



**Exeter**  
City Council

Environmental Health and Community Safety

# **Food Law and Health and Safety Enforcement Service Plan**

**2020 – 2021**

Drawn up in accordance with the: -

- Food Standards Agency Framework Agreement
- National Local Authority Enforcement Code
- Regulators' Code

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# 1 Introduction

## 1.1 Introduction

1.1.1 This document forms the basis of the business regulation enforcement functions for the authority and ensures that statutory provision for food law and health and safety enforcement is addressed along with locally identified needs.

1.1.2 The Council has a duty to act as an enforcing authority for food safety and health and safety in premises for which it is responsible. The plan outlines how the Council will undertake that function.

1.1.3 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 and health 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 around enforcement services provided by the Council;
- details of the Council's performance management systems;
- information on the performance of the Council

## 1.2 Access to services

1.2.1 The Environmental Health and Community Safety service is based in the Civic Centre, Paris Street. Service users may contact officers on site or by leaving a message in the following ways:

- online via the Council website
- in person by appointment at the Customer Service Centre in Paris Street.
- by telephone, 01392 265193 between 09:00am 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 01392 265193 by means of a telephone service;
- by email: [environmental.health@exeter.gov.uk](mailto:environmental.health@exeter.gov.uk)

# 2 Service aims and objectives

## 2.1 Aims and objectives

2.1.1 The Council's Corporate Plan sets out priorities which aim to meet the needs of our citizens and customers. The priorities are:

- Tackling congestion and accessibility
- Promoting active and healthy lifestyles
- Building great neighbourhoods
- The corporate plan is available by visiting [www.exeter.gov.uk/corporateplan](http://www.exeter.gov.uk/corporateplan).

2.1.2 In respect of Food Safety and Health and Safety the objectives of the Council are to:

- undertake appropriate and meaningful regulatory interventions at business and residential 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 and current good practice. Businesses will be targeted, focusing resources on those presenting a high risk to health, the environment or 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 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 wellbeing of persons living, working or visiting the City;
- provide technical advice to City Development on the environmental and health impacts of development.

## **2.2 Links to corporate purposes and other local and national strategies and plans**

2.2.1 The Environmental Health and Community Safety service aims to uphold the core values of how the council works, making sure that they underpin our attitudes and behaviours. Accordingly we will:

- Meet customers’ needs with high-quality services
- Be flexible and have a can-do approach
- Show trust and respect
- Tell people what is going on, listen and respond to their views
- Be proud to work for the city and the council

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
- 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;

- continue to develop new ways to establish and maintain an effective health and safety culture in the city so that all employers take their responsibilities seriously, the workforce is fully involved, risks are properly managed and employees are not being protected;
- Actively seek to work with other areas of the council, business and individuals to ensure that economic development within the city is maintained;
- 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.

## **2.3 Links to Health and Wellbeing Priorities and Other Plans**

2.3.1 The Devon Health and Wellbeing Board has 4 strategic priorities:

- Create opportunities for all-inclusive economic growth, education and social mobility
- Healthy, safe, strong and sustainable communities creating conditions for good health and wellbeing where we live, work and learn.
- Focus on mental health building good emotional health and wellbeing, happiness and resilience
- Maintain good health for all supporting people to stay as healthy as possible for as long as possible.

2.3.2 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.

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

- The Council Enforcement Policy
- The Environmental Strategy
- The Carbon Management Plan
- The Air Quality Strategy
- The Air Quality Action Plan
- The Licensing Act 2003 Statement of Licensing Policy
- Exeter City Council Corporate Plan
- The Exeter Community Safety Partnership Strategy
- Gambling Act 2005 Policy
- Street Trading Policy

# **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 an estimated residential population of 130,500 persons with 72.8% of working age.

3.1.2 There are a total of 4,877 registered businesses for business rates.

- 3.1.3 Approximately 35,000 people commuting to Exeter on a daily basis, with an average footfall in the city centre of 1,364,000 people per month.
- 3.1.4 Exeter 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.
- 3.1.5 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 food outlets and fast food takeaway outlets and the food pattern is dynamic.
- 3.1.6 The City's status as a medical, university, and educational centre means that there are several large institutional catering premises located within the boundary.
- 3.1.7 The few Product Specific Premises are small scale operations by modern day standards.
- 3.1.8 Exeter is no longer a port health authority.
- 3.1.9 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 Environmental Health and Community Safety is within the Portfolio of Services overseen by the Director for Communities, Health, Wellbeing, Sport and Leisure, with the Service Lead -Environmental Health and Community Safety responsible for delivering this Service Plan. The Environmental Health and Community Safety Service 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;
  - Licensing duties in relation to Licensing Act 2003, Gambling Act 2005, taxis and miscellaneous legislation;
  - Regulation of premises under the Environmental Permitting Regulations;
  - Monitoring of the city's air quality;
  - Monitoring and guidance with respect to contaminated land;
  - Investigation of complaints relating to business nuisance;
  - support to functions for Waste Operations and Fleet, Public and Greenspaces, and Private Sector Housing;
  - Co-ordination of the council's anti-social behaviour function;
  - Co-ordination of the multi-agency Community Safety Partnership
  - Regulation of Private Sector Housing which includes Mobile Home Parks
  - Housing Grants and Loans
  - Fuel Poverty Strategy
- 3.2.2 Environmental Health and Community Safety Service operates under the Director for Communities, Health, Wellbeing, Sport and Leisure.

- 3.2.3 The Service Lead - Environmental Health and Community Safety has various delegations to act on behalf of the Council, with delegated deputies appointed under the Council's constitution. All non-delegated matters are reported to the appropriate committee.
- 3.2.4 The officer structure in respect of the service is detailed in Appendix A and the Council's committee structure is detailed in Appendix B.
- 3.2.5 In consultation with the Director (City Solicitor), the Service Lead – Environmental Health and Community Safety is authorised to deal with the provisions and enforce compliance with legislative areas delegated to the post. This includes the initiation, defence and settlement of legal proceeding, issuing of formal cautions and fixed penalty fines, service of Notices and Orders, the issue, refusal and revocation of licences, certificates and registrations, carrying out works in default and payment and recovery of costs.
- 3.2.6 The Council's Director (City Solicitor) has delegated authority for the initiation, defence, settlement and conduct of any legal proceedings which may affect the interests of the Council or the inhabitants of the City.
- 3.2.7 Specialist analytical and microbiological services are provided by external agencies such as the Public Health England, South West Water and Somerset Scientific Services.

## **4 Performance**

### **4.1 Food Safety performance**

4.1.1 During 2019/20, the service:

- Conducted 569 rated food hygiene inspections
- 93.74% of those inspections that were due within 2019/20 were conducted
- 6 requests for food hygiene rating scheme revisit were received and the premises were subsequently revisited
- 97% of food premises within the city are broadly compliant with food hygiene law
- 162 compliance checks / advice visits were conducted
- 190 food poisoning cases were investigated
- 231 service requests / complaints relating to food safety were received
- 87 delegates attended food safety training with a 98.9% pass rate
- 72 food samples were conducted with 6.9% found to be unsatisfactory or borderline.

### **4.2 Health and Safety performance**

4.2.1 During 2019/20:

- 76 premises have been the subject of a health and safety intervention.
- 269 health and safety service requests / complaints were dealt with
- 132 accident reports have been received and looked into

- Joint initiatives took place with partners including the Police where there was a concern for staff welfare, health and safety and whether those working at the establishments were doing so of their own accord.
- 45 delegates attended health and safety training with a 93.3% pass rate.
- 59 pool samples were taken with 5% found to be unsatisfactory.

## 5 Food Safety

### 5.1 Scope of the Food Safety Service

#### 5.1.1 The Food Safety Service :

- Undertakes programmed food hygiene interventions and revisits;
- approves of food businesses
- monitors the database
- undertakes food sampling
- investigates food complaints;
- assists Public Health England in investigation of food poisoning and infectious disease outbreak control;
- responds to Food Standards Agency Food Alerts, product withdrawals and recalls;
- provides of export food certificates;
- inspects food;
- runs advisory and training services for businesses;
- promotes food safety

5.1.2 The Council believes in fair regulation and the 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 service seeks to work in collaboration with businesses while avoiding unnecessary bureaucracy in the way it works.

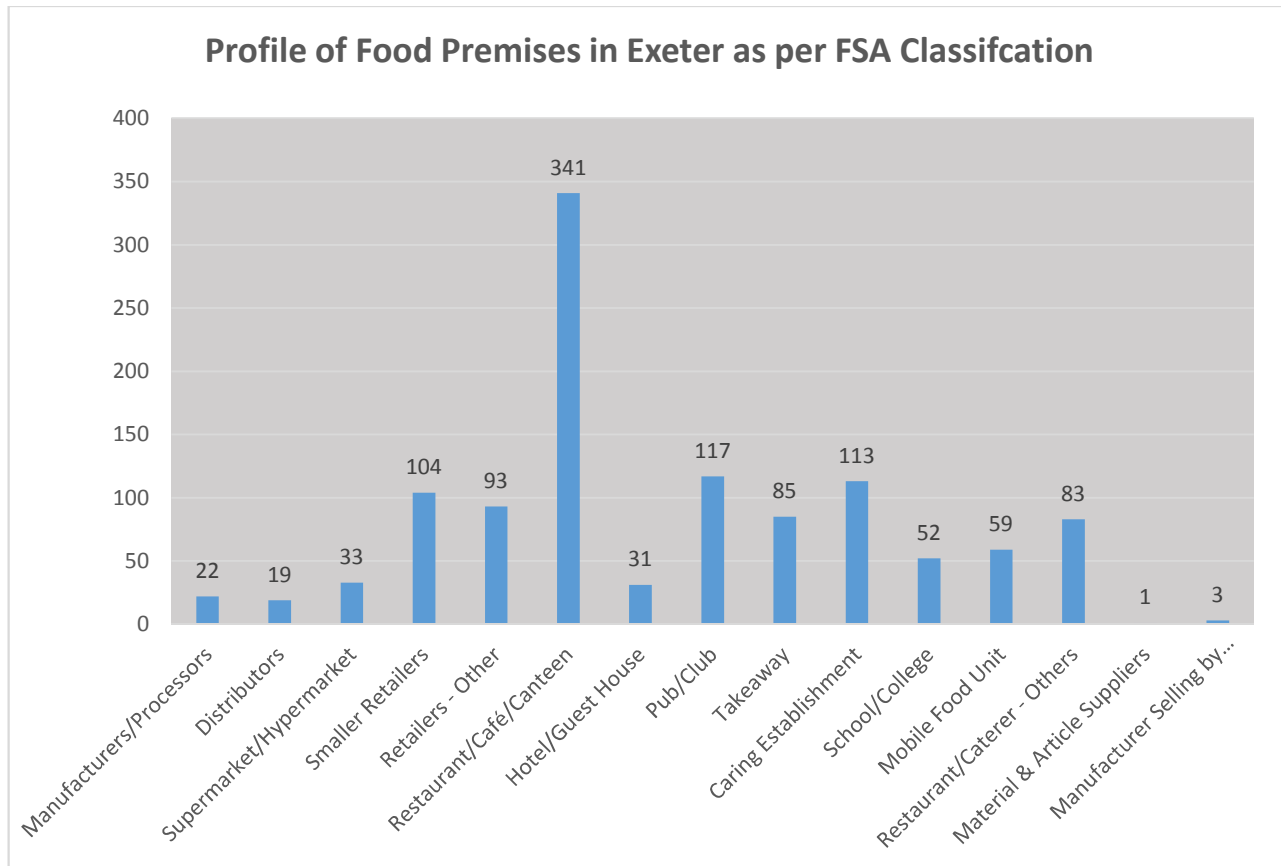
5.1.3 The Council supports the Food Standards Agency's strategic goal of 'Food We Can Trust' and its 5 underpinning principles which are currently being looked at nationally, namely:

1. Businesses are responsible for producing food that is safe and what it says it is, and should be able to demonstrate that they do so. Consumers have a right to information to help them make informed choices about the food they buy – businesses have a responsibility to be transparent and honest in their provision of information.
2. Decisions should be tailored, proportionate and based upon a clear picture of UK food businesses.
3. The regulator should take into account all available sources of information.
4. Businesses doing the right thing for consumers should be recognised; action will be taken against those that do not.
5. Businesses should meet the cost of regulation, which should be no more than they need to be.



## 5.2 Food Business Profile

5.2.1 The current (as at 1 April 2020) profile of food premises in the City as per Food Standards Agency classification is illustrated below:



5.2.2 Following an inspection/audit, food premises are scored and categorised (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 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.

5.2.3 The current profile of food premises in terms of risk category are shown below Needs to be updated before publication

	A	B	C	D	E	U	Total
01 April 2020	0	32	182	592	318	32	1156

5.2.4 There are a small number of 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. The Food Standards Agency provides food hygiene information in a number of languages to which food business operators will be signposted whenever appropriate. The Council also aims to provide food hygiene training in other languages if sufficient demand arises (for example, a Level 2 food hygiene course in Cantonese and Mandarin is offered on an annual basis).

5.2.5 Some food business operators employ a number of migrant workers. Where appropriate, inspecting officers will look for evidence of modern slavery or inadequate accommodation/working conditions and share this intelligence with the appropriate agencies (Police, Immigration etc.). A migrant workers group meets on a regular basis, bringing together all relevant regulatory bodies to discuss these issues.

### 5.3 Interventions

5.3.1 The Council will:

- carry out a range of official and other food controls as set out in the Food Law Code of Practice (England), the Food Hygiene Rating Scheme Brand Standard and other centrally issued guidance;
- inspect/audit and approve relevant premises in accordance with the relevant legislation, Code of Practice and centrally issued guidance;
- liaise with the 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.

### 5.4 Complaints

5.4.1 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.

5.4.2 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.

5.4.3 The number of food complaints/service requests received annually has been at a constant level over the last few years.

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

### 5.5 Primary Authority Principle

5.5.1 Where the Council acts as Primary 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.

## **5.6 Advice to Business**

- 5.6.1 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 other official 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.
- 5.6.2 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

## **5.7 Food Premises Database**

- 5.7.1 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.

## **5.8 Food Inspection and Sampling**

- 5.8.1 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;
- 5.8.2 The Council has appointed Public Analysts Scientific Services (PASS) and the Public Health England Porton Down Laboratory as the Council's Public Analyst and Food Examiner respectively.
- 5.8.3 The Council's sampling priorities are detailed in Section 13.
- 5.8.4 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Technical Officer. 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.

## **5.9 Control and Investigation of Outbreaks and Food Related Infectious Disease**

- 5.9.1 The Council'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.

5.9.2 Investigations into outbreaks of foodborne illness are carried out in consultation with and under the direction of Public Health England.

5.9.3 A Single Case Management Plan has been drawn up between PHE SW and Local Authorities. The plan outlines who will take the lead for investigating single cases of various notifiable diseases and the appropriate method in each case (letter, phone call, visit etc.). Case questionnaires have also been standardised across the district and are available on the Environmental Health Computer System.

5.9.4 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 Environmental Health and Community Safety to deal with this service demand.

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

## **5.10 Food Safety Incidents**

5.10.1 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.

5.10.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.

5.10.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer will notify the Food Standards Agency.

5.10.4 It is considered that adequate resources exist within the full complement of Environmental Health and Licensing to deal with this demand.

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

## **5.11 Enforcement**

5.11.1 The Council will carry out food law enforcement in line with the Council's Enforcement Policy.

## **5.12 Records and Intervention reports**

5.12.1 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.

## **5.13 Complaints about the Service**

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

## **5.14 Liaison with Other Organisations**

- 5.14.1 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 and Somerset Trading Standards and periodic meetings will be held with the local business forums & interested groups to provide advice and promote good practice. The Health Protection Advisory Group provides a forum for regular liaison with Public Health England.
- 5.14.2 Where appropriate, partnerships will be formed with educational establishments, Devon County Council's Public Health Team, the Clinical Commissioning Group and other bodies to promote food safety.

## **5.15 Internal Monitoring**

- 5.15.1 Internal monitoring procedures to verify conformance with this Service Plan are well established and will be exercised. These include senior officer auditing, peer review and consistency exercises.

## **5.16 Audit**

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

## **5.17 Food Safety Promotion**

- 5.17.1 The Council will actively promote food safety issues through award schemes, campaigns, dissemination of information and support to schools, colleges and targeted groups.

## **5.18 Other Services**

- 5.18.1 Environmental Health and Community Safety has responsibility for undertaking a parallel role in respect of other Environmental Health related legislation in commercial premises.
- 5.18.2 General (non-food related) complaint work will initially be undertaken by the service in accordance with the relevant procedure. Pest control treatment may be undertaken by officers from the section in liaison with the Environmental Health Officer, but only when it will not comprise future enforcement action.
- 5.18.3 The service seeks to work in partnership with relevant agencies to promote business regulation related matters in the wider context of public health.

## **5.19 Enforcement Policy**

- 5.19.1 The Council's Enforcement Policy includes the principles contained in the Regulators' Code which the Council is committed to incorporating into its regulatory functions.
- 5.19.2 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.
- 5.19.3 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 balance enforcement and education in the way the service works.

## 5.20 Food Premises Inspections

- 5.20.1 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) and Food Hygiene Rating Scheme Brand Standard. 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.
- 5.20.2 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food business operators, 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;
  - identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food;
  - to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme
- 5.20.3 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.
  - to issue the relevant rating as laid out in the Food Hygiene Rating Scheme Brand Standard, where the premises is part of the scheme
- 5.20.4 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.
- 5.20.5 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)
- 5.20.6 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.

## 5.21 Food Complaints

- 5.21.1 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.
- 5.21.2 There is an established procedure for dealing with food complaints which sets out the action to be taken regarding investigation. Our investigation will be guided by the detailed considerations laid down in the LG Regulation publication “Dealing with Food Complaints”.
- 5.21.3 The number of food complaints/service requests received annually has been at a constant level over the last few years.
- 5.21.4 It is estimated that 0.2 FTE qualified inspectors will be required to deal with food complaints.

## 5.22 Primary Authority Partnerships

- 5.22.1 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.
- 5.22.2 Primary Authority partnership agreements have been established with:
1. Lloyd Maunder (Food Safety)
  2. Devon Norse (Food Safety, Health and Safety and Licensing)
  3. Brownsword Hotels (Food Safety, Health and Safety and Licensing)
  4. HK4 (Food Safety, Health and Safety and Licensing)
  5. KM Innovations Ltd (Food Safety)

## 5.23 Advice to Business

- 5.23.1 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. In addition, the service provides a bespoke 2-hour session to help new food business operators understand their duties under food law. The session focusses on those elements required to attain a good food hygiene rating.
- 5.23.2 Inspectors provide advice during routine interventions and respond to queries from the public and food businesses.
- 5.23.3 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 the Food Standards Agency’s Food Safety Week.

- 5.23.4 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.
- 5.23.5 The service will actively seek participation in or look to co-ordinate appropriate forums to promote food safety and disseminate information.
- 5.23.6 It is estimated that 0.1 FTE qualified food inspectors will be necessary to provide information and advice to food businesses.

## **5.24 Food Inspection / Sampling**

- 5.24.1 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.
- 5.24.2 Public Health England's Coordinated National Sampling projects are determined following consultation on various options with stakeholders. Local sampling studies are also organised via the Devon Food Sub Group.
- 5.24.3 The Council's sampling priorities are detailed in Section 7.
- 5.24.4 Routine sampling will be undertaken by the Environmental Health Officers supported by the Environmental Technical Officer. 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.

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

- 5.25.1 Environmental Health and Community Safety'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.
- 5.25.2 Investigations into outbreaks of foodborne illness are carried out in consultation with and under the direction of Public Health England.
- 5.25.3 A Single Case Management Plan has been drawn up between PHE SW and Local Authorities. The plan outlines who will take the lead for investigating single cases of various notifiable diseases and the appropriate method in each case (letter, phone call, visit etc.). Case questionnaires have also been standardised across the district and are available on the Environmental Health Computer System.
- 5.25.4 The Principal Environmental Health Officer (Business Regulation) 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 Environmental Health and Community Safety service to deal with this service demand.



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

## **5.26 Food Safety Incidents**

5.26.1 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.

5.26.2 Documented responses to the outcome of appropriate food alerts will be in accordance with the adopted procedure.

5.26.3 In the event of any serious localised incident or a wider food safety problem, the Principal Environmental Health Officer (Business Regulation) will notify the FSA.

5.26.4 It is considered that adequate resources exist within the full complement of Environmental Health and Community Safety to deal with this demand.

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

## **5.27 Liaison with Other Organisations**

5.27.1 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
- Trading Standards
- Devon Chief Environmental Health Officer Food Sub-Group
- Health Protection Advisory Group
- Exeter and Heart of Devon Hoteliers & other appropriate business forums
- Chartered Institute of Environmental Health (CIEH)
- University of Exeter
- Exeter College
- Other services within the Council (e.g. Planning & Building Control)
- Devon and Somerset Better Business for All Partnership

5.27.2 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;
- identify funding opportunities;
- development of food hygiene training;
- providing focused training sessions on nutrition;
- other food related subjects.

## **5.28 Food Hygiene Rating Scheme and Food Safety Promotion**

5.28.1 The service utilises many methods to promote food safety and increasingly is led by the developing body of research. Since April 2011, the service has operated the

National Food Hygiene Rating Scheme which has helped drive improvements in food law compliance. 1045 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 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.

5.28.2 Food businesses rated 4 or below can request a revisit to rescore, for which a fee of £160 is payable. Once the completed application and fee is received, officers will carry out an unannounced inspection within three months.

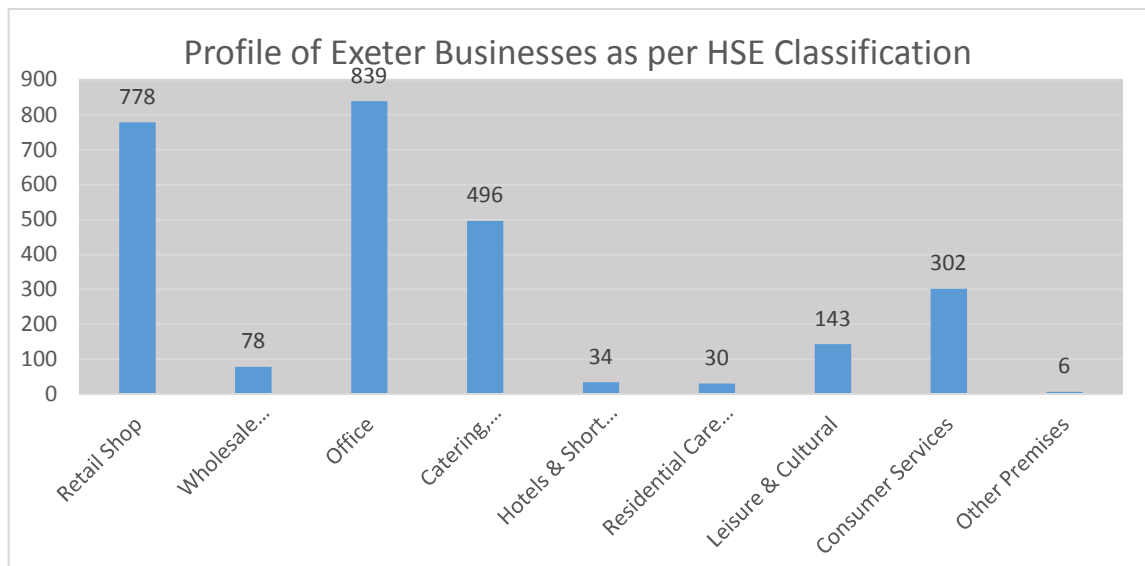
5.28.3 Numerous promotional activities also occur during the course of a typical year usually in response to need/requests from the different communities in Exeter, for example:

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

## 6 Health and Safety

### 6.1 Health and Safety Business Profile

6.1.1 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 **2706** premises.



### 6.2 Health and Safety Intervention Programme

6.2.1 Health and Safety law clearly sets out that the primary responsibility for managing risk to workers and the public who might be affected by work activity lies with the business or organisation that creates the risk in the first place.

6.2.2 The role of the Council is to support, encourage, advise and where necessary hold to account businesses to ensure that they effectively manage the occupational health and safety risks they create. The service uses the guidance given in HELA Circular (67/2 Revision 9) to set its priorities and target its interventions. Businesses are risk-rated from category A (high risk), through B1 and B2 (medium risk) to C (low risk). These ratings are *not* used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (see Section 8.6) – they do, however, help the Council target other interventions on the basis of risk.

6.2.3 As a result of current national and local drivers for change 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 will continue to concentrate on specific topic areas during proactive interventions and reactive investigations, rather than complete all-encompassing inspections. The areas focussed on have been identified nationally and locally as contributing to the highest rate of accidents/incidents and ill health at work, across all health and safety enforcing authorities.

### 6.3 Scope of Health and Safety Service

6.3.1 With regard to health and safety, the Council will be directed by the Health and Safety Executive's National Local Authority Enforcement Code issued under Section 18 (4)(b) of the Health and Safety at Work etc. Act 1974. The key elements of the code are:

- Ensuring that the authority takes a risk-based approach to regulation;
- Ensuring that the authority applies proportionate decision making in accordance with the LA's Enforcement Policy Statement and Enforcement Management Model;
- A requirement for the authority to legally appoint suitably qualified staff to carry out the necessary regulatory duties;
- A requirement to produce an annual service plan;

6.3.2 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.

6.3.3 The service comprises a range of key functions, namely:

- to carry out interventions in line with HELA Circular 67/2 (rev.9), the National Local Authority Enforcement Code and the Devon Health & Safety (Enforcement) Sub Group's annual workplan;
- 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), Public Health England and the Fire Authority regarding the enforcement of the legislation;
- to comply with the HSE'S National Local Authority Enforcement Code 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;
- to focus on emerging issues such as modern slavery and migrant workers, through liaison with the police and immigration authorities.

6.3.4 Proactive aspects of the health and safety service are often delivered jointly with other proactive services such as food hygiene inspections. For example, a current Devon Health and Safety Sub Group initiative is raising the awareness of the duty to manage asbestos. This matter is therefore discussed (where relevant) during food hygiene interventions. The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.

6.3.5 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.

6.3.6 The premises profile according to the inspection rating scores is as follows:

<b>Highest hazard/Risk</b>	A	2
<b>Intermediate hazard/Risk</b>	B1	38
	B2	314
<b>Lowest hazard/Risk</b>	C	1325
<b>Uncategorised</b>	U	1027

6.3.7 In accordance with HELA Circular 67/2 (rev.9), these risk ratings are not used to determine proactive inspection interventions but health and safety issues may be addressed during food, and licensing inspections or following complaints or accidents.

6.3.8 External consultants may be used to undertake other intervention strategies of low risk premises. The decision to employ contractors is taken by the Environmental Health and Community Safety Service Lead 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.

6.3.9 The Council still has a duty to enforce health and safety standards in those premises to which it is assigned under the Health and Safety (Enforcing Authority) Regulations 1998 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.

6.3.10 The performance analysis for the last year is detailed at the end of this section. There has been a reduction in proactive inspections, reflecting national priorities regarding better regulation.

- 6.3.11 The database will be continually updated and 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.
- 6.3.12 The health and safety service operates from the Civic Centre between 9.00am 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.
- 6.3.13 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.

## 6.4 Complaints / Requests for advice / Advice to Business

- 6.4.1 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. 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.
- 6.4.2 In accordance with the current strategy contained in *Helping Great Britain Work Well: A health and safety system strategy* (HSE, 2016) and HELA Strategy, as outlined in LAC 67/2 (rev. 9), the focus of inspection activity within the planned programme will concentrate on:
- **Acting together:** Promoting broader ownership of health and safety in Great Britain
  - **Tackling ill health:** Highlighting and tackling the costs of work related ill health
  - **Managing risk well:** Simplifying risk management and helping businesses to grow
  - **Supporting small employers:** Giving SMEs simple advice so that they know what they have to do
  - **Keeping pace with change:** Anticipating and tackling new health and safety challenges
  - **Sharing our success:** Promoting the benefits of Great Britain's world class health and safety system.
- 6.4.3 The *Statement of Commitment between Local Authority and HSE Regulatory Services* (March 2019) sets out a shared vision for co-regulatory partnership of this strategy.
- 6.4.4 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.
- 6.4.5 Given the scale of work-related stress (15.4 million working days lost; cost to GB's economy of £5bn per year); we will look at how certain sectors deal with the issue, focussing on our Primary Authority partners and the leisure industry.
- 6.4.6 From 1 July 2007, all enclosed workplaces became smoke free, as a result of the Health Act 2006 and subsequent regulations. All Environmental Health Officers, Technical Officers, Licensing Officers and Environmental Protection Officers 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 and Community Safety service, in addition to responding to complaints.

- 6.4.7 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 Regulatory Delivery and Health and Safety Executive.
- 6.4.8 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.
- 6.4.9 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.
- 6.4.10 No complaints have been received regarding the service provision of the Authority.
- 6.4.11 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 interventions and with post intervention correspondence, a wide range of general health, safety and welfare advice is distributed to businesses.
- 6.4.12 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.

## **6.5 Statutory Notifications**

- 6.5.1 Prescribed accidents, dangerous occurrences and occupational diseases are reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Accidents would include fatalities and accidents involving visits to hospital or currently more than 7 days off work. Certain accidents involving employees, the self-employed and members of the public are also reportable.
- 6.5.2 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, based on HSE's *Incident Selection Criteria Guidance*.
- 6.5.3 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.
- 6.5.4 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.
- 6.5.5 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 (Enforcement) Sub 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.

## **6.6 National Local Authority Enforcement Code**

- 6.6.1 The Authority has a duty to focus its activities on national priorities and strategies and in particular the National Local Authority Enforcement Code, to secure a reduction in accidents and ill health in the workplaces for which we are responsible. The code is 'designed to ensure that Local Authority health and safety regulators take a more consistent and proportionate approach to enforcement' and 'provides direction to LAs on meeting these requirements, and reporting on compliance.'
- 6.6.2 Appendix C contains a list of activities/sectors for proactive inspection by Local Authorities – only these activities falling within these sectors or types of organisation should be subject to proactive inspection.
- 6.6.3 The work of The Environmental Health and Community Safety service will address other issues when undertaking visits/developing initiatives in workplaces; health at work is an important issue. Interventions with regard to compliance responsibilities to reduce exposure to occupational tobacco smoke will continue to be considered.
- 6.6.4 LAC 67/2 (rev.9) also includes a number of national priorities, including
- Duty to manage asbestos – which will continue to be discussed (where appropriate) during food hygiene interventions
  - Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins – work which can be carried out as part of our on-going initiative to ensure that commercial waste is being correctly presented.
  - Inflatable amusement devices – ensuring adequate ground anchorage, measurement of wind conditions, documentation from a competent inspection body to show compliance with BS EN 14960 and annual inspection by a competent person.
  - Falls from height – work on/adjacent to fragile roofs/materials.
- 6.6.5 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.
- 6.6.6 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.

## **6.7 Monitoring**

- 6.7.1 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, based upon the sample results.

## **6.8 Enforcement**

- 6.8.1 Enforcement (or the fear of enforcement) is an important motivator for employers. Evidence confirms that enforcement is an effective means of securing compliance and promoting self-compliance.

- 6.8.2 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.
- 6.8.3 The scope of these activities will continue to be evidence-based and are clearly set out in the Council's Enforcement Policy.

## **6.9 Staff Resources**

The national local authority enforcement code requires the Council to have sufficient capacity to undertake our statutory duties. Exeter City Council

- 6.9.1 All Environmental Health Officers 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.
- 6.9.2 The staff resources allocated to the functions is currently deemed adequate to fulfil the Council's duties. 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.

## **6.10 Staff Skills**

- 6.10.1 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 individual skills. As part of the annual Growth and Development Review all staff who undertake health and safety duties are subject to an assessment of competency. Any training and development needs identified at the Growth and Development Review process are added to the service wide training plan which provides for the priority resourcing of both qualification based training and continuing professional development.

## **6.11 Consultation with Stakeholders**

- 6.11.1 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.
- 6.11.2 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.
- 6.11.3 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.
- 6.11.4 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. We will listen to business's health and safety concerns and assist (by the provision of appropriate guidance, advice, training etc.) as much as is practicable.



## 7 Sampling Programme

### 7.1 Purpose of Sampling

- 7.1.1 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.

### 7.2 Requirement to Sample

- 7.2.1 The sampling programme operates on a total sampling allocation of 10 samples per 10,000 population. This will require approximately 128 samples per year to be taken. The authority is required to provide a statistical return to the Food Standards Agency (FSA) and Drinking Water Inspectorate on its annual sampling activity. All local authorities have an arrangement with the Public Health England Laboratory, which provides a credit allocation to facilitate this work.
- 7.2.2 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.
- 7.2.3 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 Public Health England Laboratory, which provides a credit allocation to facilitate this work.

### 7.3 Sampling Methodology

- 7.3.1 Primary 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.
- 7.3.2 Devon & Cornwall Chief Officers Food Sub Group: The food sub group produce a sampling plan that is applicable to both Unitary and district council members. This sampling plan will act as a 'pick list' and along with nationally agreed surveys will inform the majority of the food sampling methodology. In addition to the national surveys the food sub group have also agreed several local surveys.
- 7.3.3 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.
- 7.3.4 Complaints: Food samples may be taken when investigating consumer complaints, either to confirm suspected contamination or in undertaking enquiries resulting from complaints.
- 7.3.5 Statutory Samples: We have a statutory obligation to monitor water distributed by SWWS Ltd and to a limited extent premises with private water supplies.
- 7.3.6 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.

7.3.7 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 Public Health England laboratory and ones analysed at the time of visit using an ATP meter.

## 7.4 Budget Provision

7.4.1 In addition to the credit allocation provided by the Public Health England 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.).

## 7.5 Resources

7.5.1 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 5 of this report will be maintained throughout the year.

Year	2020								2021			
Months of sampling	A	M	J	J	A	S	O	N	D	J	F	M
<b>Public Health England Studies</b>												
Study 70 - Legionella												
Study 70 – TBC												
<b>South West Co-ordinated &amp; Exeter Specific Sampling Programme</b>												
Ready to eat chilled foods												
Takeaway food												
Christmas pate and parfait												
Non-compliant premises sampling / ATP swabs												
Swimming Pool Sampling												
Legionella in hot tubs and spa pools												
Private Water Supply Sampling												

# 8 Environmental Health Training Service

## 8.1 Scope of the Training Service

8.1.1 The service has established a robust cost effective training service for Exeter and the surrounding area.

## 8.2 Main Provisions of the Training Service

8.2.1 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.

8.2.2 The Environmental Health training services provision has been at the forefront of training since the establishment of the first formal courses. Over the 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.

8.2.3 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.

8.2.4 The service is currently achieving a 97% pass rate for its training courses.

### **8.3 Access to Training**

8.3.1 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.

8.3.2 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.

### **8.4 Financial Implications**

8.4.1 The service is run on a cost neutral basis to the authority.

8.4.2 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.

## **9 Resources**

### **9.1 Financial Matters**

9.1.1 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.

9.1.2 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.

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

## 9.2 Budget Allocation Figures for 2020/21 – Food Safety Function

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	221,740	9,450	770
Proportion allocated to Food Safety Function (40%) Analysis (max) Purchase of Samples	88,696	3,780 260 300	308
Environmental Protection Sampling Technician	2,244		

**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.

## 9.3 Budget Allocation Figures for 2020/21 – Health and Safety Function

	Salary (+)	Equipment	Travel
<u>Commercial F020</u>	231,170	9,450	770
Proportion allocated to Health & Safety Function (40%)	88,696	3,780	308

**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.

## 9.4 17.1.6 Budget Allocation Figures for 2019/20 – Training Provision

	Salary (+)	Equipment	Travel
<u>Health Education F018</u>	2,570	16,140	-
Proportion allocated to Health & Safety function (20%)	514	3,228	-
Proportion allocated to Food Safety function (80%)	2,056	12,912	-

## 9.5 Staffing Allocation

9.5.1 The Environmental Health and Community Safety service is managed by the Environmental Health and Community Safety Service Lead.

Title	Qualification	Role
Service Lead – Environmental Health and Community Safety	BSc / Msc Environmental Health	Head of Service

9.5.2 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 an Environmental Technical Officer and Project and Support staff.

<b>Title</b>	<b>Qualification</b>	<b>Role</b>
Environmental Health and Community Safety Manager	BSc / Msc Environmental Health	Manager
PEHO	BSc Environmental Health	Lead Professional Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO	BSc Environmental Health	Food Safety / Health and Safety and Nuisance District Officer
EHO (part time)	BSc Environmental Health	Food Safety / Health and Safety Inspector
EHO - Agency	BSc Environmental Health	Food Safety, Health and Safety and Private Water Supplies Contract Inspector
Technical Officer	Educated to 'A' level or equivalent	Sampling and Monitoring

9.5.3 There are currently 3 FTE staff providing a project and support service for The Environmental Health and Community Safety service.

<b>Title</b>	<b>Qualification</b>	<b>Role</b>
Principal Projects and Support Officer	Educated to A level standard	Service Support
Projects and Support Officer	Educated to A level standard	Service Support
Contract Tutors	CIEH/RIPH and/or Highfield Registration	Deliver training courses run by the service

9.5.4 It is currently the approach 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.

## 9.6 Self-Development Plan

9.6.1 The service will ensure that staff are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers will have access to at least 20 hours training which will normally be identified at performance appraisal and target setting. For those officers conducting food safety and health and safety enforcement work, a minimum 10 hours food safety and 10 hours of health and safety update training will take place on an annual basis. All Environmental Health staff within the section will be afforded the facility of continuing professional development.

9.6.2 The training structure comprises:

- the employment of enforcement officers capable of food law, health and safety, licensing, environmental permitting 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 competence based needs assessments;
- identification of training needs during annual performance appraisal to meet current targets to assist and improve upon performance against current job requirements.

9.6.3 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.

## 10 Quality Assessment

- 10.1.1 The Environmental Health and Community Safety Manager and Principal Officer monitor the quality and consistency of work through the checking of inspection correspondence, statutory notices and audits of various aspects of work conducted on a periodic basis.
- 10.1.2 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 Service Lead - Environmental Health and Community Safety or Principal Officer.
- 10.1.3 Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaint Policy.
- 10.1.4 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 Public Health groups as well the Infection Control group organised by Public Health England
- 10.1.5 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.
- 10.1.6 The Council will continue to monitor and report on Customer Satisfaction with interventions and enforcement conducted by the service.
- 10.1.7 The Principal Environmental Health Officer undertake annual quality monitoring audit with each inspecting officer to ensure consistency of enforcement. These audits are recorded and any outcomes agreed between the Principal Environmental Health and inspecting officer.

## 11 Review

- 11.1.1 Quarterly Performance Indicators on progress in implementing this Service Plan will be made by the Service Lead - Environmental Health and Community Safety to the Director.
- 11.1.2 An annual review against the Service Plan will be made by the Executive Committee.
- 11.1.3 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.
- 11.1.4 The Executive will support and Council will approve the Service Action 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.
- 11.1.5 Information on our targets and progress towards meeting these will be published and publicised as part of the Council's Performance Plan.

### 11.2 Targets

- 11.2.1 Service Performance Indicators for 2020/2021:
- Percentage of food premises broadly compliant with food hygiene law (annual figure provided to FSA and APSE as part of annual return)
  - Number of food safety Interventions (annual figure provided to FSA and APSE as part of annual return)
  - Number of health and safety Interventions (annual figure provided to HSE and APSE as part of annual return)
  - Percentage of samples taken found to be satisfactory
  - Number of delegates engaging with health education initiatives (can be provided quarterly or on an annual basis)
  - Percentage staff absence (annual figure provided to APSE as part of annual return)
  - Net cost of food hygiene service per head of the population (annual figure provided to APSE as part of annual return)
  - Net cost of Health and Safety service per head of the population (annual figure provided to APSE as part of annual return)
- 11.2.2 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.

### 11.3 Review of performance

- 11.3.1 Achievement of these improvements will be monitored by the Service Lead - Environmental Health and Community Safety and where there are significant performance issues, reports will be made to the Director.

## 12 Conclusion

- 12.1.1 This service plan demonstrates that the Council has organised its food safety and 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 Food Standards Agency, Health and Safety

Executive, Drinking Water Inspectorate and other related legislation that the section has responsibility for enforcing.

## 13 Glossary of terms

<b>GLOSSARY</b>	
CCG	Clinical Commissioning Group
CIEH	Chartered Institute of Environmental Health
DEFRA	Department for Environment, Food and Rural Affairs
EHO	Environmental Health Officer
EHORB	Environmental Health Officers Registration Board
EHT	Environmental Health Technician
FSA	Food Standards Agency
HACCP	Hazard Analysis and Critical Control Points
HECA	Home Energy Conservation Act
HoS	Head of Services
LGR	Local Government Regulation
MHCLG	Ministry of Housing, Communities and Local Government
PEHO	Principal Environmental Health Officer
PHE	Public Health England
PCT	Primary Care Trust
RSPH	Royal Society of Public Health
SWWS	South West Water Services plc

## 14 Action Plan 2020-21

- 14.1.1 Implementation of the transfer to a new Environmental Health Computer System, implementing a more streamlined customer reporting system and removing unnecessary administrative burdens through adopting a more integrated, digitalised approach.
- 14.1.2 Maintain high standards in food safety by
- Continuing to maintain high level (>97%) of broadly complaint food businesses in the city.
  - Enhanced coaching/sampling/training for non-complaint businesses, with caution/prosecution as final action for those who continually flout the law.
  - Continue with intelligence led food sampling programme
- 14.1.3 Promoting Safer Workplaces by
- Inspecting premises regarding the duty to manage asbestos interventions
  - Continue to provide advice and guidance to business to ensure high Covid-19 standards are being maintained
  - Continue to conduct water quality sampling of swimming pools and other water areas
- 14.1.4 Co-ordinate multi-agency visits where migrant worker/modern slavery issues are suspected or identified
- 14.1.5 Provide support to Public Health England and Public Health Devon in the implementation of the Outbreak Management Plan should it be required.



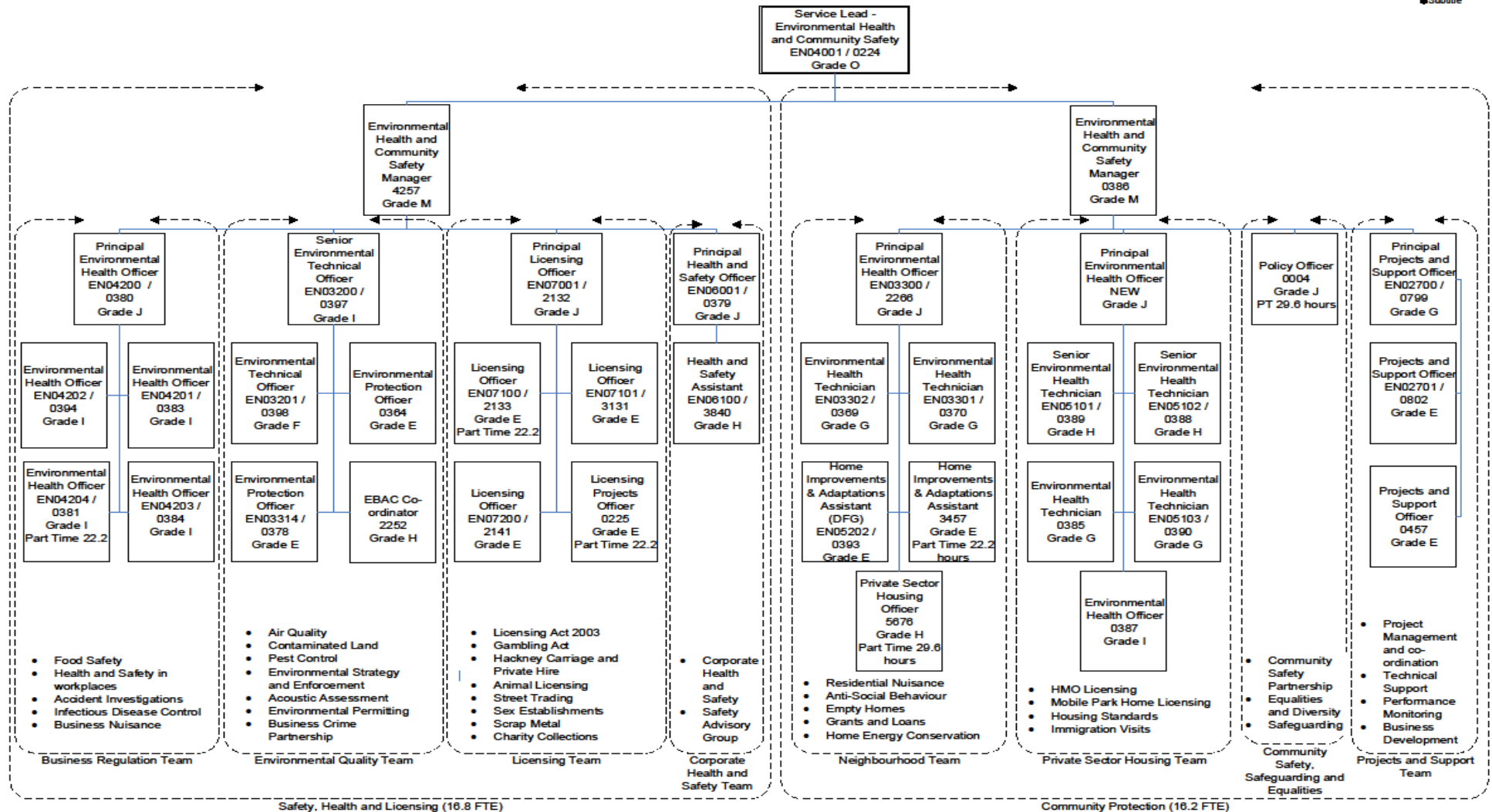
- 14.1.6 To look at options to recommence the Environmental Health Training Course programme in a Covid secure way.
- 14.1.7 To investigate further Primary Authority Partnership opportunities for the service
- 14.1.8 To conduct a review of the Food Safety and Health and Safety Enforcement Policies and Procedures

# Appendix A – Service Structure

7/28/2020

## Structure of Environmental Health and Community Safety – 34 FTE

Subtitle

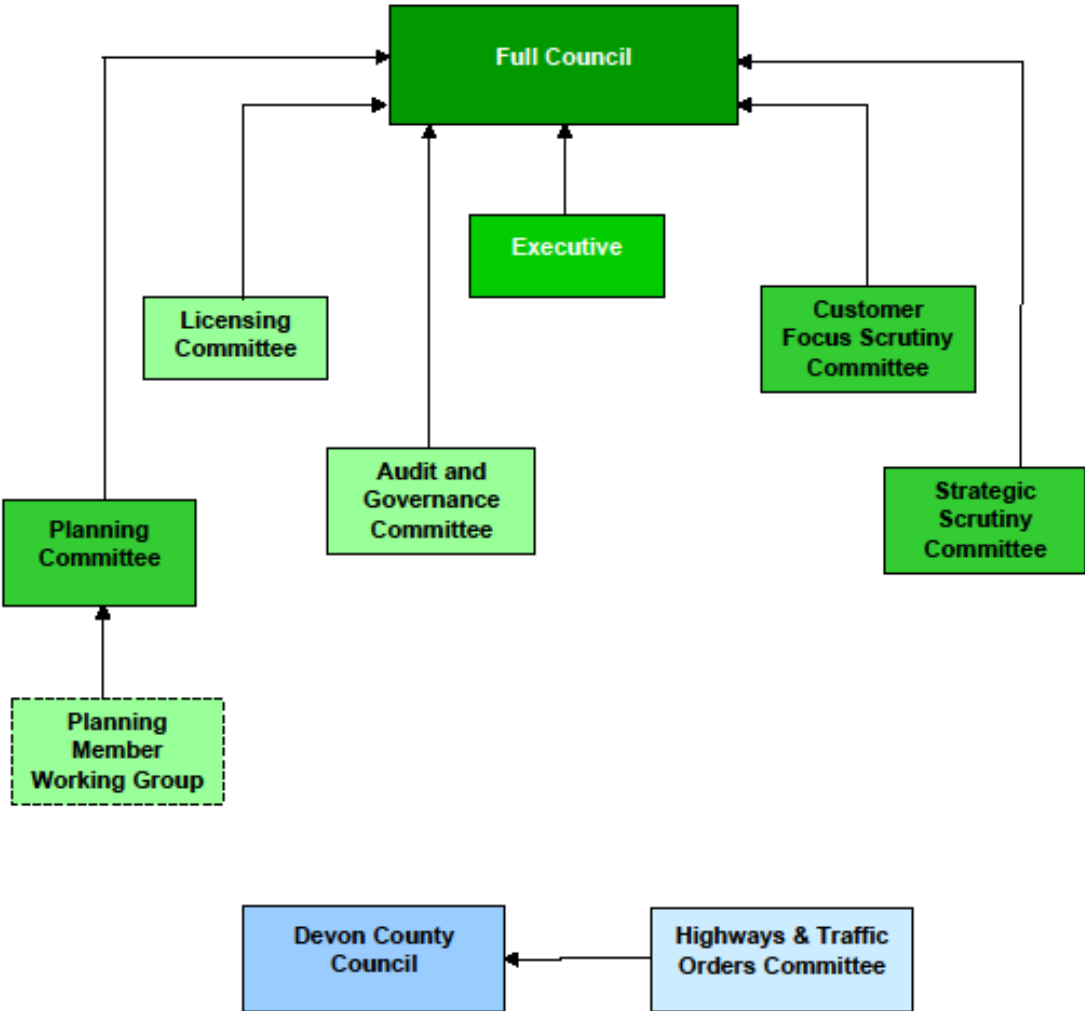


# Appendix B – Committee Structure



Exeter City Council

## The Council's Committee Structure



## Appendix C – List of activities / sectors for proactive inspection by Local Authorities

No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: -not yet demonstrated their ability to manage their legionella risk in a sustained manner; includes new cooling towers/evaporative condensers; or -relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.
2	Explosion caused by leaking LPG	Community/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
3	E.coli/Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution	Poorly managed workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries.	Industrial retail/wholesale premises	Poorly managed workplace transport/work at height/cutting machinery /lifting equipment.
6	Industrial diseases (occupational deafness/ occupational lung disease – silicosis)	Industrial retail/wholesale premises	Exposure to excessive noise (steel stockholders), Exposure to respirable crystalline silica (retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.

8	Musculoskeletal Disorders (MSDs)	Residential care	Lack of effective management of MSD risks arising from moving and handling of persons
9	Falls from height	High volume Warehousing/Distribution	Work at height
10	Manual Handling	High volume warehousing/distribution	Lack of effective management of manual handling risks
11	Unstable loads	High volume warehousing/distribution Industrial retail/wholesale premises	Vehicle loading and unloading
12	Crowd control & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue.
13	Carbon monoxide poisoning and gas explosion	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances.
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off licences/hospitality) and where intelligence indicates that risks are not being effectively managed.	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign.
15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators	Poorly managed fusing of fireworks