

## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

<b>From: Corporate Manager – Food and Safety</b>	<b>Report Number: R10</b>
<b>To: Strategy Committee Executive Committee</b>	<b>Date of meeting: 4 June 2015 8 June 2015</b>

### BABERGH AND MID SUFFOLK FOOD SAFETY AND HEALTH AND SAFETY SERVICE PLANS 2015/16

#### 1. Purpose of Report

- 1.1 To consider and approve the Joint Mid Suffolk and Babergh Food Safety and Health and Safety Service Plans for 2015/16.

#### 2. Recommendation

- 2.1 That the Joint Mid Suffolk and Babergh Food Safety and Health and Safety Service Plans for 2015/16, attached as Appendices 1 and 2, be approved.

The Committee is able to resolve this matter.

#### 3. Financial Implications

- 3.1 The proposed Plans are in line with the 2015/16 budget identified for the Food and Safety team.

#### 4. Risk Management

- 4.1 This report does not closely link to any of the Councils' Corporate / Significant Business Risks.

#### 5. Consultations

- 5.1 None.

#### 6. Equality Analysis

- 6.1 The structure of the 2015/16 Plans does not deviate significantly from previous years. The conclusion from earlier equality analysis screening was that the proposed Service Plans do not impact either positively or negatively in terms of the elimination of discrimination, harassment or victimisation.

#### 7. Shared Service / Partnership Implications

- 7.1 The two Service Plans are again written for a fully integrated service operating across Babergh and Mid Suffolk where the identified resources are intended to be utilised equally in both Districts.

- 7.2 The Food and Safety service is closely involved with the 'Open for Business' delivery plan project and will be working with other regulators in Suffolk as well as the New Anglia LEP to develop partnership arrangements in relation to ease of access to regulatory advice and services.

7.3 Reference is also made in the Plans, to the continued development of working arrangements between the Suffolk District and Borough Council Food Safety and Health and Safety services and the County Council Trading Standards service where there is the potential for the creation of greater resilience for the services and additional value to the public and compliant businesses. The joint warranting arrangements of District and County officers for food safety and health and safety work and work around the introduction of regulations relating to allergens are specific examples of this.

## 8. Key Information

8.1 The Food Standards Agency (framework agreement) and Health and Safety Executive (section 18 standard) require the production of these two Service Plans.

8.2 To ensure local transparency and accountability they should be considered and approved annually by the appropriate Member Forum. Members are therefore asked to consider the proposed Plans and offer any comments.

8.3 During September 2014, the FSA conducted an audit of Babergh and Mid Suffolk 'Food Law Service Delivery and Food Business Compliance'. The audit examined Babergh and Mid Suffolk District Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of food hygiene law enforcement activities. The FSA audit report can be found at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/2014/auditreports/babergh/babergh-and-mid-suffolk-delivery-and-compliance>

The proposed Food Safety Service Plan incorporates changes in line with recommendations made in the audit report.

## 9. Appendices

	Title	Location
1	Food and Safety Service, Food Safety Service Plan 2015/16	Attached
2	Food and Safety Service, Health and Safety Service Plan 2015/16	Attached

## 10. Background Documents

10.1 FSA Framework Agreement on Local Authority Food Law Enforcement; Food Standards Agency Food Law Code of Practice  
<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

10.2 HSE Section 18 Guidance to Local Authorities on Health and Safety in Local Authority Enforced Sectors <http://www.hse.gov.uk/section18/index.htm>

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## Food and Safety Service Food Safety Service Plan 2015/16

### 1. INTRODUCTION

The Food Safety Service Plan is an expression of the Councils' continuing commitment to the Food Safety Service. It covers the key areas of Food Safety enforcement and the relevant management arrangements and targets against which Babergh and Mid Suffolk District Councils will monitor service delivery.

It has been compiled in accordance with the guidance issued by the Food Standards Agency (FSA) and includes all the detailed information required by the Framework Agreement on Local Authority Food Law Enforcement.

### 2. JOINT STRATEGIC PLAN

The Food and Safety service acknowledges the stated organisational visions of Babergh and Mid Suffolk District Councils:

Babergh's vision:

"To create an environment where individuals, families, communities and businesses can thrive and flourish."

Mid Suffolk's vision:

"We will work to ensure the economy, environment and communities in Mid Suffolk continue to thrive and achieve their full potential."

With food businesses central to the economy of the two districts and food safety key to the wellbeing of residents, visitors and other consumers of food produced in the area, the purpose of the service is to sustain and improve the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk and to support this business sector. To achieve this, the service will work to support individual food businesses and to provide a level regulatory playing field for them through advice, risk based audits, complaint investigation, training and a programme of sampling. The use of a publicised food hygiene rating system (FHRS) will give well run food businesses the opportunity to demonstrate how good they are in relation to others and this will, over time, help to raise standards generally. The FHRS will help consumers make more educated choices over the food they buy.

Through the work it does, the food safety service contributes to the following aligned strategic priorities:

**Priority One, Economy and Environment:**

- Mid Suffolk - Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment.
- Babergh - Shape, influence and provide the leadership to enable growth whilst protecting and enhancing our environment.

**Priority Three, Strong and Healthy Communities:**

- Mid Suffolk - Encourage and support individuals and communities to be self-sufficient, strong, healthy and safe.
- Babergh - Shape, influence and provide the leadership to support and facilitate active, healthy and safe communities.

### 3. BACKGROUND

#### 3.1 A brief profile of the two districts

Mid Suffolk and Babergh District Councils run the length of central Suffolk between Essex and Norfolk. The administrative bases are in Needham Market and Hadleigh.

The districts cover an area of over 1,400 square kilometres, with a population of around 180,000 living in 200 parishes. The majority of the population live in villages. The principal towns are Stowmarket and Sudbury.

#### 3.2 Babergh and Mid Suffolk Organisational structure

Babergh and Mid Suffolk District Councils have a joint Management Team of six Heads of Service, three Directors and a Chief Executive. The Food and Safety service sits within the Environment service group of the Place Directorate. The Food and Safety service has a Corporate Manager reporting to the Head of Environment.

The two councils use the Public Health England Food, Water and Environmental Laboratory, (Colindale Avenue) London.

#### 3.3 Scope of the food safety service

The service may be split into two broad areas - Proactive and Reactive.

Proactive includes:

- Inspections of food premises and food
- Advising businesses of regulatory requirements
- Advising businesses of regulatory changes
- Sampling of food from food businesses
- Enforcement of Food Safety law
- Education of Food Handlers

- Sampling private water supplies
- The dissemination of food safety information to the public
- Working with schools and others to improve food safety in the home

Reactive includes:

- Investigating and controlling outbreaks of Food Poisoning/Infectious Diseases
- Responding to Food Alerts
- Investigating complaints about food and food businesses
- Dealing with unfit food
- Issue of export certificates

The core food safety service is provided directly by MSDC/Babergh employees but specialist contractors may be used for short-term projects or where capacity is an issue.

The service has entered into a joint warranting arrangement with the other Suffolk District and Borough Councils so that in emergencies, regulatory staff are authorised to operate across council boundaries.

### 3.4 Demands on the service

Food premises are subject to interventions at intervals determined by risk rating in accordance with the inspection rating system within the FSA Code. This system rates food premises according to the type of food sold, the nature of the trading and the overall food safety standards of the business. The frequency of inspection is dependent on the rating score obtained for each premises.

The number of premises within each risk rating always fluctuates to some extent as businesses close and new ones open. The figures projected for 2015/16, at the time of writing this plan are as follows:

Risk Rating	Inspection Interval	Total Number of premises	Number of planned inspections
A	6 monthly	10	20
B	12 monthly	74	74
C	18 monthly	265	209
D	24 monthly	576	353
E	36 monthly	1075	384
Outside scope and unrated		50	N/A
<b>Total</b>		<b>2,050</b>	<b>1,040</b>

There are 2,050 food premises recorded on the Babergh/Mid Suffolk database of which 13 are approved under EC Regulation 853/2004.

In addition to food businesses that are based in the two districts, there are a variety of events and occurrences that involve visiting food businesses where the food and safety team need to spend some time ensuring food safety. These include: regular town markets in Stowmarket and Sudbury; farmers markets in Hadleigh, Sudbury, Lavenham, Harkstead, Hartest, Stradbroke, Rickinghall, Needham Market and Stowmarket; fairs and; festivals amongst others.

Within the area there are a number of major food companies regulated by the district councils trading nationally and internationally. These include a sushi manufacturer, malt producer, herb processors, a fruit juice producer, a curry sauce manufacturer, a chocolate manufacturer and a vinegar/cider producer.

The risk rating of food businesses determining the frequency of inspection includes the three factors: hygiene; structure and; confidence in management; which are used to determine the Food Hygiene Rating when that applies but also as a base line, and as already touched on, the type of food involved and the method of handling it, the method of processing and the type and number of consumers at risk. These things are determined by the nature of the food business, i.e. at one end of the spectrum a corner shop only selling packaged foodstuffs that require no temperature control and at the other a manufacturer using high risk ingredients for cook-chill meals and distributing internationally. By this process, a business may be very well managed but we are still required to audit frequently due to the inherent risks.

### **3.5 Enforcement policy**

The two Councils have adopted a joint enforcement policy. All officers are expected to act in accordance with this policy which is freely available for inspection by the public and local businesses and is posted on the Councils' websites. It incorporates the Regulators Code and from that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.

## **4. SERVICE DELIVERY**

### **4.1 Inspection of food businesses**

The Council is committed to carrying out inspections at a frequency that is not less than that determined by the Food Safety Act Code of Practice. The service will have carried out approximately 950 routine or initial food safety interventions from the period 1 April 2014 to the 31 March 2015 plus revisits where necessary.

In line with the Food Law Code of Practice interventions other than inspections have been adopted in respect of certain, particularly low risk, premises. For the lowest risk businesses a telephone call is made to the business in order to assess whether there have been any changes since the last inspection, the extent of the business and the level of food safety control. Many low risk premises may still need to be visited by an officer to gather information regarding food safety. It is possible to use an officer not qualified in accordance with the Code of Practice to do this work thereby maximising the use of resources. The information gathered is assessed and a decision made as to what further action is required. This could range from no further action to an inspection. An inspection is likely to be triggered if other contact cannot be made.

As in previous years, the concentration of activity for qualified officers will be in carrying out 100% of all high risk and approved premises inspections due as part of the inspection programme. In 2014/15 the emphasis has moved a little away from the prevention of cross contamination between raw and ready to eat foods to reduce the risk of food poisoning with E. coli 0157. Most relevant food businesses have now got to grips with this issue, although FSA guidance on this was updated during the year and checks still need to be made. Regulations relating to customer information on allergens came into force in December 2014. Information was sent by the Food and Safety team to all relevant businesses and an important component of food hygiene visits, in the lead up to the introduction of the Food Information Regulations 2014, has been on the subject of allergens and how businesses deliver information to consumers about allergens. This is work which we are doing in partnership with the Trading Standards service and it will continue through 2015/16.

The Food and Safety team has also, when appropriate, endeavoured to add value to the contact we have with food businesses and in particular, during 2014/15, provided information about energy efficiency advice. This has resulted in a number of businesses taking advantage of the Green Suffolk Business Service provided by the Suffolk Climate Change Partnership following referrals. Similarly, this will continue to form an element of food safety visits to businesses in 2015/16 if the relevant scheme continues.

A primary aim of the inspection process is to achieve measurable year on year improvements in inspection outcomes. As a result inspection/survey/campaign activity may be substituted in favour of more inspections/enforcement action of lower risk premises if the local need outweighs the importance of meeting nationally set output targets.

Usually, inspections of food businesses do not need a follow up until the next scheduled date which will be in accordance with the assessed inherent risks but revisits will be made where significant breaches of food safety legislation are found at the time of an initial inspection, where there are a large number of minor offences, where there is a history of non-compliance or where there is little or no confidence in the management of the premises.

Previous National Indicator (NI) 184 measures the percentage of premises which are ‘broadly compliant’ with food safety legislation. Broadly compliant equates to a food premise scoring no more than 30 points when risk rated in respect of hygiene, structure and confidence in management as detailed in the FSA Code of practice or, where the scheme applies, a 3 FHS rating or greater. The following table shows the history of ‘broad compliance’ for premises in the two districts.

Percentage of Broadly compliant food premises:

2009	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
79%	86%	86%	84%	88.3%	92.5%	93.29%

One aim of the Food Safety service is to help food businesses achieve a minimum of broad compliance with food safety law. On that basis, we are working towards a sustainable high overall percentage of businesses meeting the broadly compliant requirements and an upward trend in that figure. Since the integration of the Babergh and Mid Suffolk services we have been able to maintain success in this aim. Although we will continue to strive for 100% broad compliance, there is likely to be a point where the percentage of businesses achieving broad compliance peaks.

#### 4.2 Food complaints and complaints about food premises

The Council investigates all complaints it receives relating to food where it is the enforcement authority and will liaise with the Home, Primary and Originating Authority where appropriate. In 2014/2015 there were 116 food and food premises complaints, these relatively low numbers are not significantly different from the previous year (104) and are an indication of the good levels of general compliance of our food businesses.

The Food Safety service aims to make a first response to this type of complaint within one working day.

#### 4.3 Home authority and primary authority principles

The two councils support the Home Authority Principle and will provide advice to businesses where they act as the Home or Originating Authority. Officers have regard to information that they receive from any liaison with Home/Organising Authorities and where advice has been received, the relevant Authority will be kept informed of actions taken by this Council.

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have paid another local authority for a primary authority arrangement.

#### 4.4 Advice to businesses

Officers are committed to building positive working relationships with food business proprietors and work with them to help them comply with the law and to improve food safety standards. Increasingly officers will point businesses at web based resources, particularly those produced by the FSA although, as with the change in regulations relating to allergens, when appropriate, printed information is supplied. Both new and existing businesses are encouraged to contact the service for advice. In 2014/2015 there were more than 226 food advice requests. Most of the requests continue to relate to the starting up of small independent businesses. This compares with 257 in 2013/14 and suggests a stabilisation in food business activity compared to an increase in the previous year.

During 2014/15, the Food and Safety service started to work with regulatory services across Suffolk, including particularly Trading Standards, to improve the way it helps businesses start up and develop in the Mid Suffolk and Babergh areas. This also links closely with the 'Open for Business' Delivery Plan project of the two councils which the Corporate Manager - Food and Safety is leading.

#### 4.5 Training for Food Handlers

The service continues to offer a minimum of four 'Level 2 Award in Food Safety in Catering' food hygiene training courses each year.

Provision of this type of training, apart from fulfilling the obvious need that businesses and food-handlers have, helps to develop a constructive relationship with food businesses in the districts, identifying the local authorities as a source of help and guidance.

Training courses are run on a cost neutral basis. There is no scope for developing training courses as an income stream as higher fees would both put applicants for training off and result in other organisations that run on a not for profit basis attracting the same participants.

Four level two courses ran during 2014/15.

#### 4.6 Food Hygiene Rating System (FHRS)

The FHRS continues to create a positive environment where, due to the public nature of the ratings (published on the FSA website), there is a desire on the part of businesses for improvement. During 2014/15 further promotional work including some that was grant funded by the FSA for the FHRS has been carried out to ensure that businesses better understand the value of it to themselves and with a view to the scheme becoming something that consumers consider more often when buying food and eating out.

The grant funded project focussed on Sudbury, Hadleigh, Stowmarket and Eye where through a programme of letters and visits the percentage of businesses displaying FHRs stickers of a three or greater rating improved as is shown in the table below:

Change in display of FHRs rating from project intervention:

How many businesses were found to be displaying their stickers pre-intervention?	5 Rated	4 Rated	3 Rated
	54	11	6
How many % of businesses were found to be displaying their stickers pre-intervention?	5 Rated	4 Rated	3 Rated
	61%	42%	38%
Total Number of businesses now showing stickers after project	5 Rated	4 Rated	3 Rated
	76	17	8
Total % of businesses now showing stickers after project	5 Rated	4 Rated	3 Rated
	87%	66%	50%

Not surprisingly, it was easier to persuade businesses to display the higher the rating.

The Food and Safety service has begun to use Twitter to publicise and celebrate the award of FHRs 5 ratings. Our twitter account is - [MidSuffolk&BaberghDC@envhealthteam](mailto:MidSuffolk&BaberghDC@envhealthteam).

Currently, the scope of the FHRs extends to establishments supplying food direct to consumers. This includes restaurants, cafes, takeaways, sandwich shops and other places where people eat food prepared outside of the home, as well as food retailers. The aim is to provide information on hygiene standards to consumers in circumstances where they are making a choice about eating or purchasing food. Excluded from scope includes places that sell food but are low risk and not recognised as food businesses by the public and caring services provided in a home environment.

#### 4.7 Food inspection and sampling

Food sampling is carried out to establish whether foodstuffs are safe to eat and primarily considers microbiological content.

Food samples are taken either in response to complaints or as part of the Council's proactive surveillance procedures for ensuring that food produced and/or sold in Babergh and Mid Suffolk is safe to eat. The Councils participate in a regional sampling programme, coordinated from the Eastern Region Coordinated Food Sampling Liaison Group. The national sampling programme comes from Public Health England. Both provide intelligence that can identify what the focus of food safety visits to businesses should be. During 2014/15 food samples have been taken from around 70 businesses across both districts.

Food sampling studies for 2014/15 have included:

- Eastern region sampling of ready to eat shellfish
- UK coordinated study 51 Pre-pack sandwiches
- Study 52 Fresh RTE Herbs: Imported fresh whole leaf herbs to be eaten raw or with minimal cooking
- Study 54 Food and environmental samples from takeaways with a FHRs of 3 or below
- As well as our regular sampling from our local producers.

The study of pre-packed sandwiches (study 51) discovered E. coli in a small bakery and the food and environmental swabs (study 54) found major hygiene issues with a mobile trader. Both of these resulted in additional food and environmental samples being taken (with some formal samples) to identify the source and formal interviews of the Food Business Operators. Advice to the businesses to assist them in addressing the problems followed.

Sampling from our local producers picked up contamination and shelf life problems with an approved business in Essex and resulted in the Co-op withdrawing the product

Following unsatisfactory samples in some of our local butchers we have been working with the FSA to investigate problems that appear to arise with a business that they have regulatory responsibility for.

For 2015/16 the programme will continue to include local producers. We are awaiting the details of the wider studies.

#### 4.8 Control and investigation of outbreaks and food related infectious diseases

Notifiable infectious diseases are reported to the Food and Safety service by Public Health England. Some reported illness requires investigation by the local authorities to both establish the cause and to try and limit spread. All food poisoning or suspected food poisoning notifications are responded to and the aim is to do this on the day of receipt for the most serious diseases and within three days for the remainder.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at Public Health England. Investigation, the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Suffolk, Norfolk and Cambridgeshire Outbreak Management Plan published in 2014 and replacing the previous Suffolk Outbreak Control Plan. This plan is subject to annual review and was devised with input from the Suffolk Environmental Health services.

Food poisoning outbreaks can be very resource intensive but planning resources to deal with them is extremely difficult due to their unpredictability. It is important that any staff that may be involved in outbreak control are familiar with the plans in place and the legislative framework that underpin them.

In June 2014 a food borne infectious disease outbreak exercise was conducted by the Babergh and Mid Suffolk Food and Safety service in partnership with Public Health England, with representatives of all the Suffolk environmental health services attending along with members of the Norfolk, Suffolk and Cambridgeshire PHE team. This introduced the new Outbreak Management Plan as well as developing better understanding of legal powers and responsibilities for both the local authorities and Public Health England.

The following persons have been appointed as the Consultant in Communicable Disease Control and Proper Officer for the purposes of relevant legislation:

Dr. Hamid Mahgoub (Lead for Suffolk)

Dr Giri Shankar - CCDC

Dr Bernadette Nazareth - CCDC

Dr Kate King - Public Health Protection Medical Specialist

Dr Abina Varadarajan - CCDC

The total numbers of infectious disease notifications for 2014/15 was over 400 showing an increase on the previous year of approximately 10%.

#### 4.9 Food safety incidents

The Council receives electronic notifications of all Food Alerts issued by the Food Standards Agency. Officers respond to such notifications in accordance with the requirements of the Food Law Code of Practice. The Councils have standard operating procedures for dealing with Food Alerts that ensure a nominated Officer is informed immediately on receipt.

Around 30 Food Alerts were received from the FSA in 2014/2015. None were found to have major implications for Mid Suffolk or Babergh.

#### 4.10 Liaison with other organisations and partnership working

Officers represent the Council at the following food safety related meetings:

- Suffolk Food Liaison Group
- FSA Food Leads Regional Meetings
- FSA FHRS User group

These Groups offer the opportunity to share information, organise low cost training for our food and safety officers and help to ensure consistent enforcement. They also enable our professional officers to have access to regional and national food safety fora.

With the general reduction in resources available to Suffolk environmental health services in recent years, resilience has been adversely affected. An initiative taken to counter the likely problems that would occur if there were a major problem has been the development of an authorisation agreement between the seven district and borough councils so that competent, authorised officers can work in other districts, in relation to food safety and health and safety, should the need arise. This agreement also encompasses the SCC Trading Standards service. The type of event where this arrangement could be beneficial includes a major food poisoning outbreak or a significant investigation where many witness statements are needed. The agreement was signed off by all of the Suffolk Councils in 2014.

In England, an increased responsibility for catering businesses to provide consumers with information about allergens was introduced with new regulations coming into effect in December 2014, the Food and Safety service worked closely with the Suffolk Trading Standards service to provide advance information to businesses. To some extent these new regulations changed the emphasis of many of the routine inspection visits made during 2014 and are likely to through to 2015. The district councils will have powers to enforce the new regulations whilst the County Council will have a duty to enforce.

During 2014, SCC Trading Standards made a request to the Suffolk Food Group for some bespoke food safety training for their officers. This training was devised and delivered by the Babergh and Mid Suffolk service.

#### 4.11 Food safety promotion

Promotional activities are usually carried out in support of national food safety week. In 2014, the major campaign has been about the safe handling of raw poultry and the risks of Campylobacter and the Food and Safety team has used social media including their own Twitter account to disseminate the key messages. In the absence of compulsory display of food hygiene ratings, the FSA have had a major push on the FHRS which we have backed locally including through the grant funded work already mentioned.

One of the Senior Food and Safety Officers assisted the Food Standards Agency with their Look Before You Book campaign to raise awareness of the FHRs scheme during the lead up to Christmas, being interviewed for local and national radio.

The Mission Possible project in schools has continued in both Mid Suffolk and Babergh and in addition to the original hygiene messages, we have now incorporated material relating to healthy eating and allergens. In 2014/15 this project will have reached nearly 500 children and their families.

Towards the end of 2014 work started on a Healthier Catering Award, targeting obesity as one of the County's significant public health issues and helping people make healthier choices one of the Suffolk Health and Wellbeing Board's objectives. We found that parallel work was being done by the Suffolk Public Health team and so have formed a partnership with them with a view to piloting a scheme during 2015.

## 5. RESOURCES

### 5.1 Financial

Staffing costs are the most significant element of food safety work (approximately 90%). The service is considered to be split 50/50 between Babergh and Mid Suffolk with very similar level of service demand and numbers of relevant business premises.

### 5.2 Staffing allocation

For 2015/16 the Food and Safety service establishment is:



The main work areas of the service are in relation to food safety, occupational health and safety, infectious diseases, private water supplies, health promotion and some licensing regulatory functions.

All members of the service team carry out food safety related work with an estimated full time equivalent staffing allocation to food law related matters as follows: 2.0 (of 3) Senior Food and Safety Officers; 3.0 (of 4) Food and Safety Officers qualified in accordance with the Food Law Code of Practice; 1.4 (of 2) Technical Support Officers not qualified in accordance with the Food Law Code of Practice.

With approximately 650 planned inspections in 2015/16 for 5.0 full time equivalent Food and Safety Officers, there will be approximately 130 planned inspections per full time equivalent competent officer. In addition to this there will be advisory visits, particularly for new businesses and revisits as follow up to the planned inspections which will double that total.

The Food and Safety service shares a support team of 3.8 full time equivalent Officers with the Environmental Protection team contributing the funding for 2. Those Officers share the 'alternative intervention' work in relation to monitoring any changes to E rated premises of which there are over 1000 and more than 300 need to be checked each year. Some of these checks will also result in inspection visits for the Food and Safety Officers.

### 5.3 Staff Development

Training needs are regularly reviewed. A record is kept by the service to ensure that each Officer maintains appropriate competence in relation to delegated authorisation. Through the Suffolk Food Liaison Group, low cost training opportunities are created whenever this is possible. It is recognised that a minimum of 10 hours Continuing Professional Development (CPD) is required for food safety enforcement officers to maintain competence and validate their continued use of delegated enforcement powers. Proposed revision to the Food Law Code of Practice, changing the CPD minimum to 20 hours per year, will potentially impact on the capacity of the service and will be considered if made.

During 2014/15 training has been undertaken by members of the team in relation to the practical application of public health legislation, imported foods, infectious disease investigation, sampling, sous vide cooking methods and allergens.

## 6. QUALITY ASSESSMENT AND SUMMARY REVIEW

6.1 Monitoring arrangements are in place to assist in the quality assessment of the work being carried out as follows:

- Annual peer review of inspections
- Structured review of a sample of post inspection records
- Regular team meetings
- Individual performance review

6.2 The following gives a summary in numbers for some of the main areas of work carried out by the food and safety service in 2014/15.

- Approximately 950 planned inspections and initial food safety interventions carried out.
- 116 complaints responded to and resolved.
- 226 advice requests from businesses responded to.
- Food samples taken from approximately 70 businesses.
- Over 400 infectious disease reports followed up.

## 7. 2015/16 ACTION PLAN

7.1 To undertake a food premises intervention programme in accordance with the requirement of the FSA Code of practices to protect the public.

- 7.2 Continue to engage with the Food Standard Agency on promotion of food safety initiatives.
- 7.3 Continue to develop and publicise the FHRS.
- 7.4 Participation in local and national sampling programmes.
- 7.5 Work with Suffolk Trading Standards to improve co-ordination, resilience and maximisation of use of effort and well as finding ways of making visits to businesses more time efficient for both the regulatory authorities and the businesses themselves.
- 7.6 Establish improved support for small and medium sized food businesses in Babergh and Mid Suffolk in conjunction with other council services, external regulatory services and the New Anglia LEP.
- 7.7 In partnership with the Public Health team at SCC, develop a healthy catering award.
- 7.8 Continue to work with schools using the Mission Possible project to improve knowledge of food safety, personal hygiene, healthy eating and allergens.
- 7.9 In partnership with the Public Health team at SCC, contribute to the development of a Suffolk Food Charter.



## Food and Safety Service Health and Safety Service Plan 2015/16

### 1. INTRODUCTION

The Health and Safety Service Plan is an expression of the Councils' continuing commitment to the Health and Safety Service. It covers the key areas of Health and Safety enforcement and the relevant management arrangements and objectives against which Babergh and Mid Suffolk District Councils will monitor service delivery.

It has been compiled in accordance with the guidance issued by the Health and Safety Executive (HSE) under Section 18 of the Health and Safety at Work etc Act 1974 (HSWA). Under this Act local authorities are required to make adequate arrangements for the enforcement of health and safety in their areas.

Guidance issued under the provisions of Section 18 has a mandatory status. A duty is placed on all local authorities to produce a Service Plan for Health and Safety, which must include the investigation of accidents and complaints, as well as address the issues of service requests, advice for business, and planned inspections.

The service plan should be agreed by elected members and must make clear the arrangements for contributing to current HSE priorities. It will take into account local needs while addressing national priorities as set out by the HSE in its Strategic Plan.

### 2. JOINT STRATEGIC PLAN

The Food and Safety service acknowledges the stated organisational visions of Babergh and Mid Suffolk District Councils:

Babergh's vision:

"To create an environment where individuals, families, communities and businesses can thrive and flourish."

Mid Suffolk's vision:

"We will work to ensure the economy, environment and communities in Mid Suffolk continue to thrive and achieve their full potential."

The purpose of the service, with regards to health and safety is to work in partnership with businesses, the Health and Safety Executive, and other local authorities in Suffolk to protect people's occupational health, safety and welfare. To achieve this, the service will endeavour to ensure that risks in the workplace are properly and proportionally managed through: targeted and risk based interventions; investigation of complaints; investigation of accidents and dangerous occurrences and; through business support so that businesses are helped to sustainability and resilience through providing safe places to work.

By doing these things, the health and safety service contributes to the following aligned strategic priorities:

**Priority One, Economy and Environment:**

- Mid Suffolk - Lead and shape the local economy by promoting and helping to deliver sustainable economic growth which is balanced with respect for wildlife, heritage and the natural and built environment.
- Babergh - Shape, influence and provide the leadership to enable growth whilst protecting and enhancing our environment.

**Priority Three, Strong and Healthy Communities:**

- Mid Suffolk - Encourage and support individuals and communities to be self-sufficient, strong, healthy and safe.
- Babergh - Shape, influence and provide the leadership to support and facilitate active, healthy and safe communities.

### 3. BACKGROUND

#### 3.1 A brief profile of the two districts

Mid Suffolk and Babergh District Councils run the length of central Suffolk between Essex and Norfolk. The administrative bases are in Needham Market and Hadleigh.

The districts cover an area of over 1,400 square kilometres, with a population of around 180,000 living in 200 parishes. The majority of the population live in villages. The principal towns are Stowmarket and Sudbury.

#### 3.2 Organisational structure

Babergh and Mid Suffolk District Councils have a joint Management Team of six Heads of Service, three Directors and a Chief Executive. The Food and Safety service sits within the Environment service group of the Place Directorate. The Food and Safety service has a Corporate Manager reporting to the Head of Environment.

### 3.3 Scope of the health and safety service

The service may be split into two broad areas - Proactive and Reactive.

Proactive includes:

- Inspection of workplaces
- Identification of new workplaces to inform new businesses of their responsibilities
- Projects around specific high risk issues
- Enforcement of health and safety law
- Education of employers/employees and the general public

Reactive includes:

- Investigation of accidents
- Investigation of complaints
- Providing advice and information

The core health and safety service is provided directly by MSDC/Babergh employees but specialist contractors are used when specific technical accreditation is required (for example for gas or electrical safety issues) or short-term projects or where capacity is a problem.

The service has entered into a joint warranting arrangement with the other Suffolk District and Borough Councils so that in emergencies, regulatory staff are authorised to operate across council boundaries.

### 3.4 Demands on the service

The premises for which Mid Suffolk and Babergh have regulatory responsibility can be categorised as follows:

Type of premises	Total number of premises known at March 2015
Retail shops	628
Wholesale shops, warehouses and fuel storage depots	108
Offices	465
Catering, restaurants and bars	490
Hotels, camp sites and other short-stay accommodation	59
Residential care homes	60
Leisure and cultural services	251
Consumer services	541
Other premises (not classified above)	62
HSE enforced	1,356
<b>TOTAL</b>	<b>4,020</b>

There are only a handful of these premises that will be visited as a result of a scheduled inspection as discussed in section 4 of this plan. The main demands placed on the service will be from a combination of responses to events such as accidents, complaints and business enquiries plus work on locally identified priorities such as catering gas safety, warehouse safety and forklift trucks.

In addition to premises based businesses, there are a number of public events and entertainments where the local authorities have health and safety regulatory responsibilities.

### 3.5 Enforcement policy

The two Councils have adopted a joint enforcement policy. All officers are expected to act in accordance with this policy which is freely available for inspection by the public and local businesses and is posted on the Councils' websites. It incorporates the Regulators Code and from that, an explicit commitment to carry out regulatory activities in a way that supports businesses to comply and grow.

## 4 SERVICE DELIVERY

4.1 HSE guidance (LAC67/2) gives local authorities the following overarching principle regarding planning regulatory interventions:

*LAs should use the range of techniques (interventions) available to increase their impact and reach to influence behaviours and improve the management of risk. LAs should decide, plan and target their health & safety interventions based on the outcomes and priorities that they are trying to address.*

4.2 In May 2013 the HSE published the National Local Authority Enforcement Code (the Code). The Code was developed in response to the recommendation in "Reclaiming health and safety for all: an independent review of health and safety legislation" by Professor Ragnar Löfstedt for HSE to be given a stronger role in directing Local Authority (LA) health and safety inspection and enforcement activity and as an outcome of the Red Tape Challenge on health and safety.

4.3 The code advises that LAs should achieve targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

- Having risk-based intervention plans focussed on tackling specific risks;
- Considering the risks that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and
- Using national and local intelligence to inform priorities.

4.4 LAC 67/2 provides the following list of activities/sectors for proactive inspection by LAs, stating only activities falling within these sectors or types of organisation should be subject to proactive inspection:

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work for caravan parks (to communal/amenity blocks only)
3	E.coli/cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	Tyre fitters/ MVR (as part of Car Sales) High volume Warehousing/Distribution	Use of two-post vehicle lifts Workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Workplace transport/work at height/cutting machinery /lifting equipment.
6	Industrial diseases (occupational asthma/deafness)	MVR Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Use of Isocyanate paints Noise and dust.
7	Falls from height	High volume Warehousing/Distribution	Work at height
8	Crowd control & injuries/fatalities to the public	Large scale public events/sports/leisure facilities e.g. motorised leisure pursuits including off road vehicles and track days	Inadequate consideration of public safety e.g. poor organisation and/or supervision of high speed or off-road vehicle movements
9	Carbon monoxide poisoning and gas explosion	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances.
10	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/care settings.	Lack of suitable security measures/procedures

## 4.5 Interventions

As is clear from the above, there are severe constraints as to the interventions that the local authorities are permitted to make and as a result few proactive inspections are now made.

The Food and Safety service has almost concluded proactive work on legionella in care homes where a programme of checks have been made in conjunction with food safety visits.

A number of serious problems found with gas safety in catering establishments, including immediate risk of explosion from a leak, has resulted in some active work in this area. Following update training for the team, during 2014 gas safety has become part of routine enquiry when carrying out food safety visits and this work is likely to continue in 2015/16. As a result so far there have been around 130 proactive interventions in relation to gas safety with problems found in approximately 10% of these. These problems have varied in severity from a lack of recent system safety checks to situations where appliances have been found to be unsafe whilst in continued use. We have also come across problems with engineers working on commercial equipment when only competent to work on domestic systems.

In initiating the gas safety checks in catering premises, proactive health and safety interventions increased four-fold on 2013/14 but this was efficiently done alongside food safety work, also making it less burdensome to businesses by not involving a separate visit.

In the last service plan, a rating system for skin piercers had been mooted as an area for development in 2014/15. Unfortunately, we could not get the other Suffolk districts and boroughs involved and it was decided that such a scheme could not work effectively just within Mid Suffolk and Babergh.

## 4.6 Health and Safety Campaigns

To fulfil the Councils' obligation to achieve the HSE's goals Babergh and MSDC will continue to take part in national and regional campaigns in addition to locally identified issues.

The local campaigns in 2015/16 are likely to focus on:

- Gas safety in catering premises (continuing)
- Warehouse safety
- Forklift truck safety
- Asbestos

## 4.7 Accident Investigations

The law requires employers to report certain types of work related accidents, diseases or dangerous occurrences. Officers will investigate the most serious of these incidents to establish if health and safety law has been broken and also with the aim of preventing similar accidents from occurring and taking any appropriate enforcement action. A reactive intervention approach, using the Incident Selection Criteria (LAC 22/13) has been in place since October 2009 and revised in 2012. From LAC 22/13 incidents should be selected for investigation with consideration of HSE's Enforcement Policy Statement (EPS). LAs will, in accordance with their duty under Section 18, allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health. When deciding which incidents to investigate and the level of resource to be allocated to the investigation, account should be taken of the:

- severity and scale of potential or actual harm;
- seriousness of any potential breach of the law;
- duty holder's known past health and safety performance;
- enforcement priorities;
- practicality of achieving results; and
- wider relevance of the event, including serious public concern

Number of injuries and investigations 01.04.14 to 31.03.15

<b>Severity of Injury</b>	<b><i>Injuries reportable under RIDDOR</i></b>		
	<b>Status of injured person</b>		<b>Total</b>
	<b>Employed</b>	<b>Public</b>	
Fatal injuries	0	4	4
Non-fatal injuries	42	44	86
Dangerous Occurrences	1	0	1
<b>TOTALS</b>	<b>43</b>	<b>48</b>	<b>91</b>
Of which the local authorities investigated	10	20	30

The total number of reported injuries increased from 79 in 2013/14 to 91. This continues an upward trend but could not be, at this stage, considered to be of statistical significance.

#### 4.8 Complaints

Complaints from the public and employees concerning unsafe practices, poor working environment, excessive working hours and poor facilities e.g. toilet provision, are investigated. We have a range of legal powers to ensure the necessary improvements are made although it is our stated aim to work, wherever possible, with all parties concerned to achieve these objectives without having to take formal action.

**Number of requests for health and safety service received (e.g. complaints about health and safety standards in a workplace; requests for information/advice) 01.04.14 to 31.03.15**

	No. of requests for health and safety service received by LA
Total Number	58
Of which the LA investigated	44

#### 4.9 Advice to Businesses

Officers are committed to building positive working relationships with business proprietors and work with them to help them comply with the law and to improve health and safety standards. Information is held on and signposted from the Councils' websites. There is also a comprehensive library of information sheets and leaflets many of which are distributed free of charge. Both new and existing businesses are encouraged to contact the service for advice.

The Food and Safety service is currently engaged with the development of our approach to business support in conjunction with other regulators in Suffolk and the New Anglia LEP and a major strand of the development of the overall Food and Safety service in 2015/16 will be how the regulatory services of Mid Suffolk and Babergh can simplify and improve access to support for businesses.

#### 4.10 Event Safety Advisory Group

The Food and Safety service contribute health and safety expertise to the Suffolk Event Safety Advisory Group (SESAG). The purpose of this group is to ensure a co-ordinated approach to crowd and spectator safety and wellbeing is developed for events organised in the Suffolk area.

#### 4.11 Home authority and primary authority principles

The Council supports the Home Authority Principle and will provide advice to businesses if it acts as the Home Authority. Officers have regard to information that they receive from any liaison with Home Authorities and where advice has been received, the relevant Authority will be kept informed of actions taken by this Council.

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have paid for a primary authority arrangement.

### 5. RESOURCES

#### 5.1 Financial

Staffing costs are the most significant element of health and safety work (approximately 90%). The service is considered to be split 50/50 between Babergh and Mid Suffolk with very similar level of service demand and numbers of relevant business premises.

#### 5.2 Staffing allocation

For 2015/16 the Food and Safety service establishment is:



The main work areas of the service unit are in relation to food safety, occupational health and safety, infectious diseases, private water supplies, health promotion and some licensing regulatory functions.

The full time equivalent staffing allocation to Health and Safety law related matters in the establishment structure is as follows: 0.5 (of 3) Senior Food and Safety Officers; 0.5 (of 4) Food and Safety Officers; 0.1 (of 2) Technical Support Officers.

### 5.3 Staff Development

During 2014/15 training has been done by members of the team in the following areas:

- Electrical safety
- Gas Safety
- Construction safety

Two members of the team are currently undertaking NEBOSH (National Examination Board in Occupational Safety and Health) diplomas in health and safety on day release to improve the resilience of the service. They have passed examinations for the first module and are awaiting results for the second with one further module to go.

General training needs will continue to be determined in an ongoing way and as part of the development needs process and include in-house and external training opportunities. Training and development records will be personal to the Officer concerned. The Regulators' Development Needs Analysis (RDNA) assessment tool will be used.

## 6 QUALITY ASSESSMENT AND REVIEW

6.1 The following monitoring arrangements are in place to assist in the quality assessment of the work being carried out:

- Review by the Corporate Manager of recorded work
- Regular team meetings
- Individual performance review

6.2 During 2014/15, major interventions have included the following:

- Catering gas safety campaign.

From November 2014, the Food and Safety team have been investigating gas safety in all catering establishments they have inspected for food hygiene. At the time of writing, 134 premises that use gas have received a spot check on their gas installation and fittings to make sure they are safe to use.

Officers have found issues and concerns in approximately 10% of the installations checked. Problems include: installations that have not been inspected for safety in many years; gas ranges not fitted with any flame failure safety devices; the wrong type of fittings such as connection hoses; inadequate 'makeup air' and extraction and; tenanted properties without the mandatory landlord gas safety certificate in place. In one case a business needed to close whilst it replaced a dangerous cooking range.

Fortunately most businesses have understood that gas is extremely dangerous and have been happy to work with us, carrying out any necessary checks and work without the need for enforcement notices.

This work has also identified gas engineers working on installations for which they are not competent and engineers not following up situations that they have identified as hazardous. We have had an ongoing dialogue with Gas Safe (previously CORGI), the industry accreditation scheme body, over both individual cases and these issues as a whole.

- Prosecution of Limes Hotel, Needham market over gas safety.

Whilst following up a food safety complaint at the Limes Hotel, it was found that the kitchen was extremely hot and stuffy and that employees were suffering headaches whilst working in the kitchen. These concerns were raised with the hotel management. A gas engineer was able to confirm that the CO<sub>2</sub> levels within the kitchen were 4800 ppm. This placed the installation 'At Risk' and was only 200 ppm below the national absolute legal maximum of 5000 ppm, which in itself would have been a breach of regulations. This resulted in prosecution for a health and safety offence along-side food offences, and subsequently a £12k fine in January 2015. The owners have since upgraded the kitchen's ventilation and extraction systems.

- Bowling alley injury.

In July 2014, whilst attending a birthday party event at Strike Bowling Ltd, Sudbury, a 5 year old managed to trap a hand and arm in one of the ball return units, causing minor cuts and bruises. The incident was a near miss and given the potential seriousness it was investigated. Due to the highly technical elements of bowling equipment and their specific guarding needs, we asked the HSE for specialist assistance.

Investigation highlighted the lack of sufficient and adequate guarding to the five 'ball return units' and the lack of guarding and protection from moving parts of the 10 pin-setter mechanisms in the non-public area.

Working with the owners, a programme of upgrades and remedial work has been agreed and put in place. This includes, installing guard extensions to all ball return units and a new integrated interlocking and steel security cage system around the pin-setting machines which will prevent access until each machine is fully isolated from its power supply. The work is scheduled to be complete by the end of March 2015 with priority given to the ball return units.

- Investigation of dangerous occurrence - failure of a fork lift truck and lifting slings at Promotional Logistics limited warehouse in Milner Road, Sudbury.

In September 2014, a fork lift truck (FLT) at a warehouse was carrying out a lifting operation involving the unloading of a unusually long and heavy bundle of angel-iron steel, by means of a set of lifting slings, from the back of a flatbed HGV. As the FLT began to rotate the load one of the two lifting slings being used snapped causing the heavy steel load to violently and unexpectedly crash to the ground. In the process the FLT was destabilised and toppled over coming to rest against the side of the HGV, preventing it from falling completely over onto its side. Fortunately, the driver of the FLT only received minor injuries to his leg.

On investigation it was established that the company had failed to adequately risk assess this non-standard lifting operation and had not put in place adequate controls to prevent the lift truck becoming unstable when lifting unusually long loads. It was also established that the company was using third party lift slings, which was against their own policy. At the time of the incident drivers were not being supervised adequately.

As the company had a good track record and quickly re-established control and updated procedures a formal written warning was determined to be the appropriate course of action for the council under the enforcement policy.

## **7 ACTION PLAN**

- 7.1 Undertake an intervention programme in accordance with the requirements of HSE guidance LAC67/2 and the National Local Authority Enforcement Code to protect people in the workplace and the public.
- 7.2 Establish improved support for small and medium sized businesses in Babergh and Mid Suffolk in conjunction with other council services, external regulatory services and the New Anglia LEP.
- 7.3 Continue to engage with the HSE and other Suffolk local authorities on promotion of health and safety initiatives and interventions.
- 7.4 Work with Suffolk Trading Standards to improve co-ordination, resilience and maximisation of use of effort and well as finding ways of making visits to businesses more time efficient for both the regulatory authorities and the businesses themselves.