



**Exeter City Council**

# Statutory Service Plan (Business Compliance) 2012 – 2013

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Assistant Director - Environment

Drawn up in accordance with the: -

- Food Standards Agency Framework Agreement
- Health and Safety Executive Section 18 Standard
- Enforcement Concordat

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# CONTENTS

1. [Introduction](#)
  - 1.1 Introduction
  - 1.2 Access to the Service
2. [Services Aims and Objectives](#)
  - 2.1 Aims and Objectives
  - 2.2 Links to Corporate Objectives and Plans
3. [Background](#)
  - 3.1 Profile of Exeter City Council
  - 3.2 Organisational Structure
  - 3.3 Committee Structure
4. [Food Safety](#)
  - 4.1 Scope of the Food Safety Service
  - 4.2 Remit of the Food Safety Service
  - 4.3 Food Business Profile
  - 4.4 Enforcement Policy
  - 4.5 Food Premises Inspections
  - 4.6 Food Complaints
  - 4.7 Primary / Home Authority Partnerships
  - 4.8 Advice to Business
  - 4.9 Food Inspection / Sampling
  - 4.10 Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease
  - 4.11 Food Safety Incidents
  - 4.12 Liaison with Other Organisations
  - 4.13 Food Safety Promotion
5. [Health and Safety](#)
  - 5.1 Health and Safety Business Profile
  - 5.2 Health and Safety Intervention Programme
  - 5.3 Scope of Health and Safety Service
  - 5.4 Complaints / Requests for advice / Advice to Business
  - 5.5 Statutory Notifications
  - 5.6 HELA Strategy / Health and Safety Executive Strategic Plan
  - 5.7 Monitoring
  - 5.8 Enforcement
  - 5.9 Staff Resources
  - 5.10 Staff Skills
  - 5.11 Consultation with Stakeholders
6. [Private Water Supplies](#)
  - 6.1 Scope of the Private Water Supply Regulations
  - 6.2 Main provisions of the Private Water Supply Regulations
  - 6.3 Enforcement

- 6.4 Staff Resources
- 6.5 Staff Skills
- 6.6 Legal Implications
- 7. [Primary / Home Authority Partnerships](#)
  - 7.1 Scope of the Primary / Home Authority Partnerships
  - 7.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008
  - 7.3 Enforcement
  - 7.4 Resources
  - 7.5 Legal Implications
  - 7.6 Current Home Authority Partnerships
  - 7.7 Current Primary Authority Partnerships
- 8. [Sampling Programme](#)
  - 8.1 Purpose of Sampling
  - 8.2 Requirement to Sample
  - 8.3 Sampling Methodology
  - 8.4 Budget Provision
  - 8.5 Resources
- 9. [Environmental Health Training Service](#)
  - 9.1 Scope of the Training Service
  - 9.2 Main Provisions of the Training Service
  - 9.3 Access to Training
  - 9.4 Financial Implications
- 10. [Resources](#)
  - 10.1 Financial Matters
  - 10.2 Staffing Allocation
  - 10.3 Self Development Plan
- 11. [Quality Assessment](#)
- 12. [Review](#)
  - 11.1 Areas of Improvement
- 13. [Food Safety Enforcement Policy](#)
- 14. [Health and Safety Enforcement Policy](#)
- 15. [Conclusion](#)
- 16. [Glossary of Terms](#)
- 17. [Recommendations for The Food Service Delivery Plan 2012/13](#)
- 18. [Commercial and Business Support Team and Business Support Team Intervention / Work Plan 2012 / 13](#)

## SECTION 1 - INTRODUCTION

### 1.1 **Introduction**

- 1.1.1 This document is Exeter City Council's Commercial and Business Support Team Statutory Service Plan (Business Compliance) for 2012/13. It forms the basis of the business regulation enforcement functions for the authority and ensures that national food safety, health and safety and licensing priorities are addressed along with locally identified needs. It demonstrates our commitment to improving public safety, health and environment outcomes, sets out our priorities and planned interventions for the current year and targets them to maximise their impact.
- 1.1.2 The Council has a duty to act as an enforcing authority in premises for which it is responsible – this is predominantly in the service sector. The plan outlines how the Environmental Health Commercial and Business Support Team will undertake that function.
- 1.1.3 It has been produced to ensure that local businesses, employers and employees, members of the public, council officers and Members understand the approach to regulatory enforcement adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.
- 1.1.4 The Council recognises the important role it plays promoting and securing the safety of those who live, work and visit the City. The key aim of this plan is to demonstrate how the Council will fulfil its statutory obligations in accordance with national guidance set out by the respective regulatory agencies. It includes:
- the Council's aim and objectives;
  - information about the enforcement services provided by the Council;
  - details of the Council's performance management systems;
  - information on the performance of the Business Compliance and Support Team;
  - the Service Enforcement Policy.

### 1.2 **Access to the Service**

- 1.2.1 The Commercial and Business Support Team is based in the Civic Centre, Paris Street. Service users may contact officers on site or by leaving a message in the following ways:
- in person at the Customer Service Centre in Paris Street.
  - by telephone, 01392 265193 between 8.30am and 5.00pm Monday to Friday;
  - whilst there is no formal out of hours service, staff can be contacted in the event of an emergency through the Council's Control Room on 0845 3511 060 by means of a telephone service;
  - by email: [environmental.health@exeter.gov.uk](mailto:environmental.health@exeter.gov.uk)
  - by fax: 01392 265844

## SECTION 2 – SERVICE AIMS AND OBJECTIVES

### 2.1 **Aims and Objectives**

2.1.1 The Council's strategic objectives are reproduced in section 2.2. The strategic objectives are contained within the corporate plan which is available by visiting [www.exeter.gov.uk/corporateplan](http://www.exeter.gov.uk/corporateplan).

2.1.2 In respect of the Business Compliance and Support Team, the objectives of the Council are to:

- undertake appropriate and meaningful regulatory interventions at business premises, for which the Council is the enforcing authority, and institute informal or formal action in accordance with the Enforcement Policy, Local Government Regulation and national government guidance (produced by the Food Standards Agency, Health and Safety Executive, Department of Culture, Media and Sport, Home Office and DEFRA) and advice and current good practice. Businesses will be targeted, focusing resources on those businesses presenting a high risk to public safety with a view to securing an improvement in legislative compliance;
- investigate complaints about premises and at the conclusion of investigations institute informal or legal action as appropriate;
- provide appropriate training and education to local businesses to assist them to meet legislative requirements;
- investigate cases of food-borne disease and advise upon appropriate precautionary and control measures;
- issue licences and registrations, monitoring compliance with relevant conditions;
- sample and arrange for microbiological testing of high-risk food products and premises;
- develop "Primary Authority" partnerships, where relevant, with local businesses;
- provide advice and assistance to businesses to help them comply with legislation and to maintain a high standards;
- work in partnership with related organisations to promote the well being of persons living, working or visiting the City.

### 2.2. **Links to Corporate Objectives and other local and national strategies and plans**

2.2.1 The Business Compliance and Support Team's role links to several of the Exeter Vision themes (and related strategies). In particular:

- A prosperous city
- A cultural and fun place to be
- A learning city
- A city of strong communities
- A city where people are healthy and active
- A city where the environment is cared for
- A safe city
- Excellence in public services

2.2.2 The following represent key aims for the service. The service:

- embraces the principles of excellence in public services and Better Regulation and will look to make the most effective use of available resources to achieve maximum gain;

- implements the requirements of the Food Law Code of Practice (England) - actively promoting and evaluating the use of effective food safety interventions to facilitate compliance with food law;
- recognises the importance of food and its influence on the wider determinants of health - seeking to work in partnership and play an active role to reduce the inequalities in health in the local population and thereby contribute to current delivery mechanisms such as the Health and Wellbeing Board;
- recognises the importance of the National Food Hygiene Rating Scheme which gives each premises a numerical rating based on their food safety management system, structure and confidence in management - this scheme is an important tool in maintaining high compliance of businesses with food hygiene law;
- embraces the tenets of Better Regulation to ensure that unnecessary burdens are not placed upon businesses.
- continue to develop new ways to establish and maintain an effective health and safety culture so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- Work will be targeted to manage the risk in high-risk, poor-performing and rogue trader businesses. It will be proportionate, consistent and transparent and have suitable monitoring and review systems.
- The Council is mindful of the burdens on local businesses particularly where, for example, the economy is seasonal and subject to fluctuation. The Council will work in partnership with national regulators, local partners and with local businesses offering information, advice and assistance.

## 2.2 Links to Strategic Objectives and Other Plans

2.2.1 The Council is committed to working with all relevant stakeholders in order to achieve its vision, playing a part in the health and wellbeing board where appropriate. The key strategic objectives are: -

Strategic Objective	Exeter Vision Theme
Enhance and protect the environment, reducing the causes and minimising the impact of climate change.	A City where the environment is cared for
Further improve the character of the city and facilities for culture and leisure	A Cultural and fun place to be. City where people are healthy and active.
Ensure that Exeter is a buoyant, dynamic and innovative regional city with sustainable growth.	A prosperous city.
Have strong and clear governance arrangements that enable the communities of Exeter to influence and help shape decisions about their locality and the city.	Excellence in public service.
Use resources effectively and provide high-performing, value-for-money services that focus on customer needs.	Excellence in public service.
Promote a positive image and reputation and ensure high levels of customer satisfaction.	Excellence in public service.

2.2.2 Whilst there are no specific regulatory targets set out in the above, enforcement will contribute to raising business standards, improve health outcomes and reduce health inequalities through the delivery of relevant services, in partnership with other agencies.

2.2.3 In addition to this service plan, the service is also responsible for or contributes to the following strategies, policies and plans: -

- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Action Plan
- The Licensing Policy



## SECTION 3 – BACKGROUND

### 3.1 **Profile of Exeter City Council**

- 3.1.1 The geographical enforcement area is relatively confined in local authority terms covering an area of 4,774 hectares and supporting a resident population of 118,800 persons with 79.4% of working age. It comprises of a mix of residential and commercial properties as well as industrial and trading estates. With Exeter being the regional administrative, cultural and educational centre, the City has a significant impact on the adjacent areas of East and Mid Devon and Teignbridge.
- 3.1.2 Although set in a predominantly urban area the City offers only a limited range of industry with the main activities being catering, retail sales, office activities, warehousing and distribution. No significant food manufacturing premises are now located within the City. There is an increasing variety of ethnic eating places and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.3 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary.
- 3.1.4 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.5 Exeter is no longer a port authority.
- 3.1.6 The service embraces the core aims of the FSA's food safety issues (including Imported Food Controls), nutrition and diet issues and sustainability.

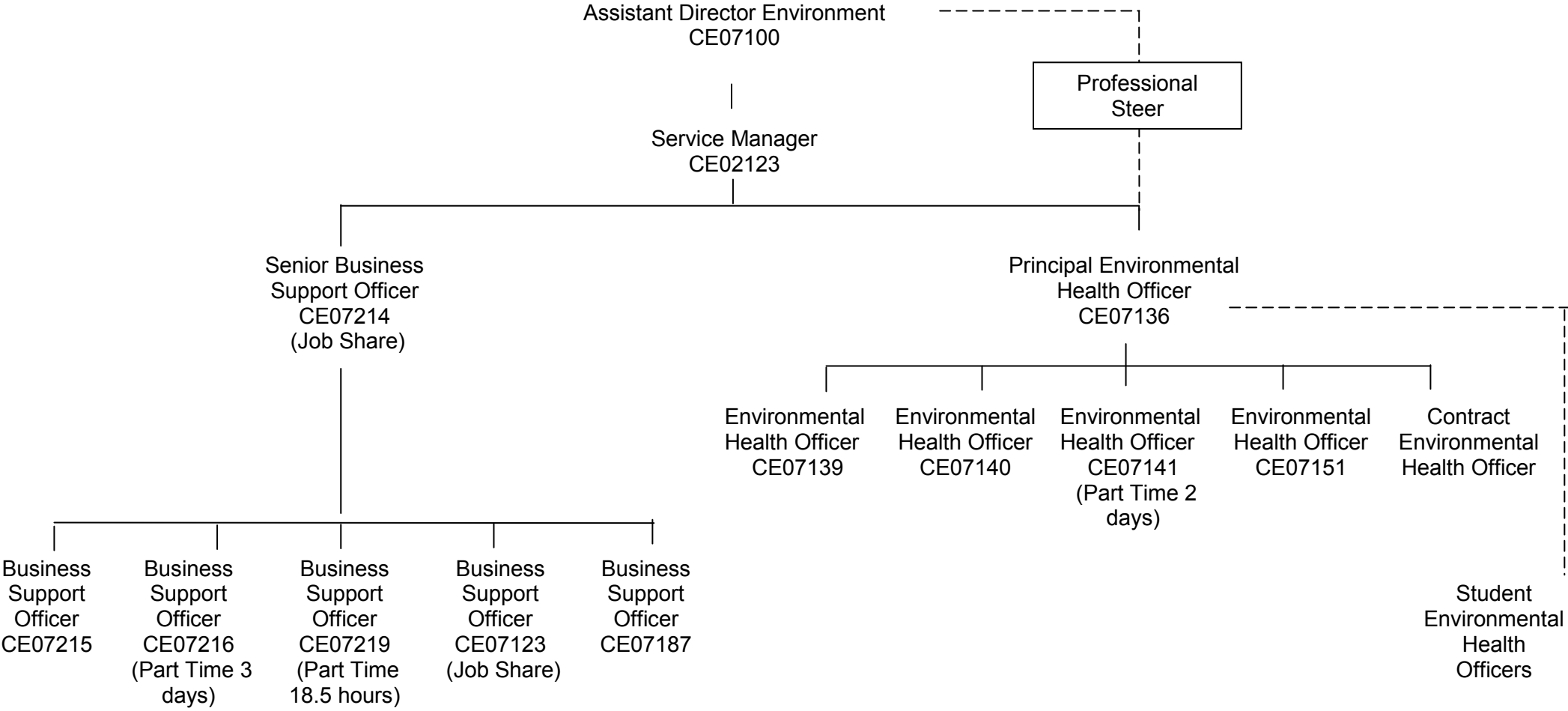
### 3.2 **Organisational Structure**

- 3.2.1 The Commercial and Business Support Team within Environmental Health Services is responsible for delivering this Service Plan. In addition to this the Commercial and Business Support Team provides:
- the Food Safety Enforcement function;
  - the investigations of notifiable / infectious disease;
  - the Health and Safety Enforcement function;
  - the Private Water Supply Enforcement function;
  - the Health Act Enforcement function;
  - Sunbed Regulations Enforcement function;
  - support to Licensing duties in relation to Licensing Act 2003, Gambling Act 2005, taxis and miscellaneous legislation;
  - support to Environmental Health;
- 3.2.2 Environmental Health Services operates under the Assistant Director Environment.
- 3.2.3 The Assistant Director Environment has various delegations to act on behalf of the Council. All non-delegated matters are reported to the appropriate committee.
- 3.2.4 The officer structure in respect of the service is detailed at the end of this section. Overall co-ordination of the service is the responsibility of the Service Manager with lead officer responsibility given to the Principal Environmental Health Officer for food safety and health and safety.
- 3.2.5 The Council's solicitor has delegated authority to instigate legal proceedings following instructions from the Assistant Director Environment.

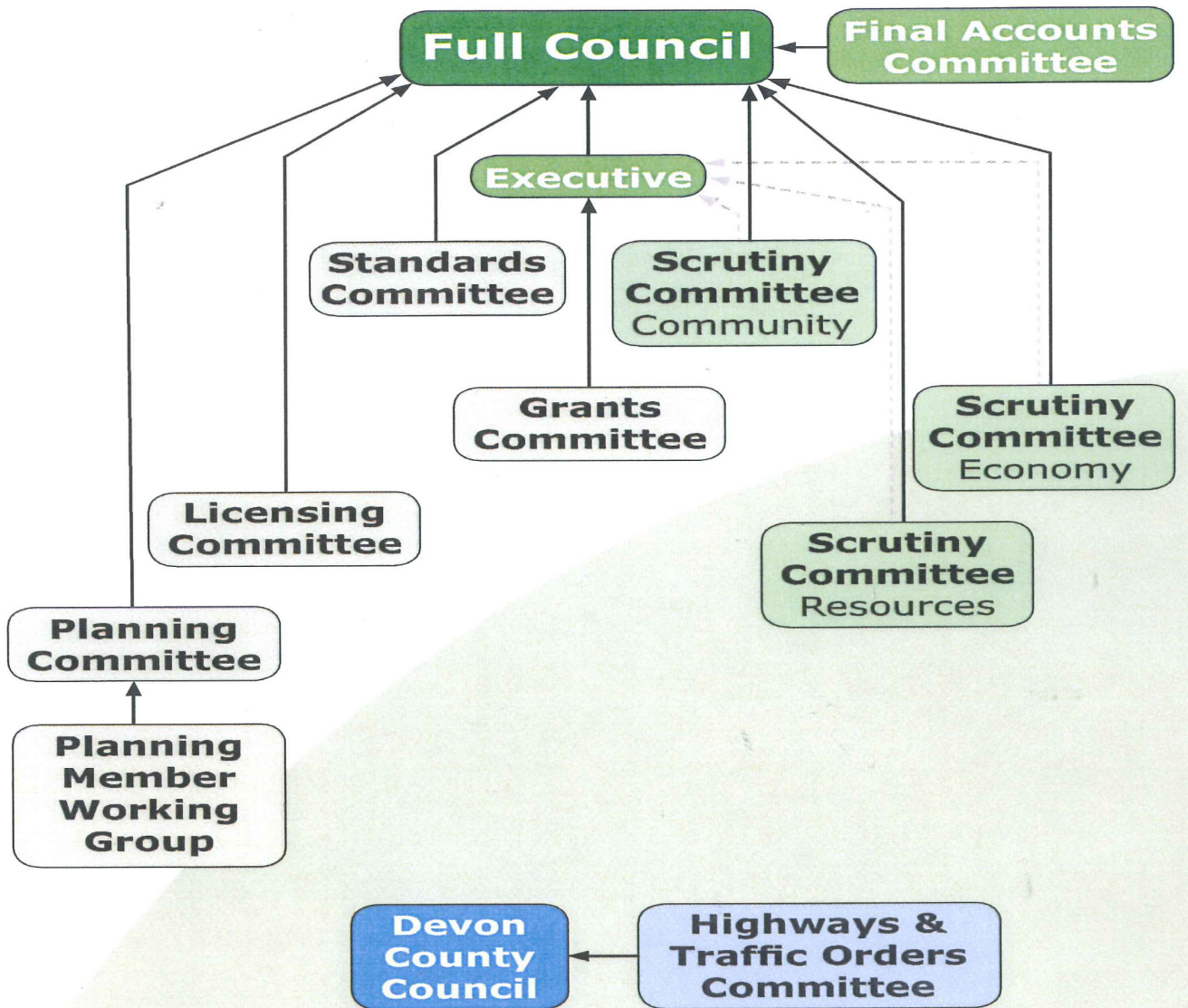
3.2.5 Specialist analytical and microbiological services are provided by external agencies such as the Health Protection Agency and Somerset Scientific Services.

**THE OFFICER STRUCTURE IN RESPECT OF THE COMMERCIAL AND BUSINESS SUPPORT TEAM**

**Commercial and Business Support Team**



# The Council's Committee Structure



Exeter City Council

01392 265197

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## SECTION 4 – FOOD SAFETY

### 4.1 **Scope of the Food Safety Service**

4.1.1 The Commercial and Business Support Team is responsible for undertaking the following activities associated with the Food Safety Service:

- programmed food hygiene interventions and revisits;
- approval of food businesses
- monitoring the database
- food sampling
- investigation of food complaints;
- assisting the HPA in investigation of food poisoning and infectious disease outbreak control;
- responding to Food Standards Agency Food Alerts, product withdrawals and recalls;
- provision of export food certificates;
- inspection of food;
- advisory and training services for businesses;
- promotion of food safety.

4.1.2 The council believes in fair regulation. Whilst engaged in the above activities, the Commercial and Business Support Team uses a variety of means to ensure that individuals and organisations meet their responsibilities including education, negotiation, advice, guidance, warning letters, formal notices and prosecution. Overall the team seeks to work in collaboration with businesses while avoiding unnecessary bureaucracy in the way its works.

### 4.2. **Remit of the Food Service**

#### 4.2.1 **Interventions**

The Council will:

- carry out a range of official and other food control as set out in the Food Law Code of Practice (England) and other centrally issued guidance;
- inspect/audit and approve, relevant premises in accordance with the relevant legislation, Code of Practice and centrally issue guidance;
- liaise with the 'Home Authority' or Primary Authority of any company whose premises have been inspected and offences identified which are, or appear to be, associated with the company's centrally defined policies and procedures;
- assess the compliance of premises and systems to the legally prescribed standards having due regard to any relevant Industry Guides to Good Hygiene Practice and other relevant centrally issued guidance;
- take appropriate action on any non-compliance found, in accordance with the Council's Enforcement Policy;
- set up and monitor documented intervention procedures and record legible data and information following interventions, in a retrievable way.

#### 4.2.2 **Complaints**

The Council will:

- implement the documented policy and procedure in relation to food complaints;
- liaise with the Primary, Home and/or originating authorities regarding matters associated with a company's centrally defined policies/procedures;

- take appropriate action on complaints received in accordance with the Council's policy/procedure.

#### 4.2.3 Primary / Home Authority Principle

Where the Council acts as Primary / Home Authority we will:

- provide advice on legal compliance;
- have regard to any information or advice received as a result of any liaison;
- notify any authorities the Council have initiated liaison with of the outcome.

#### 4.2.4 Advice to Business

The Council shall continue to work with businesses to help them comply with the law, for example the Council will:

- promote training courses and seminars;
- provide advice during visits and official on other food controls;
- respond promptly to queries;
- maintain a dialogue with business through the appropriate business forums;
- provide business with written information and advisory leaflets where appropriate.

#### 4.2.5 Food Premises Database

The Council will:

- maintain the database of food premises in the City and take steps to ensure that the information is accurate and up to date.

#### 4.2.6 Food Inspection and Sampling

The Council will:

- inspect food in accordance with relevant legislation to ensure it meets the legally prescribed standards;
- take appropriate action in cases of non-compliance in accordance with the Council's Enforcement Policy;
- maintain an annual sampling programme taking account of current guidance;
- adhere to the Council's procedures for procurement or purchase etc of samples;
- the Council has appointed Somerset Scientific Services and the Food, Water and Environment Laboratory as the Council's Public Analyst and Food Examiner respectively.

#### 4.2.7 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Council will:

- have regard to the Food Standards Agency's guidance on the management of outbreaks of foodborne illness.

#### 4.2.8 Food Safety Incidents

The Council will:

- respond to food alerts, product withdrawals and recalls in accordance with the documented procedure;
- maintain a computer system capable of receiving food alerts, product withdrawals and recalls;
- document our response to and the outcome of food alerts, product withdrawals and recalls where intervention is required;

- notify the Food Standards Agency of any serious localised incident or wider food safety problems.

#### 4.2.9 Enforcement

The Council will:

- carry out food law enforcement in line with the Council's Enforcement Policy and the Codes of Practice (England) and Food Law Practice Guidance (England);
- document any departure from the criteria set out in the Policy.

#### 4.2.10 Records and Intervention reports

The Council will:

- maintain up to date accurate records in a retrievable form for each food premises in the City, for at least 6 years.

#### 4.2.11 Complaints about the Service

The Council's adopted complaints procedure is available to the public and food businesses.

#### 4.2.12 Liaison with Other Organisations

Liaison with neighbouring authorities aimed at facilitating consistent enforcement will be exercised through the Devon Chief Environmental Health Officers Food Sub-Group having regard to advice issued by Local Government Regulation and the FSA. Regular contact will be maintained with Devon County Council Trading Standards Department and periodic meetings will be held with the local business forums & interested groups to provide advice and promote good practice;

Where appropriate, partnerships will be formed with educational establishments, Primary Care Trust and other bodies to promote food safety.

#### 4.2.13 Internal Monitoring

Internal monitoring procedures to verify conformance with this Service Plan are well established and will be exercised.

#### 4.2.14 Audit

The Council will:

- participate in third party and peer review processes against this Service Plan and associated procedures.

#### 4.2.15 Food Safety Promotion

The Council will:

- actively promote food safety issues through award schemes, campaigns, dissemination of information and support to schools and colleges and targeted groups and where resources allow and liaise with organisations to promote food safety.

#### 4.2.16 Other Services

The Commercial and Business Support Team have responsibility for undertaking a parallel role in respect of Health and Safety at Work in commercial premises:

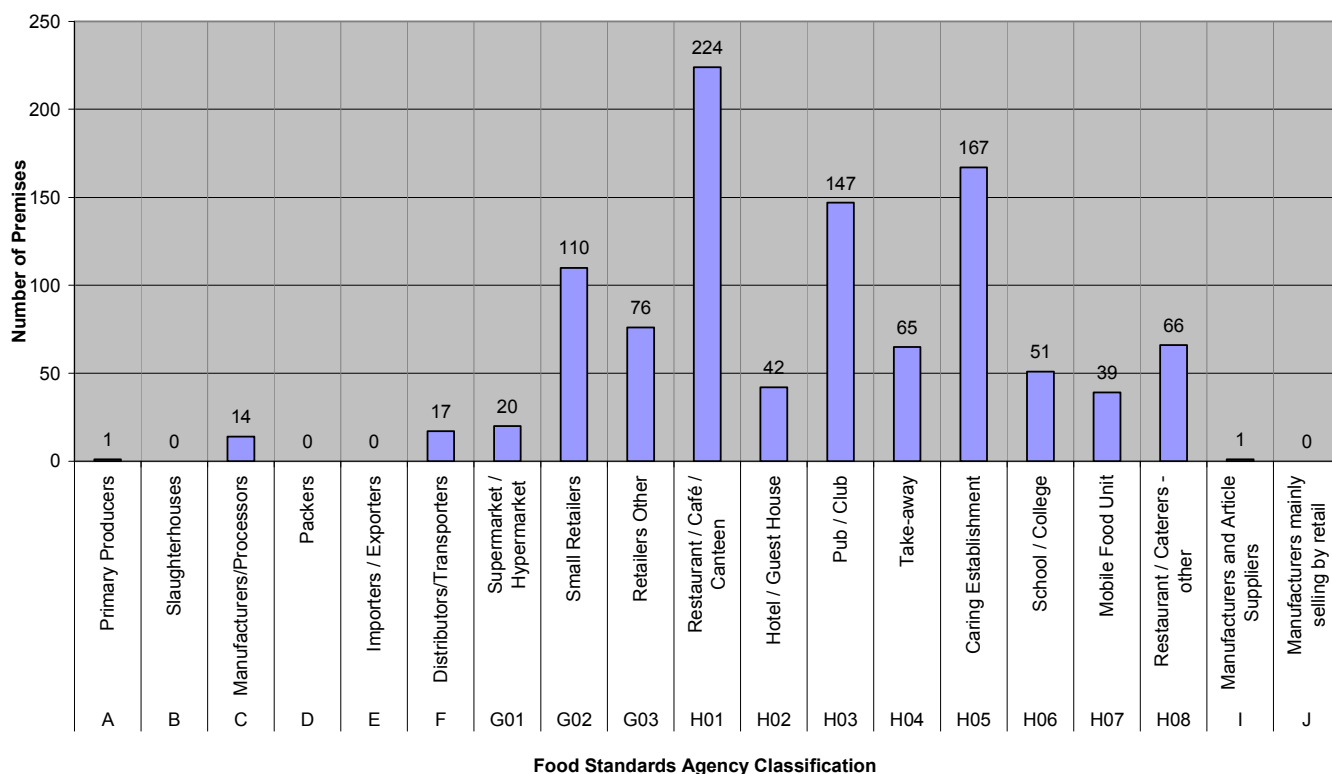
General (non-food related) complaint work will initially be undertaken by the Environmental Protection Section (EPS) but specific problems related to food premises will be the responsibility of Commercial and Business Support Team officers, in accordance with Departmental Guidance Note 2/99. Pest control treatment may be undertaken by officers

from the EPS in liaison with Commercial and Business Support Team staff, but only when it will not comprise future enforcement action.

The service seeks to work in partnership with relevant agencies to promote food safety & food related matters in the wider context of public health.

### 4.3 **Food Business Profile**

4.3.1 The current profile of the food premises in the City as per Food Standards Agency classification is illustrated below.



4.3.2 Following an inspection/audit, food premises are scored and categorised (i.e. A to E) in respect of the risk to food safety in accordance with the Food Law Code of Practice (England). The categories dictate the interval between inspections. For example category A, i.e. high-risk premises, are inspected every 6 months, category D premises are inspected every 2 years. The service currently operates an alternative enforcement strategy for category E premises that are outside of the Food Hygiene Rating Scheme, which includes forwarding such businesses a self-inspection questionnaire, and inviting businesses to attend food safety workshops.

4.3.3 The current profile of food premises in terms of risk category are shown in Appendix 5.1.

4.3.4 There are approximately 60 food premises in the City where business owners do not speak English as their first language. This can impact on the ability to successfully inspect premises and to effectively promote food safety. Food businesses in the city make great use of migrant food handlers. (The pattern of this is dynamic and robust data is not available.)

### 4.4 **Enforcement Policy**

4.4.1 The Enforcement Policy includes the principles contained in the Compliance Code which the Council is committed to incorporating into its regulatory functions. The Enforcement



Policy will be subject to periodic review at which time amendments will be made to specifically reflect the requirements of the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement and other relevant and appropriate guidance.

4.4.2 The key elements of the Enforcement Policy are detailed below:

- a belief that enforcement must be firm but fair;
- the need for proportionality in the application of the law;
- showing transparency about how the service operates;
- a need for targeting of enforcement action;
- a need to deliver consistency of approach;
- the need to use prosecution as a deterrent as well as a punishment;
- the need to balance enforcement and education in the way the service works.

#### 4.5 **Food Premises Interventions**

4.5.1 A programme of official and other food controls form the core activity of the Food Enforcement function. The range of interventions are specified in the Food Law Code of Practice (England). In addition to the programme of interventions, other visits may be made to food premises following complaints from the public or requests from businesses for information and guidance.

4.5.2 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food businesses, food hygiene interventions will be undertaken to:-

- establish whether food is being produced hygienically;
- establish whether food is, or will be having regard to further processing, safe to eat;
- to identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.

4.5.3 With the foregoing in mind, the main objectives of the interventions programme will be to:-

- determine the scope of the business activity and the relevant food safety legislation;
- thoroughly and systematically gather and record information;
- identify potential hazards and risks to public health;
- assess the effectiveness of process controls and HACCP based systems;
- identify specific contraventions of food safety legislation;
- consider appropriate enforcement action (proportionate to risk), to secure compliance with food safety legal requirements;
- produce advice and information and recommend good practice where appropriate;
- promote continued improvements in food hygiene standards to meet national / local performance indicators and the relevant Food Standards Agency strategy.

4.5.4 In order to achieve the inspection programme not less than 3 (FTE) qualified food inspectors will be required. This figure takes no account of the burden of any extra targeted inspection activity, sampling or investigations arising from complaints or Food Alerts, product withdrawals and recalls for example.

4.5.5 All officers undertaking inspections, investigating complaints, giving advice and taking samples shall meet the qualifications and experience requirements in the Food Law Code of Practice (England).

4.5.6 It is not envisaged that arrangements will need to be made to ensure the Council has access to specialist expertise for the inspection of any specialised processes located in the city.

#### 4.6 **Food Complaints**

4.6.1 Food complaints received and investigated by the service fall into one of the following broad categories:

- food contamination;
- complaints about food businesses (poor hygiene, pests, lack of food handler training etc);
- food alerts, product withdrawals and recalls.

4.6.2 The established procedure for dealing with food complaints sets out the action to be taken regarding investigation, (See Procedure/Practice Note No 2.2). Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication "Dealing with Food Complaints".

4.6.3 The number of food complaints/service requests received annually has been increasing in recent years, perhaps as the public become more aware and are better informed of food safety issues together with the introduction of methods to capture such information.

4.6.4 It is estimated that 0.2 FTE qualified inspectors will be required to deal with food complaints.

#### **4.7 Primary / Home Authority Partnerships**

4.7.1 Primary and Home Authority Partnerships are detailed in Section 7.

#### **4.8 Advice to Business**

4.8.1 The full suite of food courses will be promoted to enable local businesses to fulfil their training requirements, including training provision for non English speaking food handlers.

4.8.2 Inspectors provide advice during routine interventions and respond to queries from the public and food businesses.

4.8.3 Advice on topics of general and current food safety interest will be placed on the Council web site and information leaflets will be produced and made available as necessary. Officers from the service will also be participating in Food Safety Week which takes place between 11 – 17 June 2012, which this year is entitled 'food safety on a budget' and will be looking at reducing food poisoning at home.

4.8.4 The Council will use local business and other forums as a means to disseminate relevant food safety information to help assess their needs and obstacles to compliance.

4.8.5 The service will actively seek participation in or look to co-ordinate appropriate forums to promote food safety and disseminate information.

4.8.6 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

#### **4.9 Food Inspection and Sampling**

4.9.1 The Council will ensure that food is inspected in accordance with relevant legislation, The Food Law Code of Practice (England) and the Practice Guidance (England) and centrally issued guidance and ensure that food meets prescribed standards.

4.9.2 The food sampling programme for the forthcoming year commencing 1 April 2012 is detailed in section 8 and includes participation in national sampling campaigns co-ordinated by LG Regulation.

4.9.3 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Health Technician (Environmental Protection) (EHT(EP)). Activity reports will be submitted on a periodic basis. A procedure has been set up and implemented in

respect of taking samples and the arrangements made for Analysis and Examination. (See Policy/Procedure Note 2.6).

4.9.4 A summary of the results from the sampling programme for the current and previous years is attached in Appendix 10.

#### 4.10 **Control and Investigation of Food Poisoning Outbreaks and Food Related Infectious Disease**

4.10.1 The Business Compliance and Support Team's objective, in respect of the control of food related disease is to:

- contain the spread of any outbreak;
- identify the focus of infection;
- identify the causative organism/chemical;
- trace carriers and cases;
- trace the source of infection;
- determine the causal factors;
- recommend practices to prevent recurrence of disease; and
- determine whether criminal offences have been committed.

4.10.2 Investigations into outbreaks of food related poisonings are carried out in consultation with and under the direction of the Health Protection Agency.

4.10.3 The Principal Environmental Health Officer fulfils the role as lead officer in respect of infectious disease control and it is anticipated that adequate resources exist within the full complement of the Commercial and Business Support Team to deal with this service demand.

4.10.4 It is estimated that 0.1 FTE qualified food inspectors will be required to investigate outbreaks and food related infectious diseases.

#### 4.11 **Food Safety Incidents / Hazards**

4.11.1 The Council has and will maintain a computer system capable of receiving food alerts, product withdrawals and recalls and will implement the documented procedure for responding to food alerts and food safety incidents received from the FSA, in accordance with the relevant Food Law Code of Practice (England). The current informal out of hours contact arrangements will be used.

4.11.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure. (See Policy/Procedure Note No 2.19).

4.11.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the FSA.

4.11.4 It is considered that adequate resources exists within the full complement of the Commercial and Business Support Team to deal with this demand.

4.11.5 It is anticipated that 0.1 FTE will be required to deal with food hazard alerts.

#### 4.12 **Liaison with Other Organisations**

4.12.1 The Council is committed to ensuring the enforcement approach it takes is consistent with other authorities. Regular dialogue on food enforcement matters and food related issues takes place with:

- Primary Authority business partners
- Home Authority business partners
- Trading Standards

- Devon Chief Environmental Health Officer Food Sub-Group
- Health Protection Advisory Group
- Exeter and Heart of Devon Hoteliers & other appropriate business forums
- CIEH
- University of Exeter
- Exeter College
- Other services within the Council (e.g. Planning & Building Control)

4.12.2 In delivering the food service, the Council recognises the increasing importance of partnership working. Examples of this include:

- consultation with businesses and community leaders;
- participation in third party audits, joint sampling initiatives etc;
- Food Safety Week;
- organising the Exeter Chef Competitions and similar events;
- identify funding opportunities;
- development of food hygiene training;
- providing focused training sessions on nutrition;
- other food related subjects.

#### **4.13 Food Safety Promotion**

4.13.1 The service utilises many methods to promote food safety and increasingly is lead by the developing body of research. On 1 April 2011, the service launched the National Food Hygiene Rating Scheme which has helped drive improvements in food law compliance. Over 850 businesses fall within the scope of the scheme, with all ratings being published on the national web portal at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) and businesses encouraged to display certificates and stickers. The service will continue to promote usage of the scheme by consumers by harnessing the power and influence of the local media, health promotion initiatives and public events. The service will also continue to encourage at the time of visits voluntary display of rating stickers and certificates at premises that fall within the scope of the scheme.

4.13.2 Numerous promotional activities also occur during the course of a typical year usually in response to need/requests from the different communities in Exeter, for example:

- presentations to schools, interested groups, professional bodies, (e.g. Infection Control Study Days, Chef Focus Group, Taste of the West Members, Early Years providers);
- circulation of advisory leaflets or guidance notes in response to topical issues or changes in legislation;
- participation in the annual Exeter Food and Drink Festival.
- Free food hygiene awareness sessions targeted a new food business operators.

## SECTION 5: HEALTH AND SAFETY

### 5.1 Profile of Businesses in Exeter

5.1.1 Exeter is predominantly an urban area and the area has many small businesses. The Council enforces health and safety in mostly small and lower risk businesses that are predominantly in the service sector and is responsible for around 2513 premises.

### 5.2 Health and Safety Intervention Programme

5.2.1 The Council uses the guidance given in HELA Circular (67/2 Revision 3) to risk rate its premises and targeted interventions. The guidance categorises premises with a score that determines the type of intervention. This ranges from proactive inspections for the highest risk (category A) premises to reactive interventions for the lowest risk (category C).

5.2.2 Lower risk premises are reached by other intervention strategies, many of which will be delivered in partnership with other Devon Authorities and the HSE and HPA.

5.2.3 As a result of current national and local drivers for change (e.g. LBRO, Young and Löfstedt Reviews) we aim to focus Health and Safety enforcement resources into areas where they are likely to have the greatest impact. In the coming year we shall continue to concentrate on specific topic areas during proactive interventions and reactive investigation, rather than complete all-encompassing inspections. These areas have been identified nationally as contributing to the highest rate of accident/incidents and ill health at work, across all health and safety enforcing authorities.

### 5.3 Scope of the Health and Safety Service

5.3.1 With regard to health and safety, the Council will be guided by the Health and Safety Executive guidance issued under Section 18 of the HSWA. This is the 'Standard' with which the Council must comply. The Section 18 Standard applies to local authorities and Health and Safety Executive enforcement staff. One of its key elements is a requirement to produce an annual service plan.

5.3.2 In the UK during 2010/11 it was estimated that:

- The total number of people who worked in the last 12 months who were suffering from work-illness fell by 113,00 to 1.2 million.
- A further 0.5 million former workers (who last worked over 12 months ago) were suffering from an illness which was caused or made worse by their past work.
- Just under 2400 people died from mesothelioma and this is not likely to peak until 2016.
- 171 workers were killed at work.
- 121,430 other injuries to employees were reported under RIDDOR, a rate of 473 per 100,000 employees.
- 200,000 reportable injuries occurred.
- 28.5 million days were lost overall (1.2 days per worker)

5.3.4 The Rogers review (2007) reported on the National Priorities for local authority enforcement. This identified improving health at work as one of the national priorities. The Lord Young Report (2010) "Common Sense, Common Safety" reviewed health and safety with a view to "setting out the rational proportionate approach that the Health and Safety at

Work etc Act demands". The Löfstedt Report (2011) looked further into the application of Health and Safety legislation and the effects of regulation upon business. All of the above reports clearly identified good health and safety as being vital to good business, with sensible and proportional law enforcement as a key priority to try and reduce the incidence of ill health and days lost arising from work activities.

5.3.5 The objective of the health and safety service in contributing to this aim is to ensure that risks to person's health, safety and welfare from work activities are properly controlled through advice and proportionate enforcement.

5.3.6 The health and safety service comprises a range of key functions:

- to maintain a register of all premises where the service enforces health and safety legislation;
- to inspect at predetermined intervals or by the use of other intervention strategies, and in response to complaints, relevant workplaces to determine compliance with legislation;
- to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
- to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities in relation to their occupation by the distribution of leaflets and the provision of advice and information;
- to investigate specific accident notifications;
- to advise on the design of relevant workplace premises prior to and during alterations and construction;
- to liaise and work in partnership with the Health and Safety Executive (HSE), Health Protection Agency (HPA) and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE section 18 guidance in respect of inspection programmes;
- seek to promote a simplified risk assessment procedure for low hazard workplaces such as offices and shops through the use of the Devon Local Authority devised toolkit Safer Workplaces, Better Business;
- combine food safety and health and safety inspections where possible to ensure that the burden on business is reduced.

5.3.7 Proactive aspects of the health and safety service, for example the inspection programme, are delivered jointly with other proactive services such as food hygiene inspections. The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.

5.3.8 Health and safety interventions are delivered by suitably trained and experienced officers, in accordance with a competency and development scheme. This scheme has been designed to meet the requirements of Health and Safety Executive and Local Authority Enforcement Liaison Committee (HELA) Section 18 guidance. The competency scheme was revised and updated during 2006/07.

5.3.9 The premises profile according to the inspection rating scores are as follows :

<b>Highest hazard/Risk</b>	A	3
<b>Intermediate hazard/Risk</b>	B1	54
	B2	429
<b>Lowest hazard/Risk</b>	C	1591
<b>Uncategorised</b>	U	436

- 5.3.10 Low risk premises do not form part of the main inspection programme but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents. A proportion of low risk premises (those approached by other intervention strategies) will be inspected each year.
- 5.3.11 External consultants are used to undertake inspections or other intervention strategies of low risk premises. The decision to employ contractors is taken by the Business Support Manager in consultation with the Principal Environmental Health Officer and will be subject to the following criteria:
- there is a direct need to ensure statutory performance targets are met;
  - external contractors must meet the requirements of HELA Section 18 guidance;
  - the cost of the work can be met within existing budgets; and
  - previous knowledge of the competency and quality of the consultants.
- 5.3.12 The Council still has a duty to enforce health and safety standards in low risk premises and we will work with such businesses and/or their representatives to improve health and safety standards through the promotion of a Safer Workplace Better Business pack that has been devised by all Local Authorities in Devon.
- 5.3.13 The visit performance analysis for the last year is detailed in Appendix 6. There has been a reduction in proactive inspections by approximately a third to reflect national priorities regarding better regulation.
- 5.3.14 The database will be continually updated in conjunction with the Business Support Team who will assist with a street/district premises audit (4yr programme). A proportion of uncategorised premises will be visited, though the active audit (see above) may influence progress as new premises are identified.
- 5.3.15 The health and safety service operates from the Civic Centre between 8.30am and 5.00pm Monday to Friday. Evening and weekend inspections are carried out as determined by the risk based inspection programme and the premises opening hours.
- 5.3.16 Emergency health and safety issues are currently directed initially to a 24 hour central control team and then onto senior officers as required. In addition the Council's continually revised website is used to provide information about health and safety services for consumers and businesses and also provides a direct email address for service requests.

#### **5.4 Complaints / Requests for Advice / Advice to Business**

- 5.4.1 In addition to this programme there are also approx 408 businesses currently on the health and safety database which are unclassified. A proportion of these will be newly opened businesses, which is a constant aspect of the commercial sector. Whilst many of these premises have been inspected due to changes in the recording of the rating system they have not yet been classified. Therefore as part of the routine maintenance of the database such premises will be given a desktop health and safety rating, in accordance with LAC 67/2..
- 5.4.2 Additional interventions will also arise during the year by virtue of complaints, new business start-ups, change of use, major alterations/refurbishments and request for inspection. It is also estimated that 20% of interventions of category A - B2 premises will generate a revisit. A revisit will always be carried out where statutory notices have been served, in all other cases the officer will make a professional judgement as to the requirement for a revisit.
- 5.4.3 In accordance with the current strategy contained in "The Health and Safety of Great Britain \\ Be Part of the Solution" (HSE, 2009) and HELA Strategy, as outlined in 67/2, the focus of inspection activity within the planned programme will concentrate on measuring

- confidence in management;
- health, safety and welfare performance; and
- the compliance gap.

In addition to these elements the Council will base its Health and Safety Plan on Section 18 guidance, taking into account national, regional and local priorities.

- 5.4.4 From 1 July 2007, all enclosed workplaces became smoke free, as a result of the Health Act 2006 and subsequent regulations. All authorised Health and Safety Inspectors are also authorised to enforce the smoke-free provisions. Smoke free compliance for businesses will be incorporated into the proactive inspection work undertaken by the Environmental Health Service, in addition to responding to complaints.
- 5.4.5 The approach is therefore about focussing health and safety enforcement resources into areas where they are likely to have the greatest impact rather than completing all-encompassing inspections. This will fall in line with the principles advocated by the Local Better Regulation Office.
- 5.4.6 The above does not preclude the importance of providing wider guidance on health and safety compliance to new businesses and following specific service requests. Proactive health and safety education work will be suitably balanced against targeted enforcement activity.
- 5.4.7 The authority has a duty to investigate complaints about health and safety conditions/issues and about its health and safety service provision. A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies (service requests were received in 2009/10). The health and Safety Complaints Procedure is detailed at Appendix 9.
- 5.4.8 A number of complaints/service requests about health and safety are received annually, all of which will be dealt with as appropriate or passed to other agencies.
- 5.4.9 No complaints have been received regarding the service provision of the Authority.
- 5.4.10 The service recognises the importance of providing advice to businesses as part of effective health and safety enforcement. As well as the provision of specific advice during inspections and with post inspection correspondence, a wide range of general health, safety and welfare advice is distributed to businesses. Examples include an article in the Food For Thought newsletter, a self inspection pack and a model stress policy to assist businesses in proactively identifying action points to ensure compliance with health and safety legislation.
- 5.4.11 The Council website is also continually revised and allows direct access and links to local and national health and safety information detailed within this service plan.

## **5.5 Statutory Notifications**

- 5.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. Accidents would include fatalities and accidents involving visits to hospital or currently more than 3 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable. As a result of the Lord Young Report "Common Sense Common Safety" and the Lofstedt Review, from 1 April 2012 the period that an employee is off work before an accident needs reporting is seven days in line with self sickness certification.



- 5.5.2 The Council has a duty to investigate accidents to determine whether offences have been committed and to prevent a recurrence. The authority also receives notifications of certain unsafe equipment and must respond and investigate such notifications. Decisions as to which accidents require a full investigation are made by the Principal Environmental Health Officer.
- 5.5.3 The service has a formal policy and procedure covering the type of accident, industrial disease notification or related service request, which the authority will investigate. This was revised during 2009 following new national guidance issued by the HSE. The Council is committed to reducing workplace accidents.
- 5.5.4 As a 'responsible authority' for the purposes of the Licensing Act 2003 and the Gambling Act 2005 the section has a duty to respond to premises licence applications etc. A number of applications will require scrutiny, some of which may require amendments by negotiation.
- 5.5.5 Liaison with other organisations is essential in order to achieve consistency and effectiveness of the health and safety service. The service is represented on the Devon CEHOs Health and Safety Working Group, which meets bi-monthly. This group includes a representative from the Health and Safety Executive (HSE) and maintains links with other local authority health and safety enforcement officers.

## **5.6 HELA Strategy / Health & Safety Executive Strategic Plan.**

- 5.6.1 The Authority has a duty to focus its activities on national priorities and strategies and in particular the Section 18 Standard, to secure a reduction in accidents and ill health in the workplaces for which we are responsible. The Standard recognises that 'partnership' is the way HSE and LAs do business and reflects the statement of intent agreed between the, HSE and ourselves.
- 5.6.2 Strategic themes for 2012/13 are:-
- reducing Slips and trips;
  - workplace transport;
  - musculoskeletal disorders;
  - disease reduction – dermatitis, asthma, asbestos and legionella;
  - noise and vibration – bars, clubs and pubs with live music;
  - falls from height;
  - Royal Mail;
  - gas safety.
- 5.6.3 The work of the Commercial and Business Support Team will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to new compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.
- 5.6.4 European Health and Safety Week is a national event, which the Council has supported as a means of raising the profile of health and safety and we will continue to do so, resources permitting.
- 5.6.5 The Council offers leaflets and posters in different languages (and offers translation services if necessary) for the performance of its functions. The service endeavours to be resourced to ensure equality of access to information. Training courses for the Level 2 Award in Health and Safety in the Workplace qualification as well as Manual Handling and Risk Assessment are also provided, and a Health and Safety Handbook has been revised and produced for distribution across the City and at training courses.

## **5.7 Monitoring**

- 5.7.1 A swimming pool monitoring programmed based upon risk, using SMART sampling and a detailed assessment of pool management systems will be exercised throughout the year. The need for provision of further training/information for local pool operators will be explored, with a view to promoting safety and health awareness.

## **5.8 Enforcement**

- 5.8.1 Enforcement (or the fear of enforcement) is an important motivator for rogue employers. Evidence confirms that enforcement is an effective means of securing compliance and promoting self-compliance. We will work in partnership with the HSE, other enforcement agencies, regulators and stakeholders to secure proportionate compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health and safety and welfare. The scope of these activities will continue to be evidence based and is clearly set out in the Council's enforcement policy statement.

## **5.9 Staff Resources**

- 5.9.1 The S18 Standard requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council Environmental Health Services, Business Compliance and Support Team, is split into 3 districts. Each district is allocated to a full time equivalent District EHOs covering all functions relating to the Business Compliance and Support Team.
- 5.9.2 The Council's Principal Environmental Health Officer is also a very experienced and specialist officer for Health and Safety and will be available to the team for specialist advice on the health and safety function with the Business Compliance and Support Team.
- 5.9.3 All officers in the Commercial and Business Support Team will undertake some health and safety duties along with their other functions which include food safety, training, health initiatives, some licensing duties and infectious disease control.
- 5.9.4 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. As in 2010/11, officers will vary their approach to the health and safety intervention programme to enable them to meet Performance Indicators by targeting resources on high-risk premises and national priorities.

## **5.10 Staff Skills**

- 5.10.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full health and safety duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the Section 18 requirements all staff who undertake health and safety duties are subject to an annual appraisal which identifies training and development needs linked to the health and safety competency matrix. These individual training needs are then linked into the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.
- 5.10.2 Work toward ensuring full alignment with the competency framework will continue this year.
- 5.10.3 All commercial officers have recently completed the HSE's RDNA (Regulators Development Needs Analysis) tool, to identify areas where they can benefit from development activities.

## **5.11 Consultation with Stakeholders**

- 5.11.1 The Health and Safety at Work etc Act 1974 places general duties on all employers to protect the health and safety of their employees and those affected by their work activities. Its goal-setting approach makes clear that those who create risks are best able to manage them. We will make clear that effective health and safety management is a collective responsibility in which individuals too must play their part.
- 5.11.2 Experience shows that many organisations do not contact us. Some may be fearful of contact, which deters them from seeking advice. We will make a special effort to explore new ways to establish and maintain an effective health and safety culture, so that all employers take their responsibilities seriously, the workforce is fully involved and risks are properly managed.
- 5.11.3 We will aim to demonstrate the moral, business and economic case for health and safety. Appropriate health and safety management is an integral part of effective business management and, we will promote it as an enabler and not a hindrance.
- 5.11.4 We will explore ways to promote greater access to authoritative health and safety advice and guidance and we will continue to offer advice in the course of our other enforcement activities where appropriate.

## SECTION 6: PRIVATE WATER SUPPLIES

### 6.1 Scope of Private Water Supply Regulations

- 6.1.1 The regulations apply to any private supply intended for human consumption, for domestic purposes and/or food production purposes and include water from wells, boreholes and springs which is supplied from someone other than a Water Undertaker or Licensed Water supplier or;
- water supplied by Water Undertakers or Licensed Water Suppliers, which is then further distributed by another person – a private distribution network. (Examples include mobile home sites, MOD property, Universities, Schools etc).
- 6.1.2 The new regulations came into force at the beginning of the 2009 but despite this guidance from the Drinking Water Inspectorate (DWI) only became available at the end of the year. The detailed provisions are currently being explored to assess the full implications for the Council.

### 6.2 Main Provisions of the Private Water Supply Regulations

- 6.2.1 The purpose is to protect human health by ensuring that water for consumption is wholesome, clean and the adverse affects of contamination are minimised. New and revised standards are set for drinking water quality and new audit and monitoring regimes as regarding sampling and analysis are specified.
- 6.2.2 The regulations require the Council to complete a risk assessment of all Private Water Suppliers PWS's ) within 5 years (except for supplies to single non- commercial dwellings) to maintain supplies and develop an annual sampling programme. Single non-commercial dwellings must be assessed for risk if a request by the user is made.
- 6.2.3 There is a fundamental change in these regulations which means that the categorisation of private supply currently employed is not directly transposable into the new regulations and some time consuming work will need to be done to identify the supplies in the new categories.
- 6.2.4 The Council can make reasonable charges to cover costs of carrying out the duties under the new regulations and a separate report will need to be submitted to consider the charges when the full impact can be assessed.
- 6.2.5 There is a requirement for LA's to make returns (which are fairly comprehensive) to the Drinking Water Inspectorate (DWI) on an annual basis.

### 6.3 Enforcement

- 6.3.1 There is a procedure to follow where a private water supply is found unwholesome – including the requirement to investigate the cause to notify the users. There are some strict permitted levels declared in the regulations which, if a supply fails, would invoke this procedure. The Council would need to liaise with the Health Protection Agency (HPA) for the potential of any failure or non compliance to be assessed.
- 6.3.2 The regulations have been made under the Water Industry Act 1991 for which some officers have already been authorised, but others may need to be authorised.

- 6.3.3 There are options for effecting improvements of a private supply, up to the service of a formal notice or prohibiting the use of a supply.
- 6.3.4 The Council will need to have policies and procedures in place as soon as possible to cover the application of the Regulation and its fees. The detail cannot be reported at this time, but will be produced separately.

#### **6.4 Staff Resource**

- 6.4.1 There is unlikely to be sufficient resource to contain the new duties with the Business Compliance and Support Team. In particular, the process of risk assessment (especially in respect of private distribution systems) will need extra resource. Until the extent of these is known this cannot be quantified. Some of the risk assessment work can and should be done by Environmental Health staff but it is not inconceivable that some may need to be contracted out.
- 6.4.2 The arrangement for microbiological and chemical sampling and analysis which is a countywide arrangement, has just been reviewed and put out to tender and awarded to South West Water.

#### **6.5 Staff Skills**

- 6.5.1 The Section has a procedure for authorisation of officers and only trained and competent staff will be able to undertake full private water supply duties. The authorisation, and hence action they can take, for each officer will reflect their personal skills. As part of the section's procedural requirements all staff who undertake private water supply duties are subject to an annual appraisal which identifies training and development needs. These individual training needs are then linked into the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.
- 6.5.2 At present no member of staff within the section have received training to undertake all of the requirements of the Private Water Supply Regulations.

#### **6.6 Legal Implications**

- 6.6.1 Exeter City Council has a duty to implement the Private Water Supply Regulations 2009. Failure to discharge these duties adequately may result in legal challenge from consumers and/or owners of private water supplies.

## SECTION 7: PRIMARY / HOME AUTHORITY PARTNERSHIPS

### 7.1 Scope of the Primary / Home Authority Partnerships

7.1.1 The Regulatory Enforcement and Sanctions Act 2008 established a statutory scheme for businesses trading across local authority boundaries. The scheme known as the Primary Authority Scheme enables businesses and local authorities to enter into formal partnerships. The advice provided by the local authority has to be taken into account by other councils before enforcement action can be taken against the business concerned.

7.1.2 Businesses that operate from more than one site can be subject to regulation and enforcement action by multiple local authorities. As a result, LBRO has found that on occasions these organisations may find themselves subject to regulatory enforcement using different approaches in different locations

7.1.3 Currently, there are voluntary 'Home' and 'Lead' Authority schemes which aim to address this issue. Generally, the Local Authority where the businesses head office is based will become a contact point for other authorities so that regulatory issues that apply across the business can be addressed. For example the company would agree with the home authority that their policy for reporting accidents complies with the legislation.

7.1.4 Whilst the majority of businesses have been content with the voluntary arrangements, some others, particular national retailers, have not and so pressed for the introduction of a statutory 'Primary Authority' scheme, which is specifically designed to build on the successes of the current arrangements whilst addressing deficiencies. The RES Act provides for the introduction of this statutory scheme.

### 7.2 Main Provisions of the Regulatory Enforcement and Sanctions Act 2008

7.2.1 For the first time companies gain the legal right to form a statutory partnership with a single local authority, which must then provide robust and reliable advice on compliance which other Councils must take into account when carrying out inspections or dealing with non-compliance.

7.2.2 The idea of the scheme is that:

- a. Formal partnerships are made between businesses and a local authority for that local authority to act as a Primary Authority and provide advice and guidance on the legislation covered by the partnership.
- b. Where a local authority other than the relevant Primary Authority (described as an "enforcing authority") proposes to take enforcement action against an organisation with a Primary Authority, the enforcing authority must consult the relevant Primary Authority first.
- c. The Primary Authority will then have the right to direct the enforcing authority not to take the proposed enforcement action if they believe that it is inconsistent with advice or guidance that they had previously given.
- d. Partnerships can cover all environmental health legislation, or be more specific, relating to functions such as food safety, health and safety, licensing and environmental permitting.

### **7.3 Enforcement**

- 7.3.1 Where a proposed enforcement action has been referred to a Primary Authority and the parties involved cannot reach an agreement as to the action that should be taken, the enforcing authority, the Primary Authority or the organisation involved can refer the action to LBRO for determination. The purpose of this determination process is to examine whether the Primary Authority's previous advice was correct, and the proposed enforcement action is inconsistent with that advice.
- 7.3.2 While the flexibility to adapt to local circumstances must be retained, eliminating inconsistent interpretation serves to enhance the credibility of all local regulators, as well as preventing unfair variations in the level of protection that the public receives. This will inevitably support the creation of a level commercial playing field, giving businesses more confidence to invest and grow.
- 7.3.3 It is recognised that the co-ordination of advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with businesses which have more than one branch or unit situated in different food authority areas. The Council will therefore be guided by the LG Regulation Home Authority Principle or where applicable the Primary Authority Principle.
- 7.3.4 A national inspection plan can be produced by the primary authority to improve the effectiveness of inspection, avoid repeated checks, and enable better sharing of information. If a problem arises, the primary authority can coordinate enforcement action to ensure that the business is treated consistently and that responses are proportionate to the issue.
- 7.3.5 Regulatory burdens will be reduced through embracing the Primary Authority Concept. The requirement for other enforcement authorities to consult the Primary Authority prevents unwarranted enforcement actions. Where an inspection plan is in place, unnecessary checks and tests are avoided whilst undertaking intelligence/risk based local inspections.

### **7.4 Resources**

- 7.4.1 The primary authority scheme is overseen by the LBRO who have a statutory responsibility to register the partnerships, issue guidance and resolve any disputes that may arise. Once legally nominated by LBRO, partnerships are automatically recognized by all local regulators and details of the partnership is maintained on a central national register providing an authoritative reference source for businesses and councils.
- 7.4.2 Resourcing the partnership is considered by both the council and businesses concerned and where necessary, a primary authority can recover its costs in relation to the level of service provided. Section 31 of the RES Act states that 'the primary authority may charge the regulated person such fees as it considers to represent the costs reasonably incurred by it in the exercise of its functions under this Part in relation to the regulated person'. The approach that must be taken by local authorities in recovering costs is set out in treasury guidance.
- 7.4.3 Charges levied upon any business that we enter into agreement with will be set based on official guidance and will reflect the extra level of support and assistance given to Primary Authority businesses. Any charge will be based on a cost recovery basis.
- It is the most effective means for councils to deliver support to businesses, through impact partnerships.
  - Better relationships between the regulated and the regulators mean better regulation.
  - It can increase the prosperity of communities.

7.4.4 As partnerships are established, the council will gain access to better intelligence in relation to any business risks. This will assist inspection and regulation, avoiding duplication of effort and the ability to target resources on the areas of highest need.

7.4.5 It is anticipated that 0.2 FTE required to fulfil our Primary / Home Authority commitments, which will be covered by existing staff.

## **7.5 Legal Implications**

7.5.1 There is no statutory obligation on the authority to enter into any partnership agreement. A business can request the level of support it needs from its primary authority and the authority will then determine whether it has the capacity to meet the needs of the business before entering into any partnership agreement.

4.5.2 The Council will take responsibility for giving advice to those businesses with the main base in our area on matters relating to food hygiene and health and safety policy and legislation.

4.5.3 Where the Council are unable to adhere to this principle the Council will discuss our concerns with the Local Better Regulation Office and, should the matter not be resolved, with the Food Standards Agency or Health and Safety Executive.

## **7.6 Current Home Authority Partnerships**

7.6.1 The Authority already has a number of 'Home' Authority responsibilities for certain businesses within the city and this will present further opportunity to engage with these businesses currently operating under Home or Lead authority arrangements and transferring each to Primary Authority status

7.6.2 Home Authority agreements currently exist with:

1. Devon Catering and Cleaning Services (DCCS)
2. RD+E Foundation Health Services Trust
3. Shaul Bakery Ltd
4. University of Exeter

## **7.7 Current Primary Authority Partnerships**

7.7.1 Primary Authority partnership agreements have been established with:

1. Lloyd Maunder
2. Brownsword Hotels



## SECTION 8: SAMPLING PROGRAMME 2012/13

### 8.1 Purpose of Sampling

8.1.1 The food and water quality sampling programme is devised to ensure effective use of resources and fulfil the requirements of the Food Sampling Policy, Private Water Supply Regulations and water quality standards in respect to swimming pools.

### 8.2 Requirement to Sample

8.2.1 The food-sampling programme operates on a total sampling allocation of 15 samples per 10,000 population. This will require approximately 165 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) on its annual sampling activity. All local authorities have an arrangement with the Health Protection Agency Laboratory, which provides a credit allocation to facilitate this work.

8.2.2 The authority has a duty under the Private Water Supply Regulations to conduct periodic sampling of Private Water supplies within the City. All local authorities within Devon have an arrangement with South West Water, which provides a pay as you sample contract to facilitate this work.

8.2.3 The authority also conducts routine swimming pool sampling of all public and private swimming baths within the city. All local authorities have an arrangement with the Health Protection Agency Laboratory, which provides a credit allocation to facilitate this work.

### 8.3 Sampling Methodology

8.3.1 Primary / Home Authority Partnership role: There is only a very limited role for the Council to play in this respect as we are without any large national companies producing high-risk products. There are however a few small producers whose products are distributed locally and sampling will provide a means of surveillance of their goods and services.

8.3.2 Vulnerable Foodstuffs: High-risk foodstuffs, which give cause for concern or suspicion, may need to be sampled on an ad hoc basis. This will include sampling verification of controls at a critical step in a food operation and monitoring of imported food from third world countries, for example.

8.3.3 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.

8.3.4 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.

8.3.5 Survey Work: The number of samples taken as a result of Food Alerts, locally/nationally agreed surveys and food poisoning investigations is subject to annual variation, but provision will be made for these items.

8.3.6 Environmental Swabs: The swabbing of key food contact and hand contact surfaces is seen as an effective means of contributing to the assessment of hygiene standards during routine food hygiene inspections. Officers will use a combination of swabs sent to the HPA lab and ones analysed at the time of visit using an ATP meter.

### 8.4 Budget Provision

8.4.1 In addition to the credit allocation provided by the Health Protection Agency laboratory, sums of £260 (analyst's fees) and £300 (samples) are included within the budget. These sums are intended to cover all sampling and a proportion of this will be reserved for Health and Safety sampling (e.g. asbestos, COSHH etc.).

## 8.5 Resources

8.5.1 There is adequate provision within the present budget to undertake the proposed sampling programme. Allowing for some flexibility between the two budget entries ensures that problems in financing the purchase and analysis of samples for the Food and Health and Safety enforcement functions of the section will be minimised. The programme assumes the current staffing level as outlined in section 3 of this report will be maintained throughout the year.

Year	2012												2013			
Months of sampling	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
<b>New National LGR / HPA Studies</b>																
<b>Study 48.</b> Pâté study: comparison of 'in-house' produced and large-scale produced offal-based pâté																
<b>Study 49.</b> Reactive response study*																
<b>National LGR / HPA Studies Ongoing from the 2011/2012 Programme</b>																
<b>Study 45.</b> Pennington response study 3																
<b>Study 46.</b> Reactive response study – pre-cut fruit																
<b>Exeter Specific Sampling</b>																
Takeaway / Restaurant Evening Sampling																
Non Compliant Premise Sampling / ATP Swabs																
Noise at work analysis																
Swimming Pool Sampling																
Private Water Supply Sampling																

## SECTION 9: ENVIRONMENTAL HEALTH TRAINING SERVICE

### 9.1 Scope of the Training Service

- 9.1.1 The service has established a robust cost effective training service for Exeter and the surrounding area. The service in the past has been successful in receiving external funding initiatives and will apply for funding schemes as and when they become available.

### 9.2 Main provisions of the Training Service

- 9.2.1 Food handlers must receive adequate supervision, instruction and /or training in food hygiene for the work they do. The owner of the food business is responsible for ensuring that this happens. There is an equivalent legal position under Health and Safety legislation and businesses have a legal duty to assess the risks within their operation and the take precautions to minimise that risk.
- 9.2.2 The Environmental Health training services provision has been at the forefront of training since the establishment of the first formal courses. Over the last 5 years, the Environmental Health Training Portfolio has established itself as a primary provider of Environmental Health training courses in Exeter and the surrounding area. The authority aims to provide this service on a cost neutral or profit making basis.
- 9.2.3 The training and education activities are principally directed to workplace and consumer health protection, although increasingly educational establishments and the voluntary sector are using the service. The service embraces the principles of excellence in public services and Better Regulation and looks to make the most effective use of available resources to achieve maximum gain.
- 9.2.4 The service is currently achieving a 97% pass rate for its training courses.

### 9.3 Access to training

- 9.3.1 The service looks to actively encourage delegates who require additional support in terms of, language difficulties, poor literacy or numeracy skills, physical or mental challenges, dyslexia or other literacy problems.
- 9.3.2 Where additional support is required, this can be provided through the provision of language specific course materials, extension of guided learning hours, oral examinations, extended examination period, alterations to the method of instruction or provision of specific courses. The service also provides training in other languages to meet the diverse needs of the business community.

### 9.4 Financial Implications

- 9.4.1 A robust cost effective training service for Exeter has been established and to the same degree this also serves the surrounding area. The service has been innovative and successful in receiving external funding and will apply for funding schemes as and when they become available.
- 9.4.2 The costs of providing training in other languages significantly increases the costs as the service needs to employ the services of a translator or course tutor who can deliver the course in the desired language to ensure that the courses are equally successful.

## SECTION 10: RESOURCES

### 10.1 Financial Matters

10.1.1 Detailed figures to determine the overall specific level of expenditure involved in providing individual elements of the service are not available as there are fluctuations in priority and need across the wide range of legislative areas. Likewise with changes in the intervention pattern it is difficult to accurately determine the trend of growth, of the various functions of the service. The food safety function can occupy the significant portion of time of the Section, at the expense of the other services.

10.1.2 The training element is also covers subjects across the enforcement disciplines, although it has its own budget and cost centre and aims to be cost neutral. External tutors are used to increase efficiency in delivering this service.

10.1.3 The budgets for sampling and analysis of samples are currently £560 for the year.

#### 10.1.4 **Budget Allocation Figures for 2012/13 – Food Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	178,060	1,200	3,160	94,460
Proportion allocated to Food Safety Function (40%)	71,224	480	1,264	37,784
Analysis (max)		260		
Purchase of Samples		300		
Environmental Protection Sampling Technician	2,000			

**NB:**

- Based on 40% allocation to Food Safety. Analyst fees up to a maximum £260 (may also be used for water/health and safety samples) if required.

#### 10.1.5 **Budget Allocation Figures for 2012/13 – Health and Safety Function**

ENFORCEMENT				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Commercial F020</u>	178,060	1,200	3,160	94,460
Proportion allocated to Health & Safety Function (40%)	71,224	480	1,264	37,784
Environmental Protection Sampling Technician	2,000			

**NB:**

- Based on 40% allocation to Health and Safety. Analyst fees up to a maximum £260 (may also be used for water/health and safety samples) if required.

### 10.1.6 Budget Allocation Figures for 2012/13 – Training Provision

FUNCTION				
	Salary (+)	Equipment	Travel	Support costs and other overheads
<u>Health Education F018</u>	2,880	8,000	-	7,210
Proportion allocated to Health & Safety function (20%)	576	1,600	-	1,442
Proportion allocated to Food Safety function (80%)	2,304	6,400	-	5,768

### 10.2 Staffing Allocation

10.2.1 There are currently 3 FTE staff directly working on food, enforcement and related matters and 2 FTE staff directly working on health and safety related matters with a significant and increasing support role by Business Support staff.

Title	Qualification	Role
Service Manager	Educated to Degree Level	Management
PEHO	Post Graduate Diploma	Lead Professional Officer
EHO	BSc Environmental Health	District Officer
EHO	BSc Environmental Health	District Officer
EHO	BSc Environmental Health	District Officer
EHO (part time)	BSc Environmental Health	Inspector
EHO - Agency	BSc Environmental Health	Contract Inspector
EHT	Informal Sampling only	EHT (Sampling)
Senior BSO	Support	Service Support
BSO (x3.5FTE)	Support	Service Support
Contract Tutors	CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

10.2.2 It is currently the policy of the Council to engage the services of outside contractors to assist in programmed food hygiene interventions. This will be subject to any agency contractors meeting the requirements specified in the Code of Practice (England) and the relevant Councils procedure; and the cost of the work being met within existing budgets.

### 10.3 Staff Development Plan

10.3.1 The service will ensure that Officers are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers will have access to the equivalent of at least 10 hours food safety and 10 hours of health and safety update training which will normally be identified at performance appraisal and target setting. All Environmental Health Officers will be afforded the facility of continuing professional development.

10.3.2 The training structure comprises:-

- the employment of enforcement officers capable of food law, health and safety and other enforcement that they are required to undertake;

- evidence of formal qualification (sight of original qualification certificates prior to commencement of employment);
- in-house competency-based training;
- successful completion of Regulators Development Needs Assessments (RDNA) to assure competence with Section 18 of the Health and Safety at Work legislation;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

10.3.3 The following additional steps are taken to ensure staff development:-

- internal training sessions will be held (anticipated 4 hours CPD in food related topics and 4 hours CPD in health and safety related topics per year);
- briefing notes on topics of current interest will continue to be regularly circulated to bring details of new legislation and technological change in the field of all enforcement areas to the attention of officers;
- those staff who have not attained Chartered Status with the Chartered Institute of Environmental Health will be encouraged to achieve this by successfully completing their Assessment of Professional Development;
- programmes of instruction will be devised to accommodate the needs of new and existing staff and ensure the required level of competency.

## SECTION 11: QUALITY ASSESSMENT

- 11.1.1 The PEHO and Service Manager monitor the quality and consistency of regulatory enforcement work through the checking of inspection correspondence and all statutory notices.
- 11.1.2 Customer perceptions of quality are monitored by a post inspection and service request questionnaires, which are sent to a representative proportion of businesses and service users. The questionnaire requests comments on the inspection process or dealing with a service request and any dissatisfied business proprietors or service users who identify themselves receive a follow-up telephone discussion and, where necessary, a visit from the PEHO and/or Service Manager.
- 11.1.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy. Up to the 31 March 2012 no such complaints were received in connection with any function provided by the Business Compliance and Support Team.
- 11.1.4 External verification of quality is actively pursued with a commitment to promote consistency of enforcement through auditing and benchmarking with the Devon CEHO's Health and Safety, Food Safety and Private Water Supply groups as well the Infection Control group organised by the Health Protection Agency.
- 11.1.5 Internal monitoring procedures have been set up to verify the service operates in conformance with relevant legislation, the Food Law Codes of Practice (England), Section 18 of the Health and Safety at Work etc Act 1974 and our procedures.
- 11.1.6 The Council will continue to monitor and report on Customer Satisfaction with interventions and enforcement conducted by the service.
- 11.1.7 The PEHO undertakes an annual quality monitoring audit with each inspecting officer to ensure consistency of enforcement. These audits are recorded and any outcomes agreed between the PEHO and inspecting officer.

## SECTION 12: REVIEW AND PERFORMANCE

- 12.1.1 Quarterly Performance Indicators on progress in implementing both this Service Plan and the Commercial and Business Support Team Business Plan, will be made by the Service Manager to the Assistant Director Environment.
- 12.1.2 An annual review against the Service Plan will be made by the Scrutiny Committee (Community).
- 12.1.3 The annual review report will contain information on performance against the Service Plan and Performance Indicators. It will highlight any variances from the plan, reasons for these, and the likely impact that these may have.
- 12.1.4 The Scrutiny Committee (Community) will support and Executive will approve the Food Service Delivery Plan for the year. Improvements to the service identified as a result of the review, quality assessment, or benchmarking work will be incorporated in the Plan.
- 12.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.

### 12.2 Targets

#### 12.2.1 Local Performance Indicators for 2012/2013:

- the Environmental Health Service Plan sets an inspection performance target of 100% inspection of high-risk premises for health and safety;
- to operate a food hygiene interventions system whereby all food premises (100%) within the city, and in accordance with the Food Safety Code of Practice, receive timely interventions in the form of inspections, audits or a process of alternative enforcement in order to bring about compliance with all applicable food hygiene related statute;
- complaints are to receive an initial response within 5 working days;
- the percentage of food premises that are broadly compliant (those with a score of no more than 10 within the categories of food hygiene, structure and food safety management) with food safety legislation;
- the percentage of samples taken found to be satisfactory;
- the percentage of delegate successfully completing training organised by the service;
- the percentage of premises found to have an unsafe health and safety environment at the point of an intervention, requiring a statutory intervention;
- the percentage of premises found to have an unsafe food safety environment at the point of an intervention, requiring a statutory intervention;

- 12.2.2 There are many performance targets for the service to meet in addition to the requirement to comply with standards issued by the Health and Safety Executive.

### 12.3 Review of performance 2011/12

Details of performance and areas needing improving are identified in the Commercial and Business Support Team Performance and Review Plan which is presented the Scrutiny Committee (Community) in September 2012.

Achievement of these improvements will be monitored by the Assistant Director Environment and Service Manager and where there are significant performance issues, reports will be made to the appropriate Committee.



## SECTION 13: FOOD SAFETY ENFORCEMENT POLICY

### Introduction

- 13.1 As a regulator, the Council's primary purpose is to assist businesses in preventing food safety incidents and ill-health. This is generally achieved through inspections and a range of proactive measures including stakeholder engagement and the provision of information and advice.
- 13.2 Investigating complaints and reports food poisoning is important in improving standards and ensuring compliance; it also provides the basis for enforcement action to secure justice. Enforcement has three main objectives:
- to compel responsible parties to take immediate action to reduce risk;
  - to engender compliance with the law;
  - to ensure those who breach food safety requirements or fail in their responsibilities are held to account for their actions.

### FOOD SAFETY ENFORCEMENT POLICY

#### GUIDANCE

To be read in conjunction with:  
Food Law Code of Practice (England)  
Food Law Practice Guidance (England)

#### 1 STATEMENT OF OBJECTIVES

- 1.1 It is this Council's policy to strive to ensure that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within this City is without risk to the health or safety of the consumer.
- 1.2 Enforcement action, be it verbal warnings, the issue of written warnings or statutory notices, or prosecution, is primarily based upon an assessment of risk to public health. In the context of this policy, this risk is the probability of harm to health occurring due to non-compliance with food safety law. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 We support specific guidance on enforcement action contained in the Food Law Code of Practice and associated Practice Guidance.
- 1.4 All authorised officers when making enforcement decisions will abide by the policy. Any departure from the policy will be exceptional, capable of justification and be considered by management before the decision is taken, unless it is considered that there is significant risk to the public in delaying the decision.

#### 2 DECISION MAKING - AUTHORISATIONS

- 2.1 Members have decided in general policy terms what attitude should be taken to flagrant breaches of Food Safety law. Members will not be involved in detailed consideration of individual cases (other than in very exceptional circumstances). The decision to prosecute, based on the available evidence and professional judgement, is left to the Assistant Director - Environment.

- 2.2 The Council will ensure that officers who are authorised to initiate enforcement action are competent to do so, are suitably qualified and have relevant and adequate experience in food safety enforcement, and adhere to the Food Law Code of Practice.

### **3 ENFORCEMENT OPTIONS**

- 3.1 The Council recognises and affirms the importance of achieving and maintaining consistency in our approach to making all decisions, which concern food safety enforcement action, including prosecution. To achieve and maintain consistency, the guidance in the Food Law Code of Practice (England), FSA and LACORS advice is always considered and followed where appropriate.
- 3.2 We will endeavour to ensure that enforcement decisions are always consistent, balanced, fair and relate to common standards that ensure the public is adequately protected. In coming to any decision we will consider many criteria including seriousness of offence, the enterprise's past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 3.3 Having considered all relevant information and evidence, the choices for action are:-
- to take no action
  - to take informal action
  - to use statutory notices
  - to use simple cautions
  - to prosecute

This document provides detailed guidance applicable to the various options for enforcement action.

- 3.4 Where we consider taking enforcement action, which may be inconsistent with that adopted by other authorities or contrary to any advice issued by LACORS, we will endeavour to discuss these matters with the local food liaison/coordinating group. If a reasonable consensus group view cannot be achieved, or the issue appears to be of national significance, or it is felt existing guidance has not adequately taken account of the legal provisions, case law, relevant research or other evidence, the liaison/coordinating group will be urged to ask LACORS, through its national Food Safety Panel, to consider the issue to ensure consistent enforcement.
- 3.5 Where we consider taking enforcement action, which may be contrary to any advice issued by the relevant home (or primary) and/or originating authorities, we will discuss the matter with the relevant authorities before taking action. Where enforcement action impacts on aspects of an enterprise's policy, which has been agreed centrally by the decision-making base of the enterprise, then reference to the home/primary authority will take place.

### **4 INFORMAL ACTION**

- 4.1 Informal action to secure compliance with legislation includes offering advice, verbal warnings and requests for action, the use of letters and the issue of food hygiene inspection reports, including those generated in-situ at a premises following an inspection.
- 4.2 We consider it is appropriate to use informal action when:
- the act or omission is not serious enough to warrant formal action;
  - from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance;
  - confidence in the individual/enterprise's management involved is good;
  - the consequences of non-compliance will not pose a significant risk to public health;

- even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach. This may apply to food businesses associated with voluntary organisations using volunteers.

4.3 Inspection reports will be issued following all programmed inspections. This applies even in those circumstances where conditions at the time of inspection are satisfactory.

4.4 When an informal approach is used to secure compliance with food hygiene or processing regulations, any written documentation issued or sent to proprietors will:

- contain all the information necessary to understand what work is required and why it is necessary
- indicate the regulations contravened, measures which will enable compliance with the legal requirements and that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good hygiene practice, for example under an appropriate heading, to show that they are not a legal requirement.

## **5 STATUTORY NOTICES**

### **Hygiene Improvement Notices**

5.1 Where we believe that an informal approach will not be successful and/or where the business has failed to respond to an informal approach, formal action will be considered.

5.2 Consideration will be given to the issue of hygiene improvement notices where one or more of the criteria below apply:

- there are significant contraventions of legislation;
- there is a lack of confidence in the food business operator or enterprise to respond to an informal approach;
- there is a history of poor compliance with informal action;
- standards are generally poor with little management awareness of statutory requirements;
- the consequences of non-compliance could be potentially serious to public health;
- although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions that are serious or deteriorating.

5.3 The use of hygiene improvement notices will, in general, be related to risk to health.

5.4 Hygiene improvement notices may only be issued by officers who have been authorised by the Council to do so.

5.5 Hygiene improvement notices will not be signed by authorised officers on behalf of non-authorised technical officers unless the authorised officer has examined the evidence for any contravention and is satisfied that a contravention has been committed, is satisfied that it is significant and that any other appropriate criteria are satisfied.

5.6 We will ensure that authorised officers follow all relevant guidance in the Food Law Code of Practice (England) and Food Law Practice Guidance (England) and LACORS guidance on the use of statutory notices. Authorised officers will place realistic time limits on notices (preferably agreed with the food business operator as attainable and appropriate), discuss with the FBO the works that will be specified and why they are necessary and fully consider the availability of solutions.

We will endeavour to maintain good working relationships and will liaise while work is being undertaken.

- 5.7 Failure to comply with a hygiene improvement notice will in general result in Court proceedings.
- 5.8 Other bodies may be advised of formal action taken by the Council and its outcome. These bodies may include home/primary and originating authorities.

### **Hygiene Emergency Prohibition Notices**

- 5.9 The use of an (HEPN) when an imminent risk of injury to health has been identified will be considered in one or more of the following circumstances:
- the consequences of not taking immediate and decisive action to protect public health would be unacceptable;
  - where a real risk of food contamination exists;
  - an imminent risk of injury to health can be demonstrated. This might include evidence from relevant experts, including a food analyst or food examiner. This may be where practices which are serious contraventions have been, or are involved with an outbreak of food poisoning;
  - the guidance criteria, specified in the Food Law Code of Practice (England) and Food Law Practice Guidance (England) concerning the conditions when prohibition may be appropriate, are fulfilled;
  - there is no confidence in the integrity of an unprompted offer made by a food business operator to voluntarily to close premises or cease the use of any equipment, process or treatment associated with the imminent risk;
  - a food business operator is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.
- 5.10 Officers to be authorised to issue HEPNs will be competent, fulfil the qualification requirements referred to in the Food Law Code of Practice (England) and Food Law Practice Guidance (England), and also have experience in a variety of food safety enforcement situations.
- 5.11 Where emergency prohibition action involving chemical contamination is being considered, medical or other expert advice may be sought before a final enforcement decision is taken.
- 5.12 Once an HEPN has been issued, an application for a hygiene emergency prohibition order will be made to the Magistrates' Court within three days.
- 5.13 Other bodies may be advised of formal action taken by the Council and its outcome. These bodies may include home and originating authorities. Reference will be made to any detailed advice offered by LACORS, particularly guidance issued on the Home Authority Principle.

## **6 PROSECUTION**

- 6.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those persons who blatantly disregard the law, or refuse to achieve even the basic minimum legal requirements often following previous contact with the Council, and/or who put the public at serious risk.
- 6.2 The circumstances which are likely to warrant prosecution, may be characterised by one or more of the following:
- where the alleged offence involves a flagrant breach of the law such that public health, safety or well being is or has been put at risk;

- where the alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer;
- where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- where there is a history of similar offences related to risk to public health.

- 6.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information will be considered, to enable a consistent, fair and objective decision to be made.
- 6.4 Before a prosecution proceeds, the officer responsible for deciding on enforcement action will be satisfied that there is relevant, admissible, substantial and reliable evidence than an offence has been committed by an identifiable person or company.
- 6.5 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, a positive decision that it is in the public's interest to prosecute will be taken and guidance in the Code for Crown Prosecutors, issued by the Crown Prosecution Service will be considered including relevant public interest criteria.
- 6.6 When decisions are being taken on whether to prosecute, guidance contained in the relevant Code of Practice will be followed. Factors to be considered may include:
- (a) the seriousness of the alleged offence:
    - the risk or harm to public health
    - identifiable victims
    - failure to comply with a statutory notice served for a significant breach of legislation
    - disregard of public health for financial reward;
  - (b) the previous history of the party concerned:
    - offences following a history of similar offences
    - failure to respond positively to past warnings
    - failure to comply with statutory notices;
  - (c) the likelihood of the defendant being able to establish a due diligence defence:
    - local authorities may wish to refer to relevant guidance on due diligence;
  - (d) the ability of any important witnesses and their willingness to co-operate;
  - (e) the willingness of the party to prevent a recurrence of the problem;
  - (f) the probable public benefit of prosecution and the importance of the case - eg whether it might establish a legal precedent:
  - (g) whether other action, such as issuing a simple caution or a hygiene improvement notice or imposing a prohibition, would be more appropriate or effective. (It is possible in exceptional circumstances to prosecute as well as issue a notice; failure to comply with a notice would be an additional offence);
  - (h) any explanation offered by the company or the suspected offender.

6.7 We will not impose excessively rigid constraints with regard to prosecution because this would restrict the choice of a particular course of action. (For example, stating that first time offenders should never be prosecuted would remove the possibility of prosecuting for a serious breach of food safety legislation).

6.8 Once a decision to instigate prosecution has been taken, the matter will be referred, without undue delay, to the Council's solicitors to conduct legal proceedings.

**N.B.** A Court must impose a prohibition order following certain prosecutions if it is satisfied that there is a risk of injury to health.

6.9 Other bodies will be advised of prosecutions taken by the authority and their outcome (i.e. home and originating authorities and any others recommended by LACORS).

## **7 SIMPLE CAUTIONS**

7.1 Where appropriate we will consider issuing a caution as an alternative to a prosecution.

7.2 The purpose of the simple caution is:

- to deal quickly and simply with less serious offences;
- to divert less serious offences away from the Courts;
- to reduce the chances of repeat offences.

To safeguard the suspected offender's interest, the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence;
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

**N.B.** There is no legal obligation for any person to accept the offer of a caution and no pressure will be applied to the person to accept a caution.

7.3 Simple cautions will be used in accordance with the Home Office Circular 016/2008 and relevant LG Regulation guidance. The Head of Environmental Health Services is authorised as the officer to issue simple cautions.

7.4 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean taking a prosecution, this is not inevitable.

7.5 Other bodies may be advised of simple cautions issued by the authority. These bodies may include home and originating authorities and any others specified in advice offered by LACORS.

## **8 SPECIFIC GUIDANCE ON THE ENFORCEMENT OF ARTICLE 5 EC REG 852/2004**

### **GUIDANCE**

To be read in conjunction with:

- Food Law Practice Guidance (England) Annex 13
- Food Law Code of Practice (England) Annex 2
- LACORS Guidance
- Procedure 2.1 Food Hygiene Interventions

## 8.1 BACKGROUND

- 8.1.1 On 1 January 2006, EC Regulation 853/2004 introduced the requirement for food businesses to have food safety management procedures based on HACCP principles. The legislation is flexible and allows for those procedures to be commensurate with the nature and size of the food business. Where a business is especially low-risk documentation and record keeping may not be necessary. This provision was and will be new to many food businesses. The FSA recommend that enforcers concentrate on significant hazards ensuring that the person responsible for food safety understands these hazards and knows how to control them, i.e. taking an educative approach. The expectation is that businesses improve their standards over time and where a business does not improve given reasonable time and guidance, a more formal approach to enforcement can be used, i.e. a graduated approach.
- 8.1.2 The Food Standards Agency has developed the Safer Food Better Business Tool designed to support smaller catering and retail businesses in complying with this requirement.
- 8.1.3 The aim of this section of the policy is to provide clear guidance on the use of enforcement powers to seek compliance with the requirements of Article 5.

## 8.2 POLICY FOR ENFORCEMENT

- 8.2.1 Enforcement of this legislation must always be based on the risk to food safety. With this in mind, the following processes should be followed:

- **New business**

On the first programmed inspection of a new business the officer needs to determine whether the principles of the requirements of Article 5 are understood and put into practice by the FBO. In addition the officer and shall consider whether any supporting information, records or documents provided by the FBO are adequate. If the officer considers that this requirement is not being fulfilled then appropriate information shall be provided to the FBO to enable him/her to comply. This may include the supply of an SFBB pack, the contact details of where a pack can be sourced, referral to workshops and/or the scheduling of a coaching session. Providing standards within the premises are fully compliant, informal action can be taken and the premises risk rated for the next programmed food hygiene intervention. If the premises scores 10 or greater for confidence in management, the officer shall provide such information/support to enable the business to achieve full compliance and shall schedule a revisit / partial inspection to assess compliance and re-score.

If on this first intervention, there are unsafe practices apparent which present a risk to food safety then appropriate formal action should be taken in line with the Enforcement Policy.

- **Existing businesses (who have received an SFBB intervention)**

Those businesses who were targeted for SFBB and/or offered/attended workshops and/or provided with coaching sessions and who have received an additional programmed intervention since should now be routinely following the format provided by SFBB. The officer's professional judgement should be exercised where such businesses have not fully implemented and maintained SFBB. Any action considered appropriate by the officer must be proportionate and related to the associated food safety risk, the risk score awarded, the requirements highlighted in the officers report and the need to progress the businesses towards being fully compliant. The officer should make a decision as to the progress with the Article 5 requirement. Enforcement using a Hygiene Improvement Notice may be the most appropriate form of action if non-compliance is found. Attached to this note is a suggested template for a HIP requiring compliance with Article 5.

- **Existing businesses (who have not previously received an SFBB intervention)**

Existing businesses who have not implemented SFBB or who have no other formal approach to managing food safety are likely to be low risk businesses. The officer's professional judgement should be exercised on the need to adopt SFBB or similar or relevant components of SFBB and whether documented procedures and record keeping is necessary. The officer's report to the business should reflect their opinion, the food hygiene intervention form – Assessment of Management of Food Safety Form – should record the officer's assessment and the premises risk scored appropriately.

For existing high-risk businesses that do not satisfy the requirements of Article 5, the officer should determine the food safety risks. If there are unsafe practices being carried out which present a risk to food safety then appropriate formal action should be taken in line with the Enforcement Policy. Only in the context of the business being fully compliant could the officer justify not pursuing a more formal approach to requiring compliance with Article 5. In all other cases the service of a hygiene improvement notice would be the expectation.

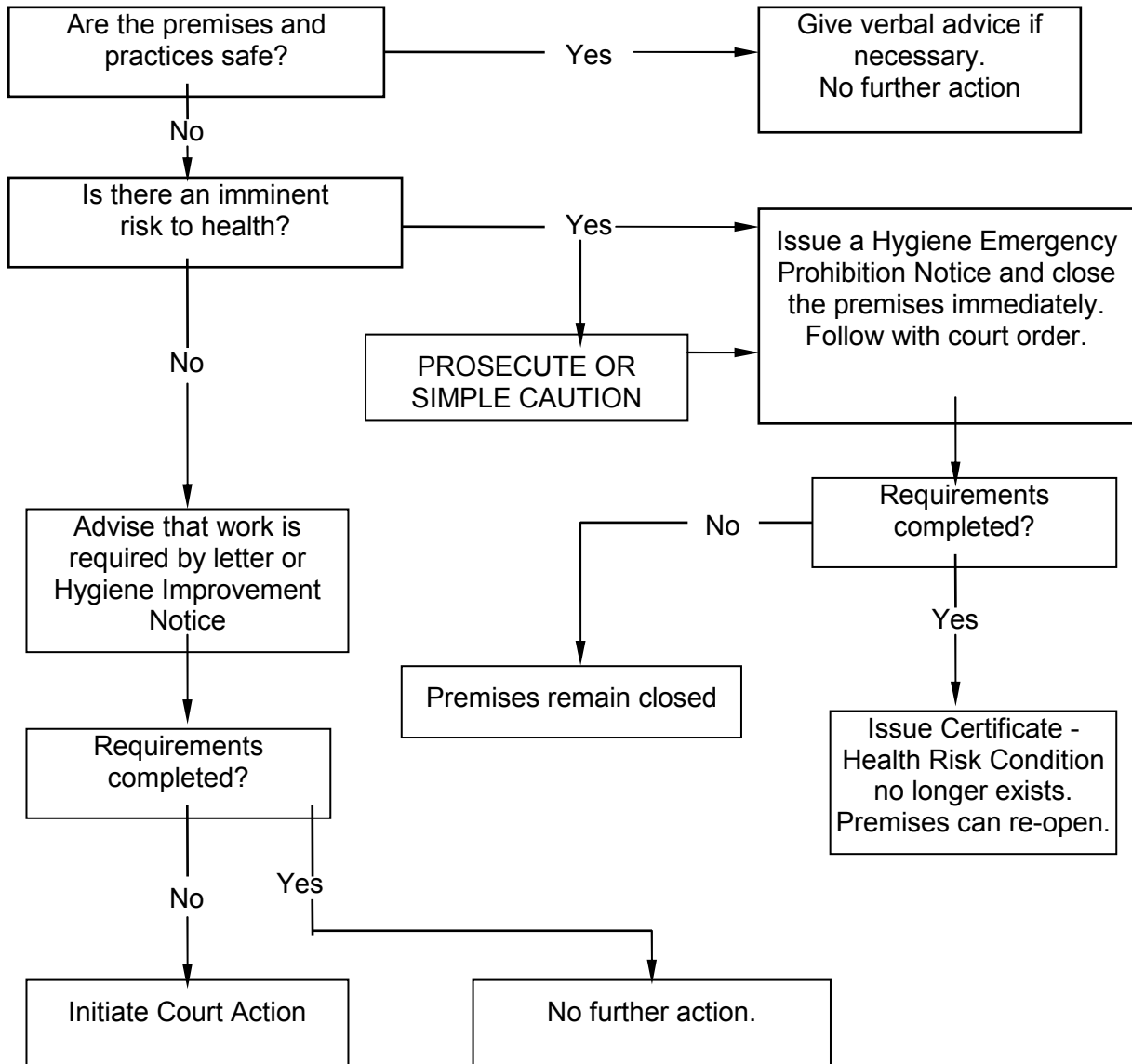
The officer should identify any obstacles to the compliance with Article 5. These may include language barriers, lack of an appropriate SFBB pack, elements of fine dining not addressed by the existing safe methods, lack of appreciation and understanding of hazards and risk for example. Whilst an officer should address any food safety risks by the appropriate means, the identification of underlying reasons for non-compliance is also an essential process to acknowledge and seek to rectify. The approach to combat the effects of such issues and to ensure all business are given a reasonable opportunity to comply with food law will be highlighted in the Food Hygiene Intervention Programme.

- 8.2.2 It should be noted that any Hygiene Improvement Notices served must contain evidence that the Article 5 provision has been breached and risks are not being controlled. (This would be in the form of statements saying equipment is dirty, systems are a risk to food safety etc.)



## FOOD SAFETY ENFORCEMENT POLICY - SUMMARY

The type of enforcement will depend on the conditions found following a Food Hygiene Inspection. The diagram below shows an outline of the enforcement procedure.



## SECTION 14: HEALTH AND SAFETY ENFORCEMENT POLICY

### Introduction

- 14.1 The Health and Safety Enforcement Policy is based upon the model developed by the Health and Safety Executive in association with LGR. As a regulator, the Council's primary purpose is to assist businesses in preventing work-related accidents and ill-health. This is generally achieved through inspections and a range of proactive measures including stakeholder engagement and the provision of information and advice.
- 14.2 Investigating complaints, accidents and ill-health is important in improving standards and ensuring compliance; it also provides the basis for enforcement action to secure justice. Enforcement has three main objectives:
- to compel responsible parties to take immediate action to reduce risk;
  - to engender compliance with the law;
  - to ensure those who breach health and safety requirements or fail in their responsibilities are held to account for their actions.

## EXETER CITY COUNCIL HEALTH AND SAFETY ENFORCEMENT POLICY

### 1. INTRODUCTION

This document is to let you know how the Council enforces health and safety legislation. It will also tell you what to expect from enforcement officers when they visit your business, and what guides them when carrying out inspections and dealing with breaches in the law.

### 2. AIM

- 2.1 The aim of the Council's Enforcement Policy is to ensure that duty holders manage and control risks effectively thus preventing harm. In particular our policy is to:
- ensure that duty holders take action to deal immediately with serious risks;
  - promote and achieve sustained compliance with the law; and
  - ensure that duty holders who breach health and safety requirements, and directors or managers who fail in their responsibilities, may be held to account, which may include bringing alleged offenders before the courts in the circumstances set out later in this policy.
- 2.2 The term "enforcement" has a wide meaning and applies to all dealings between the Council and those on whom the law places duties (employers, the self-employed, employees and others).
- 2.3 The Council believes in firm but fair enforcement of health and safety law in line with Health and Safety Executive's (HSE's) Enforcement Policy Statement. This is informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action, transparency about how we operate and what those regulated may expect, and accountability for our actions. These principles will apply both to enforcement in particular cases and to our management of enforcement activities as a whole and are explained more fully in our Principles of Enforcement document (Annex 1).

- 2.4 The Council places great importance on the consistent use of enforcement action and does not measure itself by the quantities of enforcement action it takes and so does not set targets. The Council does not take enforcement for enforcements' sake. Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be appropriate, or to assist such claims.
- 2.5 We have a range of tools at our disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Many of our dealings are informal e.g. offering duty holders information and advice. Where appropriate our officers may also serve improvement and prohibition notices and initiate prosecution.
- 2.6 The decision to prosecute will have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors. No prosecution will go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.
- 2.7 Where circumstances warrant it and the evidence to support a case is available we will prosecute without prior warning or recourse to alternative sanctions.
- 2.8 Subject to the two tests, circumstances where we will normally prosecute, or recommend prosecution, following an investigation or other regulatory contact are where:
- death was a result of a breach of the legislation;
  - the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
  - there has been reckless disregard of health and safety requirements;
  - there have been repeated breaches which give rise to significant risk, or persistent and significance poor compliance;
  - work has been carried out without, or in serious non-compliance with, an appropriate licence or safety case;
  - a duty holders standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
  - there has been a failure to comply with an improvement or prohibition notice, or there has been a repetition of a breach that was subject to a simple caution;
  - false information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk; and/or
  - inspectors have been intentionally obstructed in the lawful course of their duties.
- 2.9 Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders. Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally we will actively consider the management chain and the role played by individual directors and managers. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.
- 2.11 As with prosecution, we will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. We will use discretion in deciding when to investigate or what enforcement action may be appropriate. Such judgments will be made in accordance the Regulators' Compliance Code and Section 18 guidance (including the Enforcement Policy Statement).
- 2.12 The Health and Safety Executive's national priorities, and those determined at local level, are used to target our activities and resources via our Health and Safety Service Plan. To maintain a proportionate response, most resources available for investigation will be devoted to the more serious circumstances.

2.13 Our health and safety team will aim to:

- inspect those premises for which it has enforcement responsibility and investigate accidents and complaints in accordance with the Council's selection criteria policy;
- rate premises according to risk (which includes confidence in management, health and safety performance) in order to determine the future of future inspections;
- seek to promote health and safety through advice and guidance, and by the provision of training; and
- take formal enforcement action, in accordance with the Enforcement Policy Statement, when it is the most appropriate way of dealing with the matter.

2.14 Where we can, we will endeavour to make provision for the particular interests of stakeholders. For example we may make visits out of normal office hours but at times when the business is open, or we may arrange for interpreters/translators to be available if particular groups of duty holders do not have English as a first language.

2.15 If you wish to discuss or comment on our Enforcement Policy or Service Plan please contact the Head of Environmental Health Services.

### **3. ANNEX 1 – THE PRINCIPLES OF ENFORCEMENT**

3.1 The Council believes in firm but fair enforcement of health and safety law. This will be informed by the principles of proportionality in applying the law and securing compliance, consistency of approach, targeting of enforcement action, transparency about how we operate and what those regulated may expect, and accountability for our actions. These principles will apply both to enforcement in particular cases and to our management of enforcement activities as a whole.

### **4. THE PURPOSE OF ENFORCEMENT**

4.1 The purpose of enforcement is to:

- ensure that duty holders take action to deal immediately with serious risks;
- promote and achieve sustained compliance; and
- ensure that duty holders who breach health and safety requirements, and directors and managers who fail in their responsibilities, may be held to account. This may include bringing the alleged offenders before the courts, in circumstances set out in our Enforcement Policy Statement.

### **5. THE PROCESS OF ENFORCEMENT**

5.1 Inspectors use various enforcement techniques to deal with risks and secure compliance with the law, ranging from the provision of advice to enforcement notices.

5.2 Enforcement decisions must be impartial, justified and procedurally correct. The Council's Enforcement Policy Statement sets out the approach we follow.

5.3 The Health and Safety Executive have developed an Enforcement Management Module (EMM) which provides the Council with a framework for making enforcement decisions that meet the principles in the Enforcement Policy Statement. It captures the issues inspectors consider when exercising their professional judgement and reflects the process by which enforcement decisions are reached.

## **6. THE PURPOSE OF THE ENFORCEMENT MANAGEMENT MODULE**

- 6.1 The EMM is not a procedure in its own right. It is not intended to fetter inspectors' discretion when making enforcement decisions, and it does not direct enforcement in any particular case. It is intended to:
- promote enforcement consistency by confirming the parameters, and the relationships between the many variables, in the enforcement decision making process;
  - promote proportionality and targeting by confirming the risk based criteria against which decisions are made;
  - be a framework for making enforcement decisions transparent, and for ensuring that those who make decisions are accountable for them; and
  - help experienced inspectors assess their decisions in complex cases, allow peer review of enforcement action, and be used to guide less experienced and trainee inspectors in making enforcement decisions.
- 6.2 The EMM and the associated procedures enable managers to review the decision making process and their inspectors' enforcement actions to ensure the purpose and expectations of the EPS have been met.
- 6.3 The EMM does not exist in isolation. It is supported by quality procedures which address, amongst other things, the selection and investigation of accidents.

## **7. ENFORCEMENT TOOLS**

- 7.1 Inspectors have a range of tools at their disposal to seek compliance with the law and to ensure a proportionate response to criminal offences. Where appropriate they may:
- serve improvement and prohibition notices;
  - issue simple cautions;
  - initiate prosecution.

Simple cautions will not be used:

- as a let off;
- where there are some mitigating circumstances;
- where there is doubt about the public interest; or
- where either the prosecutors' office or the court are too busy.

## **8. COMPLAINTS PROCEDURE**

- 8.1 Complaints are dealt with by our standard complaints procedure.

## **9. THE PROCEDURES AND PRINCIPLES OF ENFORCEMENT**

- 9.1 Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by the Council to achieve compliance should be proportionate to any risks to health and safety or to the seriousness of any breach, which includes any actual or potential harm arising out of a breach of law.
- 9.2 Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. We will apply the principle of proportionality in relation to both kinds of duty.

- 9.3 Deciding what is reasonably practicable to control risks involves the exercise of judgment. In the final analysis, it is the courts that determine what is reasonably practicable in a particular case. Where duty holders must control risks so far as is reasonably practicable, we will, when considering protective measures taken by them, take account of the degree of risk on the one hand, and on the other the cost, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is a gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.
- 9.4 We will expect relevant good practice to be followed. Where, in particular cases, this is not clearly established, health and safety law effectively requires duty holders to assess the significance of the risks to determine what action needs to be taken. Some irreducible risks may be so serious that they cannot be permitted irrespective of the economic consequences. Conversely some risks may be so small that spending more to reduce them would not be expected.

## **10. TARGETING**

- 10.1 Targeting means making sure that contacts are targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled, and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it whether employers, or others.
- 10.2 The Council has a system for prioritising contacts according to the risks posed by a duty holder's operations, and to take account of the hazards and the nature and extent of the risks that arise. The duty holder's management competence is an important factor. Certain very high hazard sites will receive regular inspections so that we can give public assurance that such potentially serious risks continue to be effectively managed.
- 10.3 Enforcement action will be directed against duty holders who may be employers in relation to workers or others exposed to risk, the self employed, the owner of the premises, or the supplier of the equipment, or the designer or client of the project. Where several duty holders have responsibilities we will take action against those who are primarily in breach.
- 10.4 When our inspectors issue improvement or prohibition notices or prosecute or issue simple cautions, we will ensure that a senior officer of the duty holder concerned, at board level, is also notified.

## **11. CONSISTENCY**

- 11.1 Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.
- 11.2 Duty holders managing similar risks expect a consistent approach from us in the advice tendered, the use of enforcement notices etc, decisions on whether to prosecute, and in the response to incidents.
- 11.3 In practice consistency is not a simple matter. Our enforcement officers are faced with many variables: the severity of the hazard, the attitude and competence of management, the duty holder's accident history. Decisions on enforcement action are discretionary, involving judgment by the officer. The Council has arrangements in place to promote consistency in the exercise of discretion, and these include liaison arrangements with the other enforcing authorities and the Health and Safety Executive.

## **12. TRANSPARENCY**

- 12.1 Transparency means helping duty holders to understand what is expected of them and what they should expect from us. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
- 12.2 It also involves us in having arrangements for keeping employees, their representatives, and victims or their families informed. These arrangements have regard to legal constraints and requirements.
- 12.3 We will tell you what to expect when an inspector calls and what rights of complaint are open to you. All our health and safety inspectors are required to issue the leaflet '*What to expect when a health and safety inspector calls*' whenever they visit. This publication explains what employers and employees and their representatives can expect when a health and safety inspector calls at a workplace. In particular:
- when inspectors offer duty holders information, or advice, face to face or in writing, including any warning, they will tell the duty holder what to do to comply with the law, and explain why. If asked, Inspectors will confirm any advice in writing and distinguish legal requirements from best practice advice;
  - in the case of improvement notices, the inspector will discuss the notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when;
  - in the case of a prohibition notice, the notice will explain why the prohibition is necessary.

## **13. ACCOUNTABILITY**

- 13.1 Regulators are accountable to government, citizens and Parliament for their actions. This means that we have policies and standards (such as the four enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints.
- 13.2 We have a complaints procedure. Where a notice is served there is a right of appeal to an Employment Tribunal.

## **14. INVESTIGATION**

- 14.1 As with prosecution, the Council will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. The Health and Safety's national priorities, and those agreed at local level are used to target our activities and resources via our Health and Safety Service Plan.
- 14.2 To maintain a proportionate response, most resources available for investigation will be devoted to the more serious circumstances. It is neither possible nor necessary for the purposes of the Health and Safety at Work etc. Act to investigate all issues of non compliance with the law that are uncovered in the course of planned inspection, or reported events.
- 14.3 In conducting our investigations we will take account of any likely complimentary or shared enforcement roles, e.g. where the HSE has jurisdiction over some of the activities of a duty holder and we have jurisdiction over the rest of the activities. We will also refer relevant information to other regulators where there is a wider regulatory interest e.g. the HSE or to

the Primary Authority of a duty holder within the Local better Regulation Office's Primary Authority Scheme.

- 14.4 We will carry out a site investigation of a reportable work-related death, unless there are specific reasons for not doing so, for example because the police consider the cause to have been suicide.
- 14.5 A more detailed policy on investigating reportable workplace accidents and ill health is detailed at Appendix A.

## **15. PROSECUTION**

- 15.1 We will use discretion in deciding whether to initiate a prosecution. Our primary purpose is to help prevent harm, and while prosecution can draw attention to the need for compliance with the law, other approaches to enforcement can often promote health and safety more effectively.
- 15.2 The decision to prosecute will have regard to the evidential and public interest tests set down in England and Wales by the Director of Public Prosecutions in the Code for Crown Prosecutors. No prosecution will go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction, and decides that prosecution would be in the public interest.
- 15.3 Whilst our primary purpose is to ensure that duty holders manage and control risks effectively thus preventing harm, prosecution is an essential part of enforcement. Where an investigation has collected sufficient evidence to provide a realistic prospect of conviction and has decided, in accordance with this policy and taking account of the Code for Crown Prosecutors that it is in the public interest to prosecute then that prosecution should go ahead. Where circumstances warrant it and the evidence to support a case is available we will prosecute without prior warning or recourse to alternative sanctions.
- 15.4 Subject to these two tests we will normally prosecute, or recommend prosecution, where following an investigation or other regulatory contact, the following circumstances apply. Where:
- death was a result of a breach of the legislation;
  - the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
  - there has been reckless disregard of health and safety requirements;
  - there have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
  - work has been carried out without or in serious breach of an appropriate licence;
  - a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
  - there has been a failure to comply with a written warning or an improvement or prohibition notice; or there has been a repetition of a breach that was subject to a formal caution;
  - inspectors have been intentionally obstructed in the lawful course of their duties;
  - false information has been wilfully supplied, or there has been intent to deceive.

We will also consider prosecution, or consider recommending prosecution where, following an investigation or other regulatory contact, the following circumstances apply:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law;



- a breach that gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

15.5 Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders.

15.6 Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally we will actively consider the management chain and the role played by individual directors and managers. We will take action against them where it can be shown that the offence was committed with their consent or connivance or to have been attributable to neglect on their part. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

## **16. PUBLICITY**

16.1 We will make arrangements for the publication annually of the names of all the companies and individuals who have been convicted in the previous 12 months of breaking health and safety law.

16.2 We will also consider drawing media attention to factual information about charges that have been laid before the courts, having due regard to publicity that could prejudice a fair trial. We will also consider publicising any conviction that could serve to draw attention to the need to comply with health and safety requirements, or deter anyone tempted to disregard their duties under health and safety law.

## **17. ACTION BY THE COURTS**

17.1 Where appropriate we will draw the court's attention to all the factors that are relevant to the court's decision as to what sentence is appropriate on conviction. The Court of Appeal has given some guidance on some of the factors that should inform the courts in health and safety cases (*R v F. Howe and Son (Engineers) Ltd* [1992] 2 All ER, and subsequent judgments).

## **18. REPRESENTATION TO THE COURTS**

18.1 In cases of sufficient seriousness, and when given the opportunity, we will consider indicating to the magistrates that the offence is so serious that they may send it to be heard or sentenced in the higher court where higher penalties can be imposed. In considering what representations to make we will have regard to Court of Appeal guidance; the Court of Appeal has said "In our judgment magistrates should always think carefully before accepting jurisdiction in health and safety at work cases, where it is arguable that the fine may exceed the limit of their jurisdiction or where death or serious injury has resulted from the offence".

## **19. DEATH AT WORK**

19.1 Where there has been a breach of the law leading to a work-related death, we will consider whether the circumstances of the case might justify a charge of manslaughter. We will liaise with the Police, Coroners and the Crown Prosecution Service and if they find evidence suggesting manslaughter, pass it on to the Police or where appropriate the CPS. If the Police or the CPS decide not to pursue a manslaughter case, we will bring a health and safety prosecution if that is appropriate.

19.2 To ensure decisions on investigation and prosecution are co-ordinated, the HSE, the Association of Chief Police Officers and the CPS have jointly agreed and published '*Work*

*Related Deaths: A Protocol for Liaison*. Exeter City Council has agreed that it should take account of the Protocol when responding to work-related deaths.

## 20. PENALTIES FOR HEALTH AND SAFETY OFFENCES

The Health and Safety at Work etc. Act 1974 (HSWA), section 33 (as amended) sets out all of the offences and maximum penalties under health and safety legislation.

- **Failing to comply with an improvement or prohibition notice, or a court remedy order** (issued under HSWA sections 21, 22 and 42 respectively)
  - lower court maximum: £20,000 and/or 12 months' imprisonment;
  - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **Breach of sections 2-6 of the HSWA**, which set out the general duties of employers, self-employed persons, manufacturers and suppliers to safeguard the health and safety of workers and members of the public who may be affected by work activities
  - lower court maximum: £20,000 and/or 12 months' imprisonment;
  - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **Most other breaches of the HSWA, contravening licence requirements and breaches of all health and safety regulations under the Act.** These impose both general and more specific requirements, such as requirements to carry out a suitable and sufficient risk assessment or to provide suitable personal protective equipment. Licensing requirements apply to high hazard activities such as nuclear installations and asbestos stripping.
  - lower court maximum: £20,000 and/or 12 months' imprisonment;
  - higher court maximum: Unlimited fine and/or 2 years' imprisonment.
- **On conviction of directors for indictable offences in connection with the management of a company** (all of the above, by virtue of HSWA sections 36 and 37), the courts may also make a disqualification order (Company Directors Disqualification Act 1986, sections 1 and 2). The Courts have exercised this power following health and safety convictions. Health and safety inspectors draw this power to the Court's attention whenever appropriate
  - lower court maximum: 5 years disqualification;
  - higher court maximum: 15 years disqualification.

## 21. APPENDIX A – ACCIDENT INVESTIGATION

- 21.1 It is the policy of the Council to investigate reportable accidents under the Reporting of Injuries, Disease, and Dangerous Occurrences Regulations 1995 according to the criteria set out below.
- 21.2 An initial assessment of the incident will be made and a decision taken on investigation within 3 working days.
- 21.3 Accidents will be investigated in accordance with the principles of proportionality, consistency, targeting, transparency and accountability.
- 21.4 The purpose of investigation is to:
- identify immediate and underlying causes;
  - ensure the duty holder takes appropriate remedial action to prevent reoccurrence;
  - evaluate compliance with the relevant statutory provisions; and
  - apply the principles of the Enforcement Management Model and take enforcement action if appropriate.

Investigations will be:

- continued only so far as they are proportionate to the achievement of the objectives set for them;
- conducted and/or supervised by staff who are competent;
- provided with adequate resources and support, including information, equipment and staffing;
- conducted so that efficient and effective use is made of the resources committed to them;
- timely, so far as this is within the control of the investigating inspector; and
- subject to suitable management procedures for monitoring the conduct and outcome of investigations.

21.5 Factors to determine whether an investigation continues to be proportionate:

- Public expectation, for example, where there has been a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries;
- The potential (taking into account reasonable foreseeability) for a repetition of the circumstances to result in a fatality or fatalities, serious ill health, or an accident involving multiple serious injuries either in the activities of a specific duty holder or within industry generally;
- the extent to which the available evidence allows conclusions as to causation to be drawn and supported with sufficient certainty, including conclusions as to responsibility for alleged breaches of relevant legislation;
- the extent to which the resources needed for the investigation are disproportionate to the hazard(s) or risk(s); and
- the prevalence of the event, either in the activities under the control of a specific duty holder, or in an industry sector generally.

## **22. CRITERIA FOR INVESTIGATING RIDDOR REPORTS**

### **Mandatory Investigations**

22.1 All fatalities arising out of, or in connection with work activities whether it is to an employee or a member of the public. This excludes suicides or deaths from natural causes.

22.2 The following major injuries, as defined in the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations (RIDDOR), to all persons, including non-employees, irrespective of the cause:

- all amputations of digit(s) past the first joint;
- amputation of hand/arm or foot/leg;
- serious multiple fractures;
- crush injuries leading to major organ damage;
- serious head injuries involving loss of consciousness;
- burns or scalds greater than 10% of the body;
- permanent blinding of one or both eyes;
- any degree of scalping;
- asphyxiations.

22.3 All reported cases of disease which meet the criteria for reporting under RIDDOR, except those arising from circumstances/situations which have already been investigated.

## **Non Investigation of a Mandatory Incident**

22.4 Grounds for not investigating incidents that would normally be investigated include:

- impracticability of investigation e.g. the unavailability of witnesses or evidence;
- no reasonably practicable precautions available to prevent the incident or its recurrence;
- investigating the accident would mean that the Council was acting ultra vires;
- conflict of interest between the Council as regulator and duty holder, in which case the appropriate enforcing authority will be notified;
- inadequate resources due to other priorities (must be referred to Environmental Health Manager or equivalent.)

## **Discretionary Investigations**

22.5 Those incidents not falling into the above criteria for mandatory investigation may be investigated at the Council's discretion, taking into account the following factors:

- any incident which relates to the HSE's current strategic priorities which has not caused a RIDDOR defined major injury or one which arises from a specific health and safety initiative that may be contained within the Council's Health and Safety Service Plan;
- the poor track record of the duty holder and whether there is a history of similar events;
- the incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction;
- the incident may give rise to complaints. Depending on circumstances, this should be dealt with as a normal complaints procedure and not necessarily require a full investigation;
- any incident identified as being useful for enhancing sector good practice/technical knowledge.

## **23. APPENDIX B - COMPLAINTS**

23.1 The Council has a policy on investigating complaints / requests for service. We will make an initial response within 5 working days of the complaint / request for service being made to the Council. In deciding whether to investigate we will take into account the following factors:

- the severity and scale of actual or potential harm, or the high potential for harm arising from an event;
- the seriousness of any potential breach of the law;
- the track record of the duty holder;
- the enforcement priorities of the Council;
- the practicality of achieving results;
- the wider relevance of the event including serious public concern.

In any case this policy will be interpreted in the overall context of the Enforcement Policy.

## **SECTION 15: CONCLUSION**

- 15.1 The Statutory Service Plan (Business Compliance) for 2012/2013 demonstrates that the Council has organised its food safety, health and safety and other associated functions in such a manner that it is capable of achieving a comprehensive service capable of meeting the corporate aims of the authority, and the expectations of the FSA, Health and Safety Executive, Drinking Water Inspectorate and other related legislation that the section has responsibility for enforcing.

## SECTION 16: GLOSSARY OF TERMS

<b>GLOSSARY</b>	
CIEH	Chartered Institute of Environmental Health
EHO	Environmental Health Officer
EHORB	Environmental Health Officers Registration Board
EHT	Environmental Health Technician
FSA	Food Standards Agency
FW&E	Food, Water and Environment Laboratory
HACCP	Hazard Analysis and Critical Control Points
HoS	Head of Services
HPA	Health Protection Agency
LGR	Local Government Regulation
PEHO	Principal Environmental Health Officer
PCT	Primary Care Trust
RSPH	Royal Society of Public Health
SWWS	South West Water Services plc

## SECTION 17: RECOMMENDATIONS FOR THE SERVICE DELIVERY PLAN 2012/13

The Commercial and Business Support Team provided by the City Council is a statutory service subject to annual review and periodic audit by the Food Standards Agency, Health and Safety Executive and Drink Water Inspectorate. The core elements of the service and their respective link documents detailing the expectation on the authority can be identified as follows:

- **Organisation / Officer Competency / Authorisations** – refer to officer appraisals and internal procedural guidance.
- **Food hygiene inspections** – refer to section 18 – Intervention / Work Programme for 2012/13.
- **Complaints / Service Requests** – referral to internal procedural guidance.
- **Home Authority** – refer to internal procedural guidance
- **Advice to Businesses** – refer to section 18 – Intervention / Work Programme for 2012/13.
- **Food Premises Database** – refer to internal procedural guidance.
- **Food Sampling** – Refer to Sampling Plan for 2012/13 contained within Section 8 of this service plan.
- **Control and investigation of Outbreaks of Food Related Infections/ Diseases** – refer to internal procedural guidance.
- **Food Safety Incidents** – refer to internal procedural guidance.
- **Enforcement** - refer to development of Intervention / Work Plan
- **Internal Monitoring and Peer Review** – refer to Work Plan for Devon CEHO's Food Liaison Group 2011/12.
- **Food Safety Promotion/Initiatives** - refer to section 18 – Intervention / Work Programme for 2012/13.
- **Facilities and Equipment** – refer to internal procedural guidance.
- **National Food Hygiene Rating Scheme** – to continue to maintain and enhance the scheme within the city.

The following recommendations are key activities to shape the service over the forthcoming year and bring about the necessary improvements to ensure it meets the requirements of regulatory reform / Better Regulation and contributes to the strategic objectives of the Council.

**SECTION 18: COMMERCIAL AND BUSINESS SUPPORT TEAM  
INTERVENTION / WORK PLAN 2012 / 2013**

Month	Project	Description	Strategic Objectives	Lead Officer
<b>Quarter 1</b>				
<p>District 1 and 3 Officer Inspection Programme – A, B1 and B2 HSW as well as compliant A, B and C Category compliant Food premises requiring full of partial inspection (total 40 inspections per officer).</p> <p>All non and borderline compliant Food premises to receive a joint visit from PEHO and Service Manager to determine next course of action (47 premises).</p> <p>Contractor – 36 full inspections comprising of broadly compliant B and C food premises.</p> <p>P/T EHO and District 2 Officer Inspection Programme – All category E premises</p>				
Q1	<b>Implement the FSA guidance on Cross Contamination</b>	<p>Look to educate business through a combined methodology to ensure compliance with the new guidance and to minimise the impact upon the Food Hygiene Rating Scheme.</p> <p>This will be completed through a combination of written information, the food and safety awareness seminars and necessary visits to premises where officer's identify that this guidance may have a particular impact.</p>	<p>Excellence in Public Services</p> <p>Healthy and Active City</p>	PEHO
Q1	<b>Auditing of Staff</b>	Principal Environmental Health Officer to conduct audits of staff during routine food and health and safety inspections	Excellence in Public Services	PEHO
Q1	<b>Health and Safety Review</b>	<p>Health and Safety Review of Commercial and Business Support functions including: -</p> <ul style="list-style-type: none"> <li>• Risk Assessments</li> <li>• Safe Working Practices</li> <li>• DSE re-assessments</li> </ul>	Excellence in Public Services	Service Manager



		<ul style="list-style-type: none"> <li>Office Safety Checks</li> </ul>		
Q1	<b>Review of Licensing Support Arrangements</b>	Review staffing arrangements for licensing following the transfer to the Business Support Team. Also look at continuity planning for the licensing team, using the Senior Business Support Officer.	<p>Excellence in Public Services</p> <p>An Electronic City</p>	Service Manager
April 2012	<b>Review of the first year of the Food Hygiene Rating Scheme</b>	<p>Look to publicise the scheme and work with the local media to raise awareness amongst consumers.</p> <p>Review the success of the scheme, looking at the percentage of business who have improved their rating since the launch of the scheme.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>Excellence in Public Services</p> <p>An Electronic City</p> <p>A Prosperous City</p>	All
April 2012	<b>April Showers Intervention</b>	To visit High Street retail establishments on a rainy April day to look at how slips hazards are being dealt with.	<p>Healthy and Active City</p> <p>A Prosperous City</p>	All
April 2012	<b>Exeter Festival of Food and Drink</b>	<p>The festival runs from Friday 13 April to Sunday 15 April 2012 at Northernhay Park.</p> <p>An appointed officer to be involved in the planning of this event from a Food Safety and Health and Safety viewpoint.</p> <p>Food Safety control information to be handed out prior to the event.</p> <p>Inspection / visits to be conducted on the first day of the festival.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>A Prosperous City</p>	EHO District 2
May 2012	<b>Local Cleaning Practices in Food Establishments</b>	<p>Visits to establishments to take swabs of food preparation areas to look at the effectiveness of cleaning practices taking place.</p> <p>This project will involve using the ATP meter which can give a indicative reading of the cleanliness of surfaces, and where a poor reading is recorded officers can demonstrate to food handlers within the premise how cleaning should be conducted.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>A Prosperous City</p>	EHO District 2 and P/T EHO

May 2012	<b>Olympic Torch Relay</b>	Officers from the service will be on duty for the Olympic Torch Relay on Sunday 20 May 2012 to ensure regulatory compliance with food safety and health and safety issues surrounding this prestigious event.	Healthy and Active City Cultural and Fun Place to Be A Prosperous City	Service Manager
June 2012	<b>Food Safety Week 2012</b>	<p>Food Safety Week will take place from 11 to 17 June and the theme is 'food safety on a budget'.</p> <p>This annual event, held to promote the importance of good food hygiene in the home, will focus on how people can ensure that they keep their food safe when trying to save money.</p> <p>During Food Safety Week we will be reminding people of the following food safety advice.-</p> <ul style="list-style-type: none"> <li>• <b>Understanding 'use by' and 'best before' dates</b></li> <li>• <b>Using leftovers safely</b></li> <li>• <b>Planning your meals</b></li> </ul>	Healthy and Active City Excellence in Public Services A Prosperous City An Electronic City	EHO District 3
June 2012	<b>Approval of the Statutory Service Plan</b>	Seek Scrutiny Community approval for the 2012/13 Statutory Service Plan	Healthy and Active City Excellence in Public Services A Prosperous City A Safe City	Service Manager / PEHO
June 2012	<b>Local Sampling Programme</b>	Local intelligence led sampling of the restaurants / cafes and takeaways to ensure compliance with food hygiene law	Healthy and Active City A Prosperous City	EHO District 2 and P/T EHO

**Quarter 2**

District 1 and 3 Officer Inspection Programme – Broadly compliant A, B and C Category compliant Food premises requiring full or partial inspection (total 40 inspections per officer).

All non and borderline compliant Food premises to receive a joint visit from PEHO and Service Manager to determine next course of action (47 premises).

Contractor – 36 full inspections comprising of broadly compliant B and C food premises.

P/T EHO and District 2 Officer Inspection Programme – Category D premises

July 2012	<b>National Sampling Programme</b>	LGR Study 48 – Pâté in catering establishments  A comparison of 'in-house' produced and large-scale produced offal-based pâté	Healthy and Active City  A Prosperous City	EHO District 1
July 2012	<b>Local Cleaning Practices in Food Establishments</b>	Visits to establishments to take swabs of food preparation areas to look at the effectiveness of cleaning practices taking place.  This project will involve using the ATP meter which can give a indicative reading of the cleanliness of surfaces, and where a poor reading is recorded officers can demonstrate to food handlers within the premise how cleaning should be conducted.	Healthy and Active City  Cultural and Fun Place to Be  A Prosperous City	EHO District 2 and P/T EHO
September 2012	<b>Childminders</b>	To arrange a Safety and Health Awareness Day with childminders and pre-schools to educate on the basic principles of food safety and infectious diseases.  <b>All registered premises that are due for an intervention during 2012/13 to be invited to attend. Those premises that do not attend and require an inspection will need to be inspected.</b>	Healthy and Active City  Excellence in Public Services  A Prosperous City	
September 2012	<b>Local Sampling Programme</b>	Local intelligence led sampling of the restaurants / cafes and takeaways to ensure compliance with food hygiene law	Healthy and Active City  A Prosperous City	EHO District 2 and P/T EHO
September 2012	<b>Builders Merchants</b>	This project will look at all Builders Merchants within the city and will look at areas such as workplace transport, loading and	Healthy and Active City	EHO District 1 and 3

		<p>unloading and Fork Lift Trucks. The project will have a two-pronged approach: -</p> <p>1). Safety Health and Awareness Days to be organised for the independent and small and medium sized builders merchants</p> <p>2). Safety Management Audits being undertaken with the larger builders merchants.</p> <p>The overall aim of the initiative will be to build sustainable improvements in health and safety.</p> <p><b>Target: To involve all 14 Builders Merchants in either stage of the project.</b></p>	<p>Excellence in Public Services</p> <p>A Prosperous City</p> <p>A Safe City</p>	
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**Quarter 3**

District 1 and 3 Officer Inspection Programme – Broadly compliant A, B and C Category compliant Food premises requiring full or partial inspection (total 40 inspections per officer).

All non and borderline compliant Food premises to receive a joint visit from PEHO and Service Manager to determine next course of action (47 premises).

Contractor – 36 full inspections comprising of broadly compliant B and C food premises.

P/T EHO and District 2 Officer Inspection Programme – Category C inspections requiring an intervention

Q3	<b>Auditing of Staff</b>	Principal Environmental Health Officer to conduct audits of staff during routine food and health and safety inspections		SR
October 2012	<b>SHAD</b>		Healthy and Active City Excellence in Public Services A Prosperous City	
October 2012	<b>Local Sampling Programme</b>	Local intelligence led sampling of the restaurants / cafes and takeaways to ensure compliance with food hygiene law	Healthy and Active City A Prosperous City	EHO District 2 and P/T EHO
November 2012	<b>Local Cleaning Practices in Food Establishments</b>	Visits to establishments to take swabs of food preparation areas to look at the effectiveness of cleaning practices taking place.  This project will involve using the ATP meter which can give a indicative reading of the cleanliness of surfaces, and where a poor reading is recorded officers can demonstrate to food handlers within the premise how cleaning should be conducted.	Healthy and Active City Cultural and Fun Place to Be A Prosperous City	EHO District 2 and P/T EHO
November 2012	<b>Noise at Work Monitoring</b>	Follow up monitoring of previous noise at work evening visits conducted in entertainment venues with loud music to ensure compliance with the Noise at Work regulations	Healthy and Active City Cultural and Fun Place to Be	All

			A Prosperous City	
December 2012	<b>Christmas Markets / Christmas Catering Safety Awareness</b>	<p>Inspection of Christmas markets around the city.</p> <p>Also look at food safety messages that around festive cooking.</p>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	

**Quarter 4**

District 1 and 3 Officer Inspection Programme – Broadly compliant A, B and C Category compliant Food premises requiring full or partial inspection (total 40 inspections per officer).

All non and borderline compliant Food premises to receive a joint visit from PEHO and Service Manager to determine next course of action (47 premises).

Contractor – 36 full inspections comprising of broadly compliant B and C food premises.

P/T EHO and District 2 Officer Inspection Programme – Category C inspections requiring an intervention

January 2013	<b>Sampling Programme</b>	<b>Study 49.</b> Reactive response study*	Healthy and Active City A Prosperous City	
January 2013	<b>Local Sampling Programme</b>	Local intelligence led sampling of the restaurants / cafes and takeaways to ensure compliance with food hygiene law	Healthy and Active City A Prosperous City	EHO District 2 and P/T EHO
February 2013	<b>Swimming / Spa pools</b>	Sampling / Intervention programme looking at water quality management.  May / June 2012 the Devon Health and Safety sub group will be holding a training course for Enforcement Officers regarding pool management.  By September 2012 all 17 premises to be initially sampled as part of the routine sampling programme.  Following Sampling results, organise a Safety and Health Awareness Day for swimming pool operators in February 2013.	Healthy and Active City A Prosperous City	PEHO
February 2013	<b>Curry Chef 2013</b>	To look to build upon the success of the 2012 Curry Chef competition, by increasing the number of entrants to the 2013 competition.  All premises will be allowed one entrant and the premise must achieve a rating of 3, 4 or 5 as a minimum requirement to enter the competition.	Healthy and Active City Excellence in Public Services	All

			A Prosperous City A Safe City	
February 2013	<b>Local Cleaning Practices in Food Establishments</b>	<p>Visits to establishments to take swabs of food preparation areas to look at the effectiveness of cleaning practices taking place.</p> <p>This project will involve using the ATP meter which can give a indicative reading of the cleanliness of surfaces, and where a poor reading is recorded officers can demonstrate to food handlers within the premise how cleaning should be conducted.</p>	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>A Prosperous City</p>	EHO District 2 and P/T EHO
March 2013	<b>Section 18 Review</b>	<p>To complete the S18 review exercise to ensure the authority's full compliance with the requirements.</p> <p><b>Target: To be completed by 31 March 2013</b></p>	Excellence in Public Services	PEHO / Service Manager
March 2013	<b>Local Sampling Programme</b>	Local intelligence led sampling of the restaurants / cafes and takeaways to ensure compliance with food hygiene law	<p>Healthy and Active City</p> <p>A Prosperous City</p>	EHO District 2 and P/T EHO
March 2013	<b>Review of the Food Safety Policies and Procedures</b>	<p>To complete the review exercise to ensure the authority's full compliance with legal requirements.</p> <p><b>Target: To be completed by 31 March 2013</b></p>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	PEHO / Service Manager
March 2013	<b>Noise at Work Monitoring</b>	Follow up monitoring of previous noise at work evening visits conducted in entertainment venues with loud music to ensure compliance with the Noise at Work regulations	<p>Healthy and Active City</p> <p>Cultural and Fun Place to Be</p> <p>A Prosperous City</p>	All
March 2013	<b>Implement the Action Plan of the Devon Health and Safety sub group.</b>	<p>Aim to contribute to the to the following actions Devon wide: -</p> <ul style="list-style-type: none"> <li>• Agree a framework for complaint handling and adopt into ECC procedures.</li> <li>• Agree a consistent approach for RIDDOR investigations handling and adopt into ECC procedures.</li> </ul>	<p>Healthy and Active City</p> <p>A Prosperous City</p>	PEHO / All



		<ul style="list-style-type: none"> <li>• Formation of a directory of officers with areas of specific experience available for advise and consultation – ECC to contribute staff expertise.</li> <li>• Ensure relevant local regulators (CQC, Environment Agency, Health and Wellbeing PCTs, Devon Fire and Rescue etc) are engaged with relevant work streams.</li> </ul>		
March 2013	<b>Childminders</b>	<p>To arrange a Safety and Health Awareness Day with childminders and pre-schools to educate on the basic principles of food safety and infectious diseases.</p> <p><b>All registered premises that are due for an intervention during 2012/13 to be invited to attend. Those premises that do not attend and require an inspection will need to be inspected.</b></p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p>	
March 2013	<b>Gas Safety Interventions</b>	<p>To work in partnership with the HSE and Gas Safe to inspect premises for compliance with gas safety legislation and to ensure that gas engineers are accredited and working within scope of their gas safe accreditation.</p> <p><b>Target: to conduct at least 60 gas safety interventions</b></p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p> <p>A Safe City</p>	All
March 2013	<b>Primary Authority Partnerships</b>	To investigate and establish further Primary Authority Partnerships during this intervention programme across the range of regulatory areas	Excellence in Public Services	EHO District 2 / PEHO and Service Manager
March 2013	<b>Health and Wellbeing Board</b>	To work with the shadow health and wellbeing board to develop a programme of public health initiatives in preparation for the launch of the Devon board in April 2013	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p> <p>A Safe City</p>	All

## Training Provision

Quarter	Project	Description	Objectives	Lead Officer
Q1	<b>Training Courses:</b>	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Food Safety in Catering</p> <ul style="list-style-type: none"> <li>• 4 April 2012</li> <li>• 24 April 2012</li> <li>• 03 May 2012</li> <li>• 23 May 2012</li> <li>• 07 June 2012</li> <li>• 27 June 2012</li> </ul> <p>Level 3 Award in Food Safety in Catering</p> <p>Day 1 – 15 March 2012            Day 2 – 22 March 2012            Day 3 – 29 March 2012            Exam – 05 April 2012</p> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> <li>• 17 April 2012</li> <li>• 14 June 2012</li> </ul> <p>Level 2 Award in Principles of Manual Handling</p> <ul style="list-style-type: none"> <li>• 10 May 2012</li> </ul> <p>Level 3 Award in Risk Assessment Principles and Practice</p> <p>Day 1 – 11 April 2012            Day 2 – 18 April 2012</p>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p>	BST

		<p>Food and Safety Awareness Session</p> <ul style="list-style-type: none"> <li>• 17 May 2012</li> </ul>		
Q2	<b>Training Courses:</b>	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Food Safety in Catering</p> <ul style="list-style-type: none"> <li>• 05 July 2012</li> <li>• 25 July 2012</li> <li>• 08 August 2012</li> <li>• 07 September 2012</li> <li>• 20 September 2012</li> </ul> <p>Level 4 Award in Food Safety in Catering</p> <p>Day 1 – 21 September 2012  Day 2 – 28 September 2012  Day 3 – 05 October 2012  Day 4 – 12 October 2012  Day 5 – 19 October 2012  Day 6 – 26 October 2012  Exam – 09 November 2012</p> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> <li>• 22 August 2012</li> </ul> <p>Food and Safety Awareness Session</p> <ul style="list-style-type: none"> <li>• 13 September 2012</li> </ul> <p>Childminder Safety and Food Awareness Seminar</p> <ul style="list-style-type: none"> <li>• 27 September 2012</li> </ul>	<p>Healthy and Active City</p> <p>Excellence in Public Services</p> <p>A Prosperous City</p>	BST
Q2	<b>Cantonese</b>	To run a Level 2 Award in Food Safety in Catering delivered in	Healthy and Active City	SBSO

	<b>Level 2 Award in Food Safety in Catering</b>	Cantonese. <b>Target: To run a course with a minimum of 15 delegates</b>	Excellence in Public Services A Prosperous City	
Q3	<b>Training Courses:</b>	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Food Safety in Catering</p> <ul style="list-style-type: none"> <li>• 04 October 2012</li> <li>• 24 October 2012</li> <li>• 01 November 2012</li> <li>• 16 November 2012</li> <li>• 05 December 2012</li> </ul> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> <li>• 09 October 2012</li> <li>• 14 December 2012</li> </ul> <p>Level 2 Award in Principles of Manual Handling</p> <ul style="list-style-type: none"> <li>• 03 October 2012</li> </ul> <p>Level 3 Award in Risk Assessment Principles and Practice</p> <p>Day 1 – 11 October 2012 Day 2 – 18 October 2012</p> <p>Food and Safety Awareness Session</p> <ul style="list-style-type: none"> <li>• 29 November 2012</li> </ul>	Healthy and Active City Excellence in Public Services A Prosperous City	BST
Q4	<b>Training Courses:</b>	<p>The following dates have been scheduled for each course: -</p> <p>Level 2 Award in Food Safety in Catering</p>	Healthy and Active City Excellence in Public	BST

		<ul style="list-style-type: none"> <li>• 25 January 2013</li> <li>• 06 February 2013</li> <li>• 21 February 2013</li> <li>• 06 March 2013</li> <li>• 21 March 2013</li> </ul> <p>Level 3 Award in Food Safety in Catering</p> <p>Day 1 – 24 January 2013  Day 2 – 31 January 2013  Day 3 – 07 February 2013  Exam – 14 February 2013</p> <p>Level 2 Award in Health and Safety</p> <ul style="list-style-type: none"> <li>• 15 February 2013</li> </ul> <p>Level 2 Award in Principles of Manual Handling</p> <ul style="list-style-type: none"> <li>• 13 February 2013</li> </ul> <p>Food and Safety Awareness Session</p> <ul style="list-style-type: none"> <li>• 10 January 2013</li> <li>• 14 March 2013</li> </ul> <p>Childminder Safety and Food Awareness Seminar</p> <ul style="list-style-type: none"> <li>• 27 March 2013</li> </ul>	<p>Services</p> <p>A Prosperous City</p>	
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