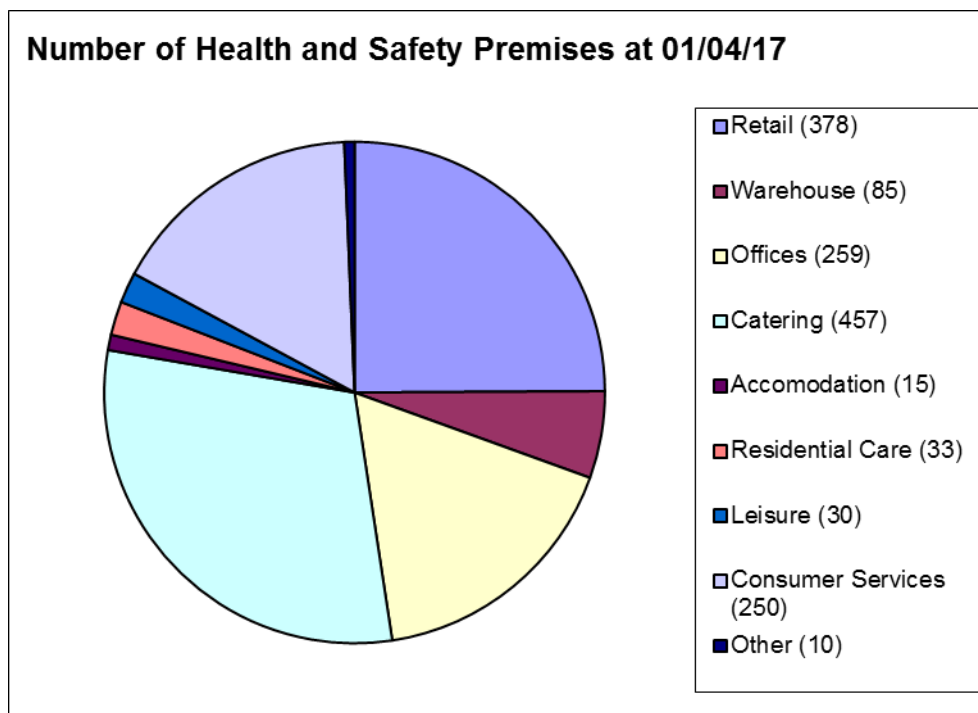
A national priority identified in LAC 67/2 (Rev 5) March 2016 was to highlight the hazard of working on fragile roofs. A project was therefore undertaken during 2016/17 to ensure business, letting agents and owners receive advice in order for them to comply with their legal responsibilities and prevent injuries occurring to persons engaged on working on fragile roofs. On average in the UK, nine people die every year falling through a fragile roof or roof light upon which they are working. Many others are seriously injured. These accidents usually happen on roofs of factories, warehouses and farm buildings during repair work or whilst maintaining or installing equipment, cleaning gutters and skylights etc. and usually occurs on roofs constructed of non-reinforced fibre cement sheets, asbestos cement sheets, corroded metal sheets or glass.

The project involved surveying 15 Industrial Parks or older business centres within the borough having a high likelihood of fragile roofs. Of these surveyed, 8 were chosen following evidence of roofs likely to be fragile and a review of current commercial premises information held on our database was carried out, from which 122 premises were deemed as suitable for receiving an advisory letter and guidance leaflet. The information provided was clear and simple, giving a simple overview of a fragile roof

assessment and a link to a more detailed assessment online. Contact details for an Environmental Health Officer were provided for advice and further help, if required.

## 6.5 **Delivery of the health and safety service priorities 2017/18**

The following chart illustrates the category profile of the 1517 Health and Safety premises within the borough for which the council has enforcement responsibilities at the 1 April 2017:



### 6.5.1 **Health and safety planned inspections 2017/18**

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 2017**

Category	A Highest Risk	B1 Medium risk - 1	B2 Medium risk - 2	(C) Lowest risk	Unrated
Summary of appropriate intervention (LAC 67/2 (Rev 6))	Proactive inspection	Reactive intervention only			Alternative intervention other than proactive inspection
Total number of premises	2	74	373	947	121
Total number of interventions due 2017/18	2	0	0	0	121



In accordance with LAC 67/2 (Rev 6) it is proposed in 2017/18 to target inspections for all Category A businesses only, resulting in an inspection target of 2 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 121 interventions. There will be no proactive interventions to low risk businesses (C rated premises) in 2017/18, 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 2017/18 conduct 2 inspections and 121 interventions by questionnaires or advisory visits. In total therefore the health and safety service aims to achieve 123 interventions in 2017/18.

### **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 2016/17 the council received 53 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 2016/17 we investigated 16 (30%) of accident notifications received. Unfortunately one of these notifications involved the tragic death of a 5 year old boy at a water park in the borough. This investigation has led to a substantial amount of officer time assisting the Police with enquiries. In addition, May 2016 saw the decision taken to prosecute a golf club in the borough over the death of the Course Manager in December 2013. Substantial officer time has also been taken in the past year on preparing this case for both Magistrates and Crown Court in preparation for trial in April 2018.

In 2017/18 it is anticipated that we will investigate approximately 33% 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 2016/17 we received 65 requests for service. In 2017/18 it is anticipated that a similar number (60) 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. In 2016/17 no asbestos removal activities were notified to us.

#### 6.5.5 Intervention plan 2017/18

The service intends to be involved in several projects during 2017/18:

Activity	Evidence that identified the concern and set its priority	Planned intervention type	Rationale for intervention	Outcome / output measures
<b>Proactive interventions</b>				
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 provision of advice and guidance at businesses identified as risk category A	Standards found at time of last intervention	Inspection (Cat A) – 2 Premises identified	Undertake an intensive programme of support for all Cat A premises until the risk at the premises is reduced and can be categorised as B1	Number of premises inspected Number of visits made Number of premises moving from A to B1
Undertake advisory visits or self-assessment questionnaires to all unrated and new businesses	Part of the Better Business For All campaign to ensure business 'Get it right First Time'.	Advisory visit or Self-Assessment Questionnaire 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 either an advisory visit or self-assessment questionnaire.
Undertake a campaign to raise awareness of the risks of handling beverage gases in cellars.	National priority outlined in LAC67 -2 (Revision 6) January 2017	Campaign to highlight the need to provide safe systems of work and emergency procedures for cellar work.	To ensure businesses in the hospitality industry understand the hazards and their legal responsibilities in handling beverage gases in confined	Number of businesses informed on the hazards of handling beverage gases in confined spaces.

			spaces	
Undertake a campaign to raise awareness of the risks of unstable loading at distribution and warehousing operations.	National priority outlined in LAC67 -2 (Revision 6) January 2017	Campaign to highlight need for secure loading of goods in warehousing/ distribution business sector.	To ensure businesses in the warehousing/ distribution sector understand the hazards and their legal responsibilities in ensuring stable loads.	Number of businesses informed on the hazards of unstable loads.
Examine the potential to set up Safety Advisory Groups (SAG) for large scale public gatherings	National priority outlined in LAC67 -2 (Revision 6) January 2017	Examine the potential to highlight large scale public gatherings through Licensing and other systems and offer the setting up of SAGs	To ensure the effective crowd management at large scale public gatherings	Systems in place to highlight the necessity for a SAG for large public gatherings.
<b>Reactive interventions</b>				
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 2016/17 the mechanisms illustrated in the following table will be utilised.

Priority	Delivery mechanism	Deadline
Section 18 Compliance	Service Plan approved by Executive	31 August 2017

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 2018
Staff Training	Complete personal development appraisals for all staff	31 July 2017
	Review personal development appraisals and monitor officers progress	30 November 2017
	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 2018

## 6.6 Performance indicators

Description	2016/17	2015/16	2017/18
	Target	Actual	Target
<b>Local performance indicators</b>			
Number of workplace interventions carried out	155	124 (80%)	123
<b>Service Performance Indicators</b>			
Percentage of service requests investigated	100	100	100
Percentage of service requests responded to within two working days	100	92% (59)	100
Percentage of asbestos notifications investigated	100	100 (0)	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 targeted information to specific industry sectors has been sent out from the service, for instance on legionella control to all nursing and residential care homes. However, no topical issues or legislation changes worthy of issuing an information mailshot emerged during the year. Should a suitable topic arise in 2017/18, consideration will be given to distributing an information mailshot.

We did publish two articles in the Borough Bulletin, a council publication sent to all dwellings and businesses within the borough on a free briefing for businesses held in June on how they can protect their business, staff and communities from the threat of terrorism. The event was facilitated at Neovia Logistics in Desford, with the assistance of the Police. The half day seminar was attended by 28 senior managers from a wide range

of businesses with headquarters or premises within the borough. They were addressed by counter terrorism security advisors from the local anti-terrorism office based at Enderby police HQ.



Delegates were given insight into balancing the ongoing high level of threat, with maintaining normal commercial activity. Most importantly, delegates were briefed on how they can keep themselves and their staff members safe whilst assisting the police and security services by remaining alert to potential threats at all times.

It was demonstrated how both local and national threats can be countered by simple methods of identifying and reporting suspicious activity. It was stressed how the reporting of what may appear to be relatively small, or innocuous issues may add to, or develop, a much wider national security picture of threats to harm people and infrastructure.

Attendees gave very positive feedback to the event and a number of national security managers were keen to get further advice on how they could generate and develop a level of awareness in their individual organisations.

## **6.8 Health and safety enforcement policy**

On the 6 April 2014 a revised Regulators Code from the Better Regulation Delivery Office came into force. Through the Regulatory Partnership set up under the Leicester Leicestershire Enterprise Partnership, the service drafted a Corporate Enforcement Policy and Service Standards applicable to all regulatory services within the Council which was formally adopted at the Council's Executive in September 2015. This Corporate Enforcement Policy details the general principles of good enforcement that the service is committed to adhere to and 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, 2011 and 2015. These detail what businesses and others being regulated can expect from officers and how specific health and safety legislative powers are applied to their premises.

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 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 2016/17 the service received 1 complaint from an employee in an office regarding the business owner smoking but resulted in no further action following investigation. Additionally, following requests, advice was given to a business on provision of a smoking shelter and to a member of the public on the application of the legislation surrounding smoking in an alleyway by members of the public.

The service also continued to proactively monitor compliance with emphasis at all food hygiene, health and safety and licensing inspections, and observations of commercial drivers, but no action was found required to be taken during the year.

Continued monitoring and appropriate enforcement will continue in 2017/18.

## **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 2016/17 a net total budget of £802,792 was allocated to Environmental Health and revised during the year to £806,281 mainly due to costs associated with an on-going court case. At the beginning of 2017/18 a budget of £765,845 has been allocated and represents a decrease in budget of 4.6% on the original budget for 2016/17. This was mainly due to the reallocation of a senior managers salary budget to alternative corporate code.

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 2017 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 is represented by one manager and five field staff and taking into account the services provided by the team, in 2017/18 the service will have 3.5 full time equivalent officers engaged in field food hygiene enforcement.

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 0.76 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 (revised 2015)
- 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, 2010 and 2015)
- 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 for both services were revised in 2015 to incorporate changes relating to the 2014 Regulators Code. 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. The quality management Procedure for the Food Safety service was revised in 2011/12 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 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. However, as part of a wider analysis of business satisfaction with regulators, organised through the Better Business for All project, surveys following inspections were again introduced from September 2015. Following inspections businesses are given information on an online survey form the results of which again show a high satisfaction with the inspections carried out in Environmental Health with 100% of respondents indicating satisfaction with both officers approach and service provided.

## 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.

Following the re-structuring of the LLEP and changes to the programme support role in 2014/15, this past year has seen the programme continue to deliver notable improvements in the way regulators and business interact and has continued to build on the achievements already made.

Key Achievements 2016-17 include:

- Developed a Regulatory Support offer as part of the Leicester and Leicestershire Combined Authority deal
- Developed business funding information for officers to help signpost businesses to relevant funding streams
- Produced a communications plan to highlight positive projects, initiatives and improve profile of Partners positive actions to support growth

Initiatives for 2016/17 include:

- Develop a list of Regulatory Priorities to support the LLEP Strategic Economic Growth Plan
- Develop an e-learning tool for officers to understand Business support roles.
- Undertake a workshop with businesses to help to shape a planning regulation support package.
- Pilot the development of the BEIS & FSA 'Communicating for Compliance' project to support evidence for effective business support.
- Locally, under the BBfA banner we have been working with Horiba - MIRA Enterprise Zone especially in the promotion with businesses on the site on the offer for regulatory partners to provide regulatory advice and support. Work continues with the HSE to introduce the 'Estates Excellence' model into the site in order to improve health and safety management for the whole site.

Information and advice for business can be made through the business gateway at:

[www.llepbizgateway.co.uk](http://www.llepbizgateway.co.uk)

Also, 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](http://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 2016/17**

#### **9.2.1 Interventions**

In total the Section made 595 interventions during 2016/17, representing 90.8% of the target of 655 for the year.

##### **a) Food Hygiene**

The section has inspected 431 food premises for food safety and received 40 self-assessment questionnaires, totalling 471 interventions for 2016/17.

The Food Safety Enforcement Service Delivery Plan of 2016/17 required 422 premises to be inspected and 78 premises dealt with by way of self-assessment questionnaire, totalling 500 interventions for the year; hence the food safety inspection programme was over achieved at 102%, with new businesses accounting for extra premises not in the original target, but the service only received 40 (51%) returned questionnaires from businesses of the 78 issued.

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	2	0	0	0
Manufacturers and packers	8	1	0	0
Importers/exporters	0	0	0	0
Distributors/transporters	2	0	0	0
Retailers	133	0	2	0
Restaurants/caterers	226	0	1	0
<b>TOTALS</b>	371	1	3	0

Th

The Voluntary Closure were undertaken as a result of discovery food storage in out buildings, previously known for rat activity and having inadequate pest proofing; at two premises for the cessation of the use of vacuum packers for machines being used for both cooked and raw meats. This practice carries a significant risk of spreading food poisoning bacteria, including E.coli 0157 and a contributory factor in a number of outbreaks.

#### **b) Occupational health and safety**

The section inspected the one category A rated premises for occupational health and safety, carried out 103 advisory visits and assessed 20 self-assessment questionnaires, totalling 124 interventions for 2015/16.

The Health and Safety Enforcement Service Delivery Plan of 2015/16 required 155 interventions for the year; hence 80% of the health and safety intervention programme was achieved.

The intervention programme led to a Prohibition Notice for use of a stairwell due to the presence of asbestos in a warehouse/ office complex.

### **9.2.2 Courses and campaigns**

During 2016/17 the service took part in several Food and Health and Safety initiatives as listed below:

- Conducted a campaign during Food Safety Week on the theme of 'Reducing Food Waste'.
- Continued to embed and promote the national Food Hygiene Rating Scheme in the borough. There are now 856 registered food premises in the borough within the scope of the scheme on the national website.
- Promoted 5 rated businesses by 'tweeting' congratulations; including in press releases and articles promoting businesses or the scheme; promoting at food events attended by officers eg Hinckley Food and Drink Festival .
- Facilitated a free briefing for businesses on how they can protect their business, staff and communities from the threat of terrorism.

### **9.2.3 Service requests**

In total the Section investigated 198 service requests during 2016/17. This represented 65 for health and safety and 133 food related and 48% increase on the previous year.

### **9.2.4 Sampling**

The 2016/17 sampling programme of 225 samples was exceeded with 230 food and 73 environmental swabs taken.

### **9.2.5 Infectious diseases**

The Section carried out 43 infectious disease, mainly food poisoning, investigations in 2016/17.

### **9.2.6 Areas of improvement 2015/16**

The service was able to progress all of the key service improvements and objectives for 2016/17 except the revision of existing food and health and safety procedure notes. A decision was made that the review of the food documents would be more appropriately carried out upon completion of the major review being undertaken by the 'Regulating Our Future' programme , whilst health and safety procedures will be reviewed in 2017/18.

## **9.3 Areas of improvement for 2017/18**

Key service improvements and objectives for 2017/18 are:

1. 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 council's enforcement service

2. 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
3. Review administrative arrangements to improve efficiency and consistency in food safety and health and safety activities in particular to revise existing health and safety procedure notes
4. Examine the potential for the use of new technology by officers when in the field.