

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Corporate Manager – Food and Safety	Report Number: R112
To: Strategy Committee Executive Committee	Date of meeting: 7 April 2016 11 April 2016

JOINT FOOD SAFETY AND HEALTH AND SAFETY SERVICE PLANS 2016/17

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 2016/17.

2. Recommendation

- 2.1 That the joint Mid Suffolk and Babergh Food Safety and Health and Safety service plans 2016/17, 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 2016/17 budget identified for the Food and Safety team.

4. Legal Implications

- 4.1 The two service plans have been drafted in accordance with the Food Standards Agency framework agreement and the Health and Safety Executive section 18 standard and fulfil local authority obligations under guidance issued by the FSA and HSE.

5. Risk Management

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

6. Consultations

- 6.1 None

7. Equality Analysis

- 7.1 The structure of the 2016/17 plans do not deviate significantly from previous years. The conclusion from equality analysis screening is that the proposed service plans are neutral in terms of the elimination of discrimination, harassment or victimisation.

8. Shared Service / Partnership Implications

- 8.1 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.

8.2 The Food and Safety service continues to be closely involved with the 'Open for Business' delivery plan project which is led by the Corporate Manager – Food and Safety. The Corporate Manager – Food and Safety is similarly working with regulators in Norfolk and Suffolk and the New Anglia LEP to develop partnership arrangements through a Better Business for All (BBfA) programme.

9. Links to Joint Strategic Plan

9.1 The work of the Food and Safety service contributes to the organisational vision of Babergh and Mid Suffolk District Councils relating to 'Business Growth and Increased Productivity' and also 'Engages with and supports businesses to thrive'.

10. Key Information

10.1 The Food Standards Agency (framework agreement) and Health and Safety Executive (section 18 standard) mandate the production of these two service plans.

10.2 To ensure local transparency and accountability the plans should be considered and approved by the appropriate member forum. Members are therefore asked to consider the proposed plans and offer any comments.

10.3 The two plans include an element of review but the following are a few points of note from 2015/16:

- The upward trend of broadly compliant food businesses has increased to 94.35% (equating to a food hygiene rating of 3 or better)
- More than 1100 planned food safety inspections and initial food safety interventions were carried out.
- Over 100 complaints about food and food businesses were responded to and resolved.
- Around 230 food safety related advice requests from businesses were responded to.
- The healthier catering award, Eat Out, Eat Well (EOEW) was launched in January 2016. This is an award for catering businesses that provide healthier options and was developed with the SCC Public Health team.
- A gas safety campaign in catering businesses resolved a number of dangerous situations and identified gas engineers who were working outside of their designated area of authorisation.

10.4 Things to look out for in 2016/17:

- The Corporate Manager – Food and Safety is leading on a Better Business for All (BBfA) initiative for the New Anglia LEP area to establish a strategic regulatory approach that will influence the way we interact businesses in Babergh and Mid Suffolk. This is being developed with other council services, the regulatory services of all councils in Norfolk and Suffolk, the New Anglia LEP and the New Anglia Growth Hub.

- Alongside EOEW the Food and Safety service are working with the Public Health team at SCC on Take Out, Eat Well, to promote healthier options in food takeaway businesses.
- The Public Health team, following a mandate from the Suffolk Health and Wellbeing Board, are creating a Food Charter for Suffolk and the Food and Safety team have actively contributed to this development which is due to be launched in 2016.
- The gas safety campaign in catering businesses will continue in 2016/17. The evidence of the work done in this area so far has established that there are a significant number of issues to be identified and resolved. In a development of this work, which relates to the risks of Carbon Monoxide and incomplete combustion as much as the risk of explosion, the Food and Safety team will also check the adequacy of ventilation in relation to charcoal ovens where these are in use in catering premises.

11. Appendices

Title	Location
1. Food and Safety Service, Food Safety Service Plan 2016/17	Attached
2. Food and Safety Service, Health and Safety Service Plan 2016/17	Attached

12. Background Documents

- 12.1 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>
- 12.2 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 2016/17

1. INTRODUCTION

The Food Safety Service Plan is an expression of the Councils' continuing commitment to the provision of the Food Safety Service. It covers the key areas of Food 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 Food Standards Agency (FSA) and includes the detailed information required by the Framework Agreement on Local Authority Food Law Enforcement.

2. JOINT STRATEGIC PLAN AND SERVICE RATIONALE

In operation, the Food and Safety service acknowledges the stated organisational vision of Babergh and Mid Suffolk District Councils relating to 'Business Growth and Increased Productivity' and will continue to 'Engage with and support businesses to thrive'.

Food businesses are central to the economy of the two districts and food safety important to the wellbeing of residents, visitors and other consumers of food produced in the area. Consequently, one of the fundamental purposes of the Food and Safety service is to sustain and improve the standards of safety and quality of food manufactured, prepared and supplied in Babergh and Mid Suffolk. 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 as well as enforcement when this proves necessary.

The use of a publicised national 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. The introduction of a healthy catering award 'Eat Out Eat Well' (EOEW) in partnership with the County Public Health service and assessed by officers of the Food and Safety team provides an additional mechanism by which catering businesses can differentiate themselves whilst contributing to a significant public health objective.

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 currently 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 Senior Leadership team comprised of seven Heads of Service, two Directors and a Chief Executive. The Food and Safety service sits within the Environment and Projects service group. The Food and Safety service has a Corporate Manager reporting to the Head of Environment and Projects.

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 in both food safety and nutrition
- 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
- Assessing catering businesses for the EOEW healthier catering award

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 or intervention 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 2016/17, at the time of writing this plan are as follows:

Risk Rating	Inspection Interval	Total Number of premises	Number of planned interventions
A	6 monthly	5	10
B	12 monthly	73	73
C	18 monthly	269	184
D	24 monthly	568	304 (plus 50)
E	36 monthly	1049	383
Outside scope and unrated		18	N/A
Total		1,982	954 (plus 50)

There are 1,982 food premises recorded on the Babergh/Mid Suffolk database of which 13 are approved under EC Regulation 853/2004. As a result of staff absence and demand pressures on the service relating to enforcement activity, there is a carry-over of approximately 50 D rated businesses that could not be visited as scheduled in 2015/16. The team will endeavour to catch up with this backlog in 2016/17.

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, also included in the risk rating are 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 still inspect frequently (up to twice a year) 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. At the time of writing, a revised draft enforcement policy that puts the Regulators Code more at the centre of the Councils' approach to regulating businesses is at a consultation stage.

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 has approximately 954 routine or initial food safety interventions scheduled for the period 1 April 2016 to the 31 March 2017 plus a backlog of approximately 50 D rated businesses from 2015/16.

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.

The Food and Safety team will also, when appropriate, endeavour to add value to the contact we have with food businesses and will continue to provide information about energy efficiency advice provided by the Suffolk Climate Change Partnership whilst the advice scheme is still open. Having been involved in the development, we will now be promoting the Eat Out, Eat Well (EOEW) healthier catering award in partnership with the Suffolk Public Health team. The award can give businesses that wish to participate, a way of differentiating themselves and providing an additional selling point.

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. If a business wants us to make a revisit, where they have made changes following an inspection and want a higher rating, unless the changes are purely structural, the FSA guidance prevents us from revisiting until after three months has expired from the original inspection.

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. 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 Food and Safety service of the two councils supports 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 entered an arrangement with a local authority as a primary authority.

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.

4.5 Training for Food Handlers

The service will continue 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.

In 2016/17 the Food and Safety service will be offering nutrition and healthy eating training to complement the new healthier catering award EOEW. For businesses wishing to achieve the highest level of the award, gold, having staff trained in nutrition will be of significance.

4.6 Food Hygiene Rating System (FHRS)

The FHRS has now been adopted by all English local authorities and 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.

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. A minimum of a Food Hygiene Rating of 3 equates to broadly compliant. A review of the trend in broadly compliant businesses can be found at section 6.2 which continues to show a steady rise.

4.7 Food inspection and sampling

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.

For 2016/17 the sampling programme will continue to include local producers. Eastern region studies so far include hygiene of dual use equipment (i.e. for raw and ready to eat) which will involve swab samples.

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. 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 created 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. All members of the Food and Safety team have undergone training in infectious disease investigation and the majority participated in an infectious disease outbreak exercise in 2014.

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

Dr Giri Shankar - CCDC
Dr Bernadette Nazareth - CCDC
Dr Hamid Mahgoub - CCDC
Dr Victor Aiyedun - CCDC
Dr Marianne Vinson - CCDC

Dr Smita Kapadia - CCDC
Dr Deepti Kumar - CCDC
Dr Sally Millership - CCDC
Dr David Irwin - CCDC
Dr Amelia Cummins - CCDC
Dr Sultan Salimee - CCDC
Dr Kate King - Public Health Protection Medical Specialist

The total numbers of infectious disease notifications for 2015/16 was 355 showing a decrease on the previous year of approximately 11%. The decrease is most likely as result of a change in policy by the PHE who have stopped reporting isolated Campylobacter cases to us.

4.9 Food safety incidents

The Councils receive 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. Most alerts require no action on the part of the councils and we publicise them on the Food and Safety service twitter account

Around 70 Food Alerts were received from the FSA in 2015/2016. The majority of these related to undeclared allergens. The only alert in this period that had specific implications for a business in the Mid Suffolk and Babergh area related to some rice that had been contaminated by small pieces of metal by a bulk supplier in Italy and the rice had then been used in manufacture in the UK. Once the problem had been identified by the Mid Suffolk based company they took quick and responsible action to ensure the recall of products containing the rice.

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
- The Suffolk Food Charter
- The Suffolk Healthier Catering Award Steering Group

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

The joint warranting arrangements across the Suffolk authorities continue to be maintained. This was an initiative taken to counter the likely problems that would occur if there were an extensive problem in Suffolk such as a major food poisoning outbreak or a significant investigation where many witness statements were needed. The agreement enables officer of one council to take an enforcement role in another should that need arise.

A Suffolk Healthier Catering Award Eat Out, Eat Well (EOEW) was launched in January 2016. This was developed by the SCC Public Health team in partnership with other Suffolk councils and gives catering food businesses an opportunity to differentiate themselves and potentially create a recognised additional ethical selling point whether to employees in the case of staff canteens or to the public if a café or restaurant. Catering businesses can now apply to the district and borough councils for three levels of award, gold, silver and bronze. The gold award will generally require a member of the catering business staff to have a formal qualification in nutrition; training that the Food and Safety team at BMSDC are now offering. The introduction of the award in Suffolk acknowledges obesity as a significant public health problem and follows a mandate from the Suffolk Health and Wellbeing Board. A project officer has been appointed for a year, to get the award up and running and this officer is employed by BMSDC as we have been a key partner in developing the award. The funding for this post is from SCC Public Health. We are working on a simplified version of the award for takeaway businesses having identified these as a significant component in the problem but as having constraints in meeting the main award.

4.11 Food safety promotion

In 2015, the major campaign has continued from 2014 and has been about the safe handling of raw poultry and the risks of *Campylobacter*. The Food and Safety team continued to use social media including their own Twitter account to disseminate the key messages.

Also in 2015, the Food and Safety team promoted the Food Hygiene Rating Scheme at the Suffolk show.

The Mission Possible project in schools continues in both Mid Suffolk and Babergh with food hygiene, healthy eating and allergen information for year 6 school children.

We are planning a promotion of EOEW at the Suffolk show in 2016.

5. RESOURCES

5.1 Financial

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. For 2016/17 the Food and Safety service has a budget of approximately £500K of which staff costs are approximately 85%.

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 571 planned inspections in 2016/17 plus 50 carried over from 2015/16 for 5.0 full time equivalent Food and Safety Officers, there will be approximately 124 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 2.0. 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 380 need to be checked during 2016/17. Some of these checks will also result in inspection visits for the Food and Safety Officers.

5.3 Staff Development

The FSAs Food Law Code of Practice 2015 introduced revised competency and qualification requirement for authorised officers that come into effect fully in April 2016. At BMSDC we had anticipated changes in qualification requirements such that Food and Safety Officers of the two councils are in a position to continue to carry out the full range of regulatory activity without the need for additional basic training. The Code of Practice also extends the requirement of a minimum of 10 hours Continuing Professional Development (CPD) to 20 hours.

Training needs are regularly reviewed. A record is kept by the service to ensure that each Officer maintains appropriate competence in relation to individual delegated authorisation. Through the Suffolk Food Liaison Group, low cost training opportunities are created whenever this is possible.

In 2015/16 members of the Food and Safety team have undergone training in the following:

- Food Hygiene Enforcement Sanctions
- Inspection of Premises for Approval under Regulation (EC) 853/2004
- Dairy inspections
- Sampling
- Microbiological Criteria of Foodstuffs Regs
- Level 2 Award Healthier Food & Special Diets
- Level 3 Award Healthier Food & Special Diets

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 quarterly 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 2015/16.

- Approximately 1110 planned inspections and initial food safety interventions carried out.
- 105 complaints responded to and resolved.
- 231 advice requests from businesses responded to.
- Food samples taken from approximately 50 businesses.

- Over 355 infectious disease reports followed up.

Percentage of Broadly compliant food premises:

09	09/10	10/11	11/12	12/13	13/14	14/15	15/16
79%	86%	86%	84%	88.3%	92.5%	93.29%	94.35%

In 2015/2016 there were 105 food and food premises complaints, these relatively low numbers are not significantly different from the previous year (116) and are an indication of the good levels of general compliance of our food businesses.

In 2015/2016 there were more than 230 food advice requests. Most of the requests continue to relate to the starting up of small independent businesses. This compares with 226 in 2014/15. When combined with the small overall decrease in registered food businesses (2,050 to 1,982), there is no clearly discernible trend to food business activity.

During 2015/16 food samples have been taken from around 50 businesses across both districts.

Food sampling studies for 2015/16 have included:

- Study 57 - Sandwich and jacket potato fillings
- As well as our regular sampling from our local producers.

6.3 Case Studies

To illustrate the impact of the Food and Safety service, the following case studies are typical of how we are able to help and advise businesses to be legally compliant.

Feasts on Wheels

Feasts on Wheels are an ever evolving catering business providing predominantly hot meals. The business re-developed in 2014 to produce chilled ready-meals and subsequently moved back to mainly hot. The business supplies both the individual final consumer and groups such as care homes and lunch clubs, having identified a business opening from the wind-down of the Community Meals Service.

The Food and Safety team has worked with Mr David Renton, the director of Feasts on Wheels at each stage of redesigning the business and as a result we have been able to help identify and overcome potential food safety issues from the outset. The complexity of the food business meant that it has required a full Hazard Analysis Critical Control Point system (HACCP) identifying critical control points and issues around shelf life and sampling were resolved at an early stage.

The business has consistently achieved a 5 rating on the Food Hygiene Rating System.

Tudor Bakehouse

The Tudor Bakehouse is a long established retail bakery and sandwich shop occupying an old building in the centre of Eye. The business has been run by the same family for many years with the current business operator Mr P Muncilla registering in 2011.

Inspections in recent years had resulted in a food hygiene rating that was slipping, then stuck at a 2 rating, largely, but not only, due to issues relating to the premises structure and layout. This culminated in a formal letter requiring improvement and a Hygiene Improvement Notice requiring a wash-hand basin to be put in.

We could see they needed some assistance and working with the food business operator food and safety officers, through giving advice and direction, were able to help the business gain a Food Hygiene Rating of 5.

Copper Kettle

The Copper Kettle is a small café operating at Kersey Mill near Hadleigh. It is a little out of the way forming one of a number of small businesses on the same site. In 2015 the Food and Safety team received a request for advice from Rosie Waller, a new food business operator for the existing business.

An advisory visit was carried out involving Ms Waller and two of her staff. An appropriate food safety management system, Safer Food Better Business (SFBB), was taken along and how to use it explained.

Advice on training, how to comply with the FSA E. coli guidance and the new allergen requirements was also given and necessary and recommended structural improvements were discussed.

The advisory visit was followed up with information including details of local food hygiene training providers and some useful weblinks such as the FSA E. coli guidance.

A formal inspection was carried out later in 2015. The premises was rated '5' under the Food Hygiene Rating System.

On other occasions, we come across food business operators who are less willing to meet the necessary standards and the Food and Safety service finds taking formal legal action unavoidable. The following are examples of both prosecutions and simple cautions administered over the last year.

McCarthy's Country Store

In October 2015, Mr P McCarthy, from Brentwood, Essex, appeared before Bury St Edmunds Magistrates' Court and pleaded guilty to the charge of obstructing an officer acting in the execution of the hygiene regulations, but not guilty to placing unsafe food on the market.

A member of the public had complained that he had been sold a piece of mouldy bread pudding from McCarthy's Country Store market stall on Sudbury Market. Although the defendant denied that his business had sold the product, he failed to produce the necessary traceability documents to prove this and the bench was persuaded by the evidence of the complainant, the market superintendent and the Food and Safety officers and found Mr McCarthy guilty.

McCarthy was fined £1,000 for the unsafe food charge, £1,500 for the obstruction charge and a victim surcharge of £120. Full legal and investigative costs of £1,280 were awarded to Babergh District Council.

Hot Wok Oriental Ltd

Evidence was given to Bury St Edmunds Magistrates about six food safety offences committed at the Hot Wok Oriental, Sudbury in a case heard in July 2015.

The prosecution was taken against both the company and the head chef, Mr Kon Kin Lee in relation to a failure to protect food from contamination; inadequate provision for storage of waste; failure to keep premises clean and in good repair; inadequate provision for washing hands; floor surfaces in the food prep area not maintained in a sound condition and; equipment in contact with food not kept clean and maintained in good repair.

Both defendants pleaded guilty to the six charges and Hot Wok Oriental Ltd was fined £1,500 for each offence, plus half costs and victim surcharge giving total of £9,270 whilst Kon Kin LEE was fined £200 for each offence, plus half costs and victim surcharge giving total of £1,370.

Food Mobile - Poor Standards

In April 2015 a Simple Caution was administered to a food business operator for operating a food mobile at a car boot sale without adequate food safety procedures, was dirty and in poor repair, had no facilities for hygienic washing and drying of hands, had dirty food equipment and on which the food handlers were not wearing suitable, clean protective clothing or adequately trained.

Restaurant Business - Poor Standards

In October 2015 the food business operator accepted a Simple Caution. This was following an inspection that found the business operating without adequate food safety procedures, with inadequately trained food handlers, with premises in poor repair, dirty and with inadequate provision for waste disposal and without appropriate systems to ensure that unsafe food was not placed on the market.

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 promote and publicise the FHRS.
- 7.4 Participation in local and national sampling programmes.
- 7.5 Promote and implement the Eat Out, Eat Well healthier catering award and assist in the development of the Take Out, Eat Well award for takeaway food businesses.
- 7.6 As one of the Suffolk partners with the Public Health team at SCC, contribute to the development of a Suffolk Food Charter.
- 7.7 With the other Suffolk Food Safety services, develop guidance for outside caterers.
- 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 New Anglia LEP, the Growth Hub and all Norfolk and Suffolk local authorities, develop a Better Business for All programme for Suffolk and Norfolk as the strategic regulatory approach for those counties.



Food and Safety Service Health and Safety Service Plan 2016/17

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 AND SERVICE RATIONALE

In operation, the Food and Safety service acknowledges the stated organisational vision of Babergh and Mid Suffolk District Councils relating to 'Business Growth and Increased Productivity' and will continue to 'Engage with and support businesses to thrive'.

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.

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 Senior Leadership team comprised of seven Heads of Service, two Directors and a Chief Executive. The Food and Safety service sits within the Environment and Projects service group. The Food and Safety service has a Corporate Manager reporting to the Head of Environment and Projects.

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).

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:

<i>Type of premises</i>	<i>Total number of premises known at March 2016</i>
<i>Retail shops</i>	<i>599</i>
<i>Wholesale shops, warehouses and fuel storage depots</i>	<i>109</i>
<i>Offices</i>	<i>460</i>
<i>Catering, restaurants and bars</i>	<i>469</i>
<i>Hotels, camp sites and other short-stay accommodation</i>	<i>60</i>
<i>Residential care homes</i>	<i>57</i>
<i>Leisure and cultural services</i>	<i>253</i>
<i>Consumer services</i>	<i>540</i>
<i>Other premises (not classified above)</i>	<i>62</i>
<i>HSE enforced</i>	<i>1,309</i>
<i>TOTAL</i>	<i>3,918</i>

There are very few 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. At the time of writing, a revised draft enforcement policy that puts the Regulators Code more at the centre of the Councils' approach to regulating businesses is at a consultation stage.

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	<i>Legionella infection</i>	<i>Premises with cooling towers/evaporative condensers</i>	<i>Lack of suitable legionella control measures</i>
2	<i>Explosion caused by leaking LPG</i>	<i>Premises (including caravan parks) with buried metal LPG pipework</i>	<i>Buried metal LPG pipe work for caravan parks (to communal/amenity blocks only)</i>
3	<i>E.coli/cryptosporidium infection esp. in children</i>	<i>Open Farms/Animal Visitor Attractions</i>	<i>Lack of suitable micro-organism control measures</i>
4	<i>Fatalities/injuries resulting from being struck by vehicles</i>	<i>Tyre fitters/ MVR (as part of Car Sales) High volume Warehousing/Distribution</i>	<i>Use of two-post vehicle lifts Workplace transport</i>
5	<i>Fatalities/injuries resulting from falls from height/ amputation and crushing injuries</i>	<i>Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants</i>	<i>Workplace transport/work at height/cutting machinery /lifting equipment.</i>
6	<i>Industrial diseases (occupational asthma/deafness</i>	<i>Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants</i>	<i>Use of Isocyanate paints Noise and dust.</i>
7	<i>Falls from height</i>	<i>High volume Warehousing/Distribution</i>	<i>Work at height</i>
8	<i>Crowd control & injuries/fatalities to the public</i>	<i>Large scale public gatherings e.g. cultural events, sports, festivals & live music</i>	<i>Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue</i>
9	<i>Carbon monoxide poisoning</i>	<i>Commercial catering premises using solid fuel cooking equipment</i>	<i>Lack of suitable ventilation and/or unsafe appliances.</i>
10	<i>Violence at work</i>	<i>Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/care settings and where intelligence indicates that risks are not being effectively managed</i>	<i>Lack of suitable security measures/procedures</i>

Or alternatively, proactive inspection can be carried out where there is intelligence showing that risks are not being effectively managed.

4.5 Interventions

As is clear from the above, there are significant constraints as to the interventions that the local authorities are permitted to make and as a result few proactive inspections are now made. Nevertheless, the Health and Safety service has continued to operate proactively where there is a clearly identifiable need as well as providing an appropriate responsive service.

A programme of proactive checks in catering businesses of gas safety, which has been running since 2014, has been the Health and Safety service focus for intervention during 2015/16. This activity relates to both category 9 of the LAC 67/2 list and the criterion of local intelligence where we could demonstrate that risks were not being effectively managed. Work in this area has identified a number of problems including both specific gas safety issues and problems relating to gas engineers working outside their authorised competency. Some formal legal action has been necessary to resolve a few of the problems but the majority have been dealt with informally.

4.4 Health and Safety Campaigns

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

The local campaigns in 2016/17 are likely to focus on:

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

4.5 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 01.04.15 to 31.03.16

<i>Severity of Injury</i>	<i>Injuries reportable under RIDDOR</i>		
	Status of injured person		Total
	Employed	Public	
Fatal injuries	0	0	0
Non-fatal injuries	46	38	84
Dangerous Occurrences	0	0	0
TOTALS	46	38	84
Of which the local authorities investigated	12	3	15

The total number of injuries reported to Babergh and Mid Suffolk decreased from 91 in 2014/15 to 84.

4.6 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) 01.04.15 to 31.03.16

	No. of requests for health and safety service received by LA (14/15 in brackets)
Total Number	85 (58)
Of which the LA investigated	67 (44)

Requests to the councils showed an increase from the previous year and this resulted in a significant additional amount of work following them up.

Examples of requests for service include:

- An enquiry about adequate workplace ventilation
- Advice request about the safe location of a CO2 storage tank
- A complaint about lack of electrical safety certification
- A complaint about poor practices with paint spraying
- A complaint about asbestos removal

4.7 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 continuing strand of the development of the overall Food and Safety service in 2016/17 will be how the regulatory services of Mid Suffolk and Babergh can simplify and improve access to support for businesses.

4.8 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.

4.9 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

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. For 2016/17 the Food and Safety service has a budget of approximately £500K of which staff costs are approximately 85%. The health and safety function of the Food and Safety service is delivered via a small proportion of the overall resource as can be seen in the staffing allocation below.

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 2015/16 two members of the team have completed NEBOSH (National Examination Board in Occupational Safety and Health) diplomas in health and safety.

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 2015/16 significant interventions have included the following:

218 catering premises were visited with gas installations. 100 of those were found to require an intervention of some kind. At the extreme end of the problems identified it was necessary to serve 11 Prohibition Notices (stopping the use of equipment) and 1 Improvement Notice (requiring urgent work). We have also passed information about three of the problems we found to the HSE and Gas Safe where the gas engineer that had been involved had either been working out of scope or had not followed their own procedures regarding the safety of appliances.

Reactive interventions have included:

- service of a health and safety improvement notice for a hazard in a car park resulting in a Simple Caution being offered to the business operator for non-compliance
- investigation of high Carbon Monoxide levels associated with a charcoal oven
- investigation of a 'Scratcher' (illegal tattooist) with the help of the police
- service of a health and safety prohibition notice in relation to the insecure keeping of venomous snakes

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. This will include continuing interventions relating to gas safety in catering premises and the planning and initiation of work around warehouse, forklift truck and transport safety.
- 7.2 Continue to improve 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.