

Report of Head of Planning and Local Development

FOOD SAFETY AND HEALTH AND SAFETY ENFORCEMENT SERVICE PLANS

1 Purpose of report

- 1.1 The report seeks the council to approve the food safety and health and safety enforcement service plans for the period 2016-17. The plans set out food safety and health and safety objectives of the environmental health service for the next year.
- 2.1 The production of these service plans are a requirement of mandatory guidance issued to local authorities by the Food Standards Agency (FSA) under the 'Framework Agreement' and the Health & Safety Executive (HSE), using its powers under section 18 of the Health & Safety at Work etc Act 1974.

2 Executive summary

- 2.1 The service plans are an annual statement of service objectives that identify key service delivery issues, links to financial planning, sets objectives and provides a means of managing performance and performance comparisons.
- 2.2 The service plan is a prescribed document and may form an essential part of a quality audit of the local authority undertaken by the FSA or HSE. If a local authority fails to meet its statutory obligations, the Secretary of State may invoke intervention powers, following a local enquiry.

3 Appendices

Appendix 1 - Food Law Enforcement Service Plan 2016-17

Appendix 2 - Health and Safety Enforcement Service Plan 2016-17

4 Proposed action:

- 4.1 **The committee is invited to RECOMMEND that the food safety enforcement service plan 2016-17 be adopted.**
- 4.2 **The committee is invited to RESOLVE that the health and safety enforcement service plan 2016-17 be adopted.**

5 Background

- 5.1 The council has a statutory duty to maintain prescribed standards of food safety within the borough by means of premises inspections undertaken by authorised officers. In the event that contraventions of the various acts and regulations are

noted, then enforcement action is taken in accordance with the council's environmental health services enforcement policy.

- 5.2 In September 2000, the FSA published the Framework Agreement on Local Food Law Enforcement which sets out the agency's expectations on the planning and delivery of food law enforcement. These expectations reflect a combination of recognised good practice and requirements prescribed by statutory codes of practice.
- 5.3 The Framework Agreement, which was subsequently amended in 2010, specifies the format and content that applies to the service plan.
- 5.4 The council also has a legal duty to regulate and enforce health and safety in certain premises within our district including offices, shops, wholesale distribution centres, leisure, hotel and catering premises.
- 5.5 The mandatory guidance issued to local authorities by the HSE directs that the authority should produce and make available an annual health and safety service plan which is agreed by their elected members and makes clear the arrangements for contributing to current HSE priorities. The service plan takes account of local needs whilst addressing national priorities as set out by HSE in its strategic plan.
- 5.6 HSE and local authorities are independent regulators. Working in partnership, their primary focus is to assist duty holders in preventing work-related accidents and ill health. This is generally achieved through inspections and a range of proactive measures including communications programmes and the provision of information and advice. Investigating complaints, accidents and ill health are also an important lever for improving health and safety standards.
- 5.7 Where appropriate, the environmental health service will rigorously seek justice against those that put others at risk and in particular where there is a deliberate flouting of the law. Enforcement action will be proportional to the risk and compliance record of the business.

6 Discussion

- 6.1 The primary aim of all food safety interventions is to work with local businesses to achieve improvements in food safety, hygiene, nutrition and reduce food poisoning within our community.
- 6.2 The vast majority of the boroughs food businesses are compliant with food safety requirements (94%) and 68% are in the highest food hygiene rating category of 5. There are however a continuing group of poor performers, currently around 40, who have a food hygiene rating of between zero and 2, and we will continue to concentrate time and resources on these particular businesses to improve their levels of food hygiene compliance.
- 6.3 The overall aim of the health and safety enforcement service is to work with others to protect people's wellbeing and health and safety, by ensuring risks in the changing workplace are managed properly.

- 6.4 Health and safety interventions will continue to be targeted on activities that give rise to higher risks or where the hazards are least well controlled, with the aim of maximizing their impact on improving health and safety outcomes. Interventions are also designed to stop those that seek economic advantage from non-compliance (eg rogue traders).
- 6.5 Priority for health and safety enforcement will be given to reactive work, such as responding to complaints or investigating accidents. Proactive inspections will be reserved for the highest risk premises.
- 6.6 National priorities identified by the HSE for 2016-17 remain similar to last year and include the control of asbestos and falls from height. The County Health and Safety Enforcement Liaison Group have identified local priority issues, using national and local accident statistics and other forms of intelligence, such as complaints and officer experiences. The county priorities for 2016-17 continue to include migrant worker issues, health and wellbeing in the workplace and workplace transport. In addition, new areas of work for the year are currently being identified and include raising awareness on the risks posed from radon gas. All pro-active interventions will target these national and local priorities.
- 6.7 The Government has made a commitment to cut red tape, to lift the regulatory burdens on businesses. Efficient and effective local regulation will play a key role in ensuring that the reduction of regulation really does translate into a reduction in the burden on businesses at a local level.
- 6.8 The team has fully embraced the better regulation agenda and is committed to improving communication with businesses. A pilot was recently undertaken to assess the impact of changing the style of correspondence with businesses. This work will continue through the year.
- 6.9 Section 4 of the service plans identify some of the key work undertaken by the section during 2015-16 (up to the end of February).
- 6.10 During 2015-16, the team again focused resources upon poor performing businesses. Two simple cautions were issued to food business; one business was required to temporarily close by the magistrates court after officers applied for a hygiene emergency prohibition notice; 13 food hygiene improvement notices were served on 3 businesses; and 5 businesses closed voluntarily while undertaking required improvements to food hygiene standards.
- 6.11 Officers also took action after finding unfit food in several premises. A food condemnation notice was issued by the courts against one business after officers detained a large consignment of food and 7 premises voluntarily surrendered unfit food to officers for destruction.
- 6.12 This approach of targeting enforcement action at non-compliant food businesses has resulted in an improvement in food safety standards within the borough. The number of food businesses which are classified as broadly compliant with food safety legislation has increased from 90% to 94% over the last three years. This is a positive move after several years of remaining

around 90% and indicates our current targeting programme is working effectively.

- 6.13 Health and safety enforcement during this period has again focused upon the highest risk premises, and most visits followed receipt of a complaint or accident notification.
- 6.14 In addition to food safety and health and safety enforcement functions, the health protection team also has responsibility for other areas of work, including licensing, infectious disease control, smoke-free enforcement and water safety. Most officers are involved in all areas of work.
- 6.15 In September 2015 the environmental health team was restructured. The team currently has a vacant Health Protection Officer post and attempts to recruit to this post have to date been unsuccessful. A contract Environmental Health Officer is being used to undertake food hygiene inspections, to ensure that the team continues to meet statutory requirements.

6 Legal powers

- 7.1 The publication of the council's food law enforcement service plan is prescribed by the Food Standards Agency, which is acting under the powers vested in it by the Food Standards Act 1999. Approval of these Plans will ensure that the council as a food authority meets its fundamental obligations under the requirements of the FSA's Official Controls Framework Agreement.
- 7.2 The publication of the council's health and safety enforcement service plan is prescribed by the HSE which is acting under the powers vested in it by the Health and Safety at Work etc. Act 1974.

7 Financial and value for money implications

There are no implications for the financial resources of the council as they are currently met from existing budgets.

8 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
The service plans are not approved and published.	The Secretary of State could invoke intervention powers.	High.	Approve the service plans.

9 Implications for resources

The expectations for service delivery by the FSA and HSE are currently met through existing resource provision.

10 Implications for stronger and safer communities

- 11.1 The safety and wholesomeness of food and the hygienic standards of food

premises located within the borough are important factors in the maintenance of physical health, the reduction of infectious diseases and the improvement of lifestyle health and wellbeing within the community.

- 11.2 Health and safety standards within work premises located in the borough have a direct effect on the prevention of ill health and accidents and on promoting wellbeing within the community.

11 Implications for equalities

There are no implications for equalities contained within the service plans.

12 Author and contact officer

Amanda Wilcox, Principal Environmental Health Manager.

13 Consultees

Julie Thomas, Head of Planning and Local Development
Liz Elliott, Head of Finance
Bridget Gamble, Head of Resources

14 Background papers

Framework Agreement on Local Authority Food Law Enforcement – Food Standards Agency.

Section 18 Guidance – Health and safety Executive.

Food Law Enforcement Service Plan 2016/17

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Date: February 2016

Contents Page

1.	Introduction	2
2.	Service Aims and Objectives	5
3.	Background	7
4.	Service Delivery	11
5.	Resources	16
6.	Quality Assessment	18
7.	Review	19
	Glossary of Terms	20

Food Safety Service Plan 2016/17

1. Introduction

The format of this Plan meets the requirements laid down by the Food Standards Agency (FSA) in their Framework Agreement, and is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and what resources we have available to do this. It also allows the FSA to assess the services that we offer, so that they can ensure that our services meet the standard required under this framework agreement.

The primary function of the Health Protection Service is to provide education and advice to businesses in Wellingborough to help them comply with the requirements of the legislation. Inspections and investigations are undertaken at premises that are classified as either high risk, or where concerns have been raised about working practices or the safety of food from a premises.

Where appropriate, relevant food safety information will be shared with other organisations including the Inland Revenue, Fire Service, Police Service, Trading Standards, UK Border Agency and other internal departments within the council, to maximise intelligence gathering. This will assist in targeting action against poor performing businesses. We will also investigate the possibility of reviewing and updating data, by using data held by other sections within the council to minimise the burden between the council and local businesses

1.1 Better Regulation

The Government has made a commitment to cut red tape to lift the regulatory burdens on businesses. Efficient and effective local regulation will play a key role in ensuring that the reduction of regulation really does translate into a reduction in the burden on businesses at a local level.

The team are working with Northamptonshire Enterprise Partnership, other councils and national regulators across Northamptonshire to help reduce the regulatory burden on businesses under the Better Business for All (BBfA) government initiative

The project is seeking to develop ways for regulators to work with and support businesses, to encourage economic growth. A pilot was undertaken during 2015/16 looking at improving communication with businesses, by changing letter formats. This work will be further developed during 2016/17. The project will allow officers to ensure that support is effectively targeted to individual circumstances.

It is proposed that the project will seek to enhance relationships through:

- Seeking to reduce the regulatory burden on businesses
- Promotion of two way communication between businesses and regulatory services
- Improving the business perception of regulators
- Supporting regulators to find the right balance between encouragement, education and enforcement
- Developing a joint offer of support from regulatory services for businesses
- Building trust of both regulators and businesses

Food Safety Service Plan 2016/17

- Feeding back to government on how to do things better for both businesses and regulators

The project is initially focusing on small and medium sized food businesses. The Environmental Health Team will fully engage with this project as it progresses

1.2 Imported Food

Authorised officers will ensure that their food hygiene interventions take account of imported food related issues. Reasonable steps will be taken to assess the legality of imported food from non-EU countries and effective action will be taken on non-compliance in order to protect public health.

The Environmental Health Team will identify any premises handling imported foods particularly products of animal origin. Priority will be given to those premises that are the first destination after import.

Care will be taken to ensure that officers remain familiar with the legislation they enforce, the Food Law Code of Practice and relevant imported food guidance – so that officers are competent and appropriately authorised to undertake imported food controls and related enforcement action.

1.3 Priorities for 2016/17

On 1st April 2011 we migrated from the county Scores on Doors scheme onto the national Food Hygiene Rating Scheme. We will continue to promote the scheme during food interventions with a focus on improving standards within the poorer performing businesses in an attempt to increase the number of businesses achieving a rating of 3 or above. We will also continue to encourage businesses to display their rating to improve communication with customers.

The programme of focused visits and sampling, at non compliant food businesses will continue throughout this period in an effort to increase the number of Broadly Compliant premises within the district and achieve sustained improvements in poor performing businesses.

Compliance with food legislation will be encouraged by targeting businesses with a Food Hygiene Rating of 5, for positive publicity using twitter and the local press.

In 2013 funding for public health moved across to County Councils. It is recognised that the Health Protection team carry out a significant amount of public health functions and work will be undertaken to examine ways to engage with the wider Public Health Agenda.

A new Healthy Eating Award , the 'Eat Out Eat Well' scheme was introduced in 2015. The Eat Out Eat Well Award has been developed to reward caterers who make it easier for their customers to make healthy choices when eating out. It has three levels – Bronze, Silver, and Gold, and is symbolised by an apple logo in the shape of a heart. The scheme will be promoted during the next year.

Food Safety Service Plan 2016/17

We will again be supporting, within resources available, national Food Safety Week in June 2016. This is believed to be a worthwhile project to promote within the Borough, although resource restrictions within the team, mean that involvement will be limited.

The team were involved in two audits during 2015. One was by the Food Standards Agency and the other was as part of an inter-authority audit looking at compliance with the Food Hygiene Rating Scheme Brand Standard. Minor non-compliances were noted during these audits and action plans have been created to ensure full compliance with the FSA Code of Practice and the Food Hygiene Rating Scheme Brand Standard. These action plans will be fully implemented during 2016.

A county project targeting food fraud will be undertaken, to increase awareness of the statutory traceability requirements for raw and cooked meat in food businesses.

2. Service Aims and Objectives

2.1 Service Aims and Objectives

Borough Council of Wellingborough is designated as a Food Authority and as such has a statutory duty to enforce Food Safety legislation.

The **aim** of the service is to work with local businesses to achieve improvements in food safety, hygiene, nutrition and reduce food poisoning within our community.

Our key delivery **priorities** are;

- Undertake inspections of food premises in accordance with the Food Law Code of Practice.
- Investigate complaints about food premises and products
- Investigate cases of infectious diseases
- Sample and test food products produced and sold within the district
- Provide advice and assistance to new and existing businesses
- Promote healthy food provision within the district through the Eat Out Eat Well Award and other promotional activities
- Support businesses in the implementation of Safer Food Better Business (SFBB). (FSA produced pack designed to assist small businesses meet their legal requirement to have Hazard Analysis Critical Control Point (HACCP) in place)
- Integrate the service with other public health strategies to achieve an overall healthier community

Key objectives for the service during 2016/17 are to:-

- Increase the number of food businesses within the Borough that are 'Broadly Compliant' with food hygiene standards by targeting non-compliant businesses
- Monitor service delivery and review policies and procedures to ensure that they address the demands of the Governments Better Regulation Agenda
- Work closely with the FSA and PHE with the aim of reducing the number of cases of food poisoning within the borough.

2.2 Links to Corporate Objectives

Borough Council of Wellingborough priorities are;

- Promoting high quality growth
- Reducing crime and anti-social behaviour
- Improving life chances for young people
- Delivering efficient and responsive services
- Enhancing the environment

The aim and objectives of the Authority in respect of Food Safety Law are drawn up annually by the Health Protection Team and are integrated into the Councils Service Plans.

Food Safety Service Plan 2016/17

2.3 Performance Indicators

The service has internal performance indicators designed to measure the effectiveness of the service;

Indicator Description	Target
Percentage of food premises inspections that should have been carried out that were carried out for high risk premises.	100%
Percentage of food premises inspections that should have been carried out that were carried out for low risk premises.	95%
Number of other food visits	150
Number of Food Hygiene and Health and Safety Courses to be run	3
Percentage response to requests for general service within 2 working days	95%
Number of Food and Water Samples Taken	50
Increase the number of food businesses classified as being 'Broadly Compliant'	94%

3 Background

3.1 Profile of the Local Authority

The Borough covers an area of 163 sq km centrally situated in the country with excellent communications. The Borough of Wellingborough is a diverse place to live and work. Urban and rural, traditional and modern, wealth and poverty, local and migrant - these and many other contrasts make for a richness of commerce, communities and culture. The urban centre is the town of Wellingborough where over two thirds of the 76,4461 (ONS 2014) residents live. The remainder live in 19 surrounding settlements.

The town has expanded significantly from its market square base in the last sixty years. These changes have brought new housing, industry and people. A proportion of these people have come to settle from overseas. India, Africa and the Caribbean have been the main sources of migration. Taken together these communities represent 11% of the urban population — comparable with some of the most diverse urban communities in the country.

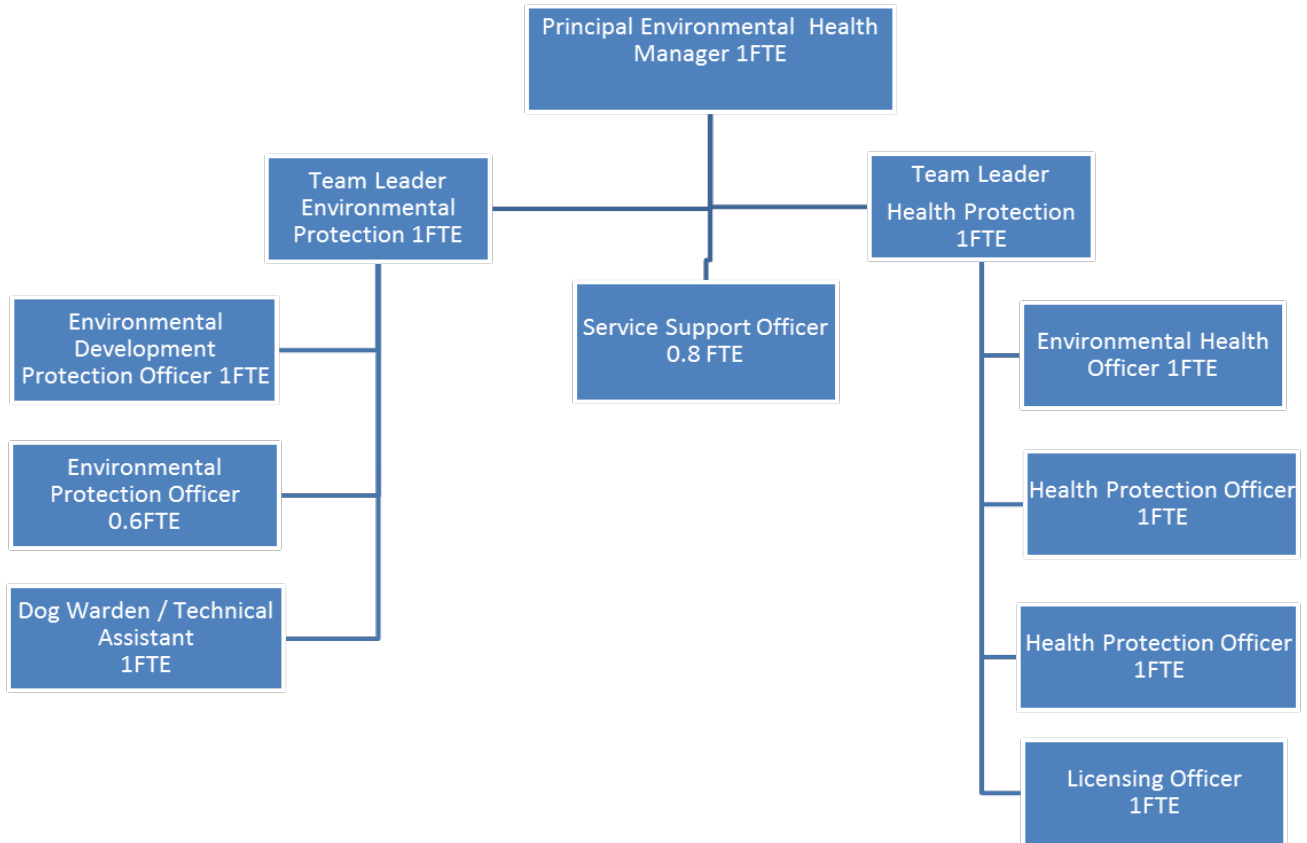
During the last ten years the town has witnessed the arrival of individuals and families from Eastern Europe. These communities are discernible through new shops, products and languages. Reliable statistical evidence of the numbers staying or working in the town is weak, but the food business profiles of these Eastern European migrants within the town have an increased presence.

3.2 Organisational Structure

The Health Protection team manages the food safety function and is within Environmental Health, which is part of the Planning and Local Development service. Health Protection reports to the Services Committee. In addition to food safety the Health Protection team also have responsibility for other areas of work, including health and safety enforcement, licensing, infectious disease control, health promotion and water safety. Most officers are involved in all areas of work. Health protection officers may be required to assist the environmental protection team in times of staff shortage.

Environmental Health is structured as detailed below:

Food Safety Service Plan 2016/17



3.3 Scope of the Food Safety Service

The Food Safety service provides two broad areas of work, which can be classified as either pro-active or reactive.

Pro-active

- Inspections (programmed interventions) and audits of food premises
- Education of Food Business Operators and employees through guidance, information and training
- Undertaking and participating in health promotion campaigns
- Maintaining an accurate Food Safety Database
- Liaising with other Council departments and external organisations including Planning, Building Control, Licensing, Trading Standards, FSA, Northamptonshire Food Liaison Group, Care Quality Commission, Drinking Water Inspectorate and OFSTED
- Devising material to help businesses comply with the Law and good practice
- Website maintenance and design

Reactive

- Investigating infectious disease notifications and outbreaks
- Responding to complaints and requests for service
- Planning/ building control applications
- Responding to other emergency situations as required

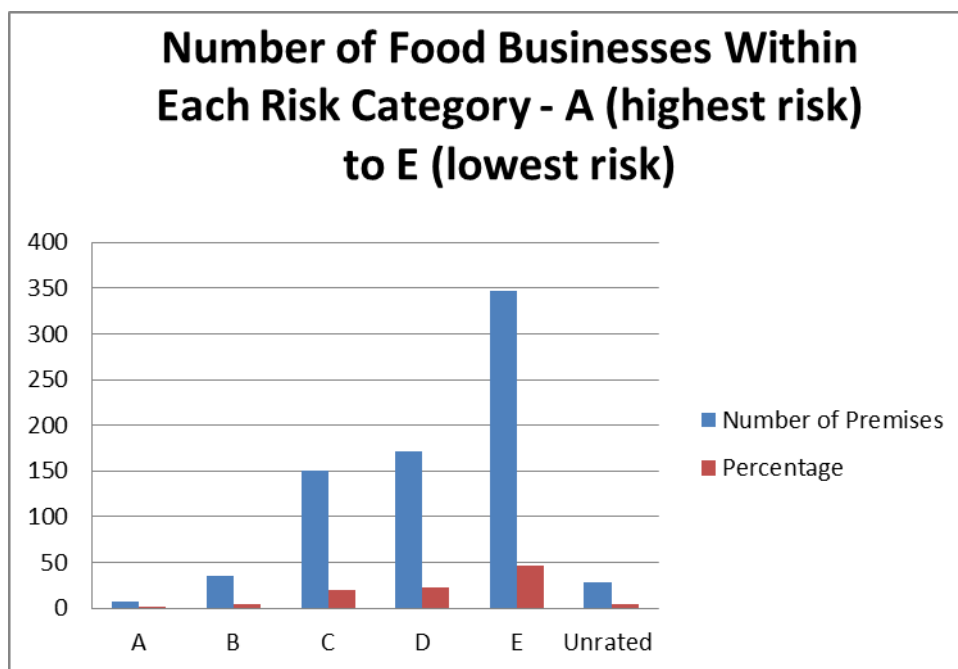
Food Safety Service Plan 2016/17

The same officers who are involved in the food safety function also provide health and safety enforcement, smoke-free enforcement, infectious disease control and the licensing service.

3.4 Demands on the Food Service

The authority supports the Home Authority and Primary Authority Principle.

Food premises are categorised according to a risk rating A (highest risk) to E (lowest risk). The current breakdown of food businesses in the Borough are shown below. The total number of food premises is currently 738. These figures are constantly fluctuating. New premises are initially unrated but receive a visit within 28 days of registration.



There are 4 premises approved for manufacturing meat products, 2 premises approved for the production of dairy products, one approved stand alone cold store and one premises approved for packing eggs.

There are a number of major food factories within the district including two flour mills, a pie manufacturer, a meat processing factory, two spice mills, two food flavouring manufacturers, a dairy product manufacturer and a breakfast cereal manufacturer together with large food distribution centres.

The service is delivered both in and out of normal office hours to ensure premises are inspected whilst they are operational. It is the policy for food inspections to be undertaken unannounced to allow the actual operation to be observed, except in unusual circumstances or where the food business is based within domestic premises.

During 2015 the Environmental Health team was restructured. The Health Protection team currently has a vacant Health Protection officer post, which is being covered by the use of a contract Environmental Health Officer to undertake food hygiene inspections. Working practices will continue to be reviewed to ensure that the authority continues to meet all

Food Safety Service Plan 2016/17

statutory responsibilities. Priority will be given to targeting high risk and poor performing businesses, but it has to be acknowledged that a small number of lower risk businesses may not be inspected within the prescribed period set out in the FSA Code of Practice.

3.5 Enforcement Policy

Environmental Health Services have a general enforcement policy approved by the council which has a food safety appendix. All enforcement action will be taken in line with this policy. In addition there are comprehensive procedures available to ensure consistency of service. This is in the process of being reviewed.

Food Safety Service Plan 2016/17

4 Service Delivery

4.1 Food Premises Inspections

The following table shows the minimum number of inspections that will need to be carried out in the year 2016/17.

Risk Rating	Number of inspections in 2016/17
A (highest risk)	8
B	21
C	101
D	69
E (lowest risk)	120
Total	319

The policy relating to the inspection of food premises is detailed in the food hygiene inspection procedure. This procedure details how decisions are made over the type of intervention to be undertaken taking into account Better Regulation principles. Priority will be given to undertaking inspections of high risk premises.

The FSA Code of Practice allows for a flexible approach to the inspection of low risk premises. An 'Alternative Enforcement Strategy' is currently implemented for category E premises whereby they are assessed by either a self assessment questionnaire or by a questionnaire visit. Consideration will be given to utilising other forms of intervention in category D and 'broadly compliant' category C premises, to allow for more time to be spent with those businesses which are not currently 'broadly compliant' with food safety legislation.

Re-visits will be made to food premises following the issue of any formal notices in order to check compliance. Informal notices will be followed up if appropriate by revisit or by questionnaire. Revisits are concentrated upon those businesses which are not scored as being Broadly Compliant. It is expected that in addition to the planned inspection programme detailed above, around 70 revisits will be undertaken.

4.2 Food Complaints

All food complaints are investigated. The authority receives approximately 80 complaints with respect to foodstuffs and food premises each year. The level of investigation for any complaint is determined by the investigating officer and Principal Environmental Health Manager or Team Leader.

4.3 Primary Authority Principle

In July 2009, the Regulatory Enforcement and Sanctions Act introduced the concept of a 'Primary Authority' for the majority of regulatory functions. At the request of a business, a local authority is compelled to act as that company's Primary Authority. The role of the

Food Safety Service Plan 2016/17

Primary Authority will be to act as a point of contact for other local authorities on policy issues, inspection programmes and when considering taking any enforcement action. The Primary Authority is able to prohibit that local authority from taking their enforcement action subject to an appeal process to the Better Regulation Delivery Office against the decision of the primary authority.

We have not been approached to act as the Primary Authority for any of our businesses. We do however adhere to the Primary Authority Principle and liaise with Primary Authorities before we take any formal enforcement action. Any inspection plans produced by Primary Authorities are adhered to when undertaking pro-active interventions.

4.4 Advice to Business

Advice and education for businesses, schools and individuals is provided on food safety. New businesses contacting the authority before opening will receive advice on how to comply with legislation before receiving their food safety inspection. Inspections prior to opening will be reserved for high risk premises.

The Foundation CIEH Level 2 Food Hygiene Certificate Course is run by officers within the authority.

The Health Protection team also provide guidance on completion of the Safer Food Better Business pack to high risk businesses.

4.5 Food Sampling

The authority has a food sampling policy and programme. The authority takes part in both national PHE sampling programmes and regional sampling programmes. Sampling will also be targeted at local businesses identified in the district as high risk and those where there are hygiene concerns.

Sampling will on occasion take place prior to food inspections as advised by the FSA. Sampling will be conducted in accordance with our sampling procedure. This will result in approximately 50 food, environmental and water samples being taken.

All food samples are currently analysed by the PHE laboratory in Birmingham, although PHE are reviewing their laboratory structure so this may change over the coming year. The Sampling programme will include food items identified as national priorities by PHE and local priorities as set by the County Food Sampling Group. National Priorities for 2016/17 include pies and pate.

The sampling programme for 2016/17 is still being finalised. The team will also undertake ATP swabbing within high risk premises, which is a method which provides instant results on the level of cleanliness of food contact surfaces.

4.6 Control and investigation of Outbreaks

There are formal arrangements in place to identify and investigate cases of food poisoning between PHE and the Authority. All laboratory identified cases of food poisoning are sent directly to the authority for investigation. All incidents of food poisoning or alleged food poisoning are investigated with a view to tracing the source and preventing spread and reoccurrence. It is estimated there will be around 110 food poisoning cases and 2 potential food poisoning or infectious disease outbreaks in the year 2016/17.

4.7 Food Safety Incidents

The authority acts on all food alerts received in accordance with the food alert procedure and the FSA's Code of Practice. It is estimated that there will be 40 food alerts in the year 2016/17.

Food Alerts are received electronically from the Food Standards Agency and are received by all Food Officers.

Upon receipt the Principal Environmental Health Manager or Team Leader will assess the course of action to be taken. The Alert will be categorised by the Food Standards Agency as either 'for action' or for 'information only'. Where it is determined that action is required, the course of action will be identified and the appropriate resources allocated. Food premises will be contacted and/or visited as deemed necessary.

4.8 Liaison with Other Organisations

The authority has local partnerships with the following organisations:-

- Northamptonshire Food Liaison Group;
- Northamptonshire Food Surveillance Group;
- Northamptonshire Trading Standards;
- Northamptonshire Healthy Eating Group
- Department of Health;
- Better Regulation Delivery Office (BRDO);
- Public Health England (PHE);
- Food Standards Agency (FSA);
- Care Quality Commission (CQC);
- OFSTED;

Through these groups, particularly the Northamptonshire Food Liaison Group, there have been regular joint training and consistency exercises.

All planning applications are looked at by the team with respect to food safety, and advice on structures etc. is given to future businesses at this point. Copies of Licensing Act consultations are forwarded to the team and used as a mechanism to ensure all food businesses are registered and any food hygiene problems can be highlighted.

4.9 Food Safety Promotion

The Health Protection team is also responsible for health promotion including food safety and nutritional promotion. This includes the provision of CIEH Level 2 Food Hygiene training.

The Eat Out Eat Well Award was launched in May 2015 and has been developed to reward caterers who make it easier for their customers to make healthy choices when eating out. It has three levels – Bronze, Silver, and Gold, and is symbolised by an apple logo in the shape of a heart.

The level of award is based on a scoring system that takes into account the type of food on offer, cooking methods, and how the meals are promoted to customers. This scheme benefits caterers by promoting their businesses and consumers, by helping them make healthier choices when eating out. Limited resources are available to devote to non statutory schemes, and in 2016/17 there is a target to achieve 5 new award holders.

Food Safety Week in June 2015 will be supported and activities will be co-ordinated across the county to maximise the use of resources. The team will also support other national campaigns throughout the year.

Since the E.coli outbreak in South Wales in 2005, the priority of all food hygiene inspections has been raising awareness to ensure all businesses are controlling the risks from this potentially fatal bacteria. All relevant businesses are made aware of the FSAs E Coli guidance.

4.10 Achievements During 2015/16

The below achievements represent work undertaken between 1st April 2015 and 29th February 2015:

1. Carried out a total of 219 food safety inspections. We are on track to achieve 100% of high risk inspections due (Categories A-B) by the end of this period (March 2015). We also undertook 90 food safety interventions using self assessment questionnaires for low risk businesses, in accordance with our Alternative Intervention Strategy. 86 revisits were undertaken to check on compliance following an inspection.
2. Investigated 82 complaints about food purchased within the borough or food safety standards within premises and took appropriate action. We undertook 57 visits to investigate complaints.
3. Served 13 improvement notices on 3 businesses and undertook a large number of visits to a small number of poor performing business.
4. 5 food businesses closed voluntarily for a period of time during enforcement action to secure improvements within the premises.

Food Safety Service Plan 2016/17

5. A formal seizure of food and subsequent condemnation by magistrates court was undertaken in 1 premises and food was surrendered for destruction voluntarily in another 7 premises.
5. To comply with our primary aim of raising awareness of issues through education and advice, we undertook 11 advisory visits to assist in legislative compliance.
6. 94% of premises were found to be Broadly Compliant with food safety legislation following their inspection.
7. The Health Protection team have been working closely with food businesses providing them with guidance on how to improve their Food Hygiene Rating. Since the introduction of the national Food Hygiene Rating Scheme in April 2011 we have offered businesses the opportunity to request a rescore where they feel that they have met all requirements detailed within their inspection report. During this period 13 re-rating requests were received.
8. Health protection officers contributed to Food Safety Week in June 2015 by attending a local supermarket and providing food safety leaflets to customers. The focus was around food safety in the home. The team also supported the 'Defrost your turkey' campaign at Christmas with a radio interview on BBC Radio Northampton.

Food Safety Service Plan 2016/17

5 Resources

5.1 Financial Allocation

The salary budget for the Health Protection team is £281,000 for the financial year 2016/17 which includes the other functions of the team such as Health and Safety Enforcement, and Licensing of which around 40% will be allocated to Food Safety Enforcement activities.

The remaining budgets are shown below;

	Budget 2016/17
Supplies and Services	£3100
Health Courses	£1650

5.2 Staffing Allocation

The Health Protection team consists of 8 members of staff. At the time of writing this plan there are 2.97 Full Time Equivalent (FTE) officers for the food safety function. The Health Promotion Officer will also on occasion be involved in food safety promotional work. The above calculations can be broken down into officers as detailed below:

Principal Environmental Health Manager	0.25 FTE
Team Leader Health Protection	0.50 FTE
Environmental Health Officer	0.70 FTE
Health Protection Officer	0.55 FTE
Health Protection Officer	0.55
Service Support Officer	0.15 FTE
Licensing Officer	0.02 FTE

5.3 Staff Development Plan

The training needs of enforcement officers are identified during the appraisal process known as Performance Development Review and a training programme will be developed once complete. It is the policy of the Council to ensure that officers involved in enforcing food safety legislation receive a minimum of 10 hours continuing professional development training as required by Food Standards Agency – Code of Practice and practice guidance. This will be provided through a combination of commercial courses, training provided by the FSA, Northamptonshire Food Liaison Group and internal training courses.

All food safety regulators will undergo the Regulators' Development Needs Analysis (RDNA) which is a competency and development framework designed to assess food safety enforcer competence and to ensure Enforcement Officers have the right skills for the job. A training programme will be designed for each authorised officer and appropriate training will be provided, utilising free or low cost training provided by the FSA or the Northamptonshire Food Safety Liaison group as part of the partnership approach.

Food Safety Service Plan 2016/17

A record is kept of all training related to food safety or other relevant subjects that would improve the effectiveness and efficiency of the officers performing food safety enforcement. All training undertaken is reviewed as to its usefulness and practical applications and feedback to other officers is done as necessary.

During March 2016 all officers will be assessed against the officer competence framework outlined in sections 4.7 and 4.8 of the Food law Code of Practice.

6. Quality Assessment

The Health Protection team may be audited by the FSA and would act on any advice given to ensure a quality service is provided. There is an internal monitoring process to ensure officers are following the procedures and acting in accordance with statutory requirements.

The Food Standards Agency undertook a focused audit in September 2015 on food alerts. The authority was also audited against compliance with the Food Hygiene Rating Scheme Brand Standard in October 2015. Minor non-compliances were noted during these audits and action plans have been created to ensure full compliance with the FSA Code of Practice and the Food Hygiene Rating Scheme Brand Standard. These action plans will be fully implemented during 2016.

Borough Council of Wellingborough operates a system of procedural documents for key areas of food safety enforcement. These are issued in a controlled document format and are regularly reviewed.

Where appropriate, officers involved in food safety enforcement are issued with standard phrases and standard letters to ensure consistency. Internal monitoring is completed by undertaking joint visits with the Principal Environmental Health Manager and by file monitoring.

To ensure we are responsive to customer needs, and to ensure we attain our agreed performance standards, we survey service users to gauge our performance. As part of this process customer satisfaction forms are sent out to those who receive a food safety intervention to assess duty holders satisfaction with our service.

7. Review

7.1 Review against the Service Plan

The performance of the service against the Service Plan is internally monitored monthly.

The Food Safety Service Plan and procedure documents are reviewed annually. The authority takes part in peer review processes as appropriate, the results of which inform the review process and bring about improvements in service as appropriate.

7.2 Identification of Variations from the Service Plan

Any shortfalls from targets noted during the year are reviewed on a monthly basis to determine:

- What factors have caused the variation to take place and
- Whether additional resources are needed to rectify the variation and achieve the annual targets.

Significant shortfalls are reported to the Head of Service and actions needed to resolve the problem are then agreed. This action can include

- Prioritisation of work, with lower risk inspections and other low priority work delayed, carried out in some other way or dropped from the work plan for the year as appropriate
- Staff reallocated from other duties in the short term to resolve any shortfalls that are regarded as a priority.
- Any shortfalls in inspections that have not been resolved by the end of each year are carried forward.

7.3 Areas for Improvement

As part of the review process, areas for improvement will be identified, covering:

- Improvements in efficiency, effectiveness and economy to comply with the Better Regulation agenda.
- Improvements in working practices, to improve efficiency and the quality of service.
- New projects or initiatives to improve the overall quality of food safety.

Glossary of Terms

ATP- Adenosine tri-phosphate swab test

BRDO - Better Regulation Delivery Office

CIEH - Chartered Institute of Environmental Health

CQC - Care Quality Commission

E. coli O157 - *Escherichia coli* O157

EHO - Environmental Health Officer

FSA - Food Standards Agency

FTE - Full-time equivalent

HPA - Health Protection Agency

JSNA – Joint Strategic Needs Assessment

PHE - Public Health England

RDNA - Regulators' Development Needs Analysis

SFBB - Safer Food, Better Business

UKFSS - United Kingdom Food Surveillance System

Appendix 2

Health and Safety Enforcement Service Plan 2016/17

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Date: February 2016

Contents Page

	Page
1. Introduction	1
2. Service Aims and Objectives	3
3. Background	4
4. Service Delivery	7
5. Resources	11
6. Quality Assessment	12
7. Reviews	14
Glossary of Terms	16

1 Introduction

The format of this Plan meets the requirements laid down by the Health and Safety Executive, and is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and what resources we have available to do this. It also allows the Health and Safety Executive to assess the services that we offer, so that they can ensure that our services meet the standard required under Section 18 of the Health and Safety at Work etc Act 1974.

The council is committed to improving health and safety outcomes across the borough and will commit the necessary resources and capacity to deliver its priorities and plan of interventions for the current year

The primary function of the Health Protection Service is to provide education and advice to businesses in Wellingborough to help them comply with the requirements of the legislation. Inspections and investigations are undertaken at premises that are classified as either high risk, or where concerns have been raised about working practices or the safety of premises.

Where businesses fail to comply with the advice given and fail to provide a safe working environment for employees and the public, the Health Protection Service will use its enforcement policy and the Regulators Code of Conduct to take appropriate enforcement action.

To many, health and safety is seen as a burden on business. In fact the opposite is true, in that poor health and safety will result in accidents and poorer health which results in extensive time off work, and this impacts directly on the business and ultimately on the economy of Wellingborough. It also potentially gives an unfair economic advantage to those who might ignore the law.

Where appropriate, relevant health and safety information will be shared with other organisations including the Inland Revenue; Fire Service; Police Service; Trading Standards; UK Border Agency and National Non Domestic Rates, to maximise intelligence gathering. This will assist in targeting action against poor performing businesses. We will also investigate the possibility of reviewing and updating data, by using data held by other sections within the council to minimise the burden between the council and local businesses

In keeping with government reforms over health and safety, the section will continue to plan and target health and safety interventions having regard to the range of interventions available, the risk profile of the business/sector, national information (accident statistics, national priorities, Lead Authority/Primary Authority inspection plans) and local intelligence and knowledge.

Proactive inspections will be reserved for the highest risk premises and other forms of interventions, including targeted visits and awareness raising interventions, will be used for other businesses. Reactive work such as accident and complaint investigations will continue to be undertaken and prioritised according to the level of

Health and Safety Service Plan 2016/17

risk identified. Only accidents which meet the HSE accident investigation criteria, or are linked to the county workplan as a high priority area will be investigated.

2 Service Aims And Objectives

2.1 Aims And Objectives

The overall **aim** of the Service is to work with others to protect people's wellbeing, and health and safety by ensuring risks in the changing workplace are managed properly.

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses. (Targeted approach to risk in line with Better Regulation agenda)
- To inspect businesses identified as being high risk
- Investigating major injury incidents and fatalities. (National justice agenda is used to assess and target poor management in line with Better Regulation.)
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model. (ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda)
- Train and develop our staff to ensure competence (encourages staff retention/recruitment and ensures credibility with local business).

The key **objectives** of the service this year are to:-

- Reduce the number of accidents and illnesses associated with the workplace in the district
- Increase awareness of health and safety
- Review policies and procedures to reflect the HSE's strategic programme and meet requirements of the revised Section 18 guidance.
- Work in partnership to deliver the HSE strategic programme

2.2 Links to Corporate Objectives

Borough Council of Wellingborough priorities are;

- Promoting high quality growth
- Reducing crime and anti-social behaviour
- Improving life chances for young people
- Delivering efficient and responsive services
- Enhancing the environment

The aim and objectives of the authority in respect of health and safety law, are drawn up annually by the health protection team and are integrated into the councils service plans.

3 Background

3.1 Profile of the Authority

The Borough covers an area of 163 sq km centrally situated in the country with excellent communications. The Borough of Wellingborough is a diverse place to live and work. Urban and rural, traditional and modern, wealth and poverty, local and migrant - these and many other contrasts make for a richness of commerce, communities and culture.

The urban centre is the town of Wellingborough where over two thirds of the 76,4461 (ONS 2014) residents live. The remainder live in 19 surrounding settlements.

The town has expanded significantly from its market square base in the last sixty years. These changes have brought new housing, industry and people. A proportion of these people have come to settle from overseas. India, Africa and the Caribbean have been the main sources of migration. Taken together these communities represent 11% of the urban population — comparable with some of the most diverse urban communities in the country.

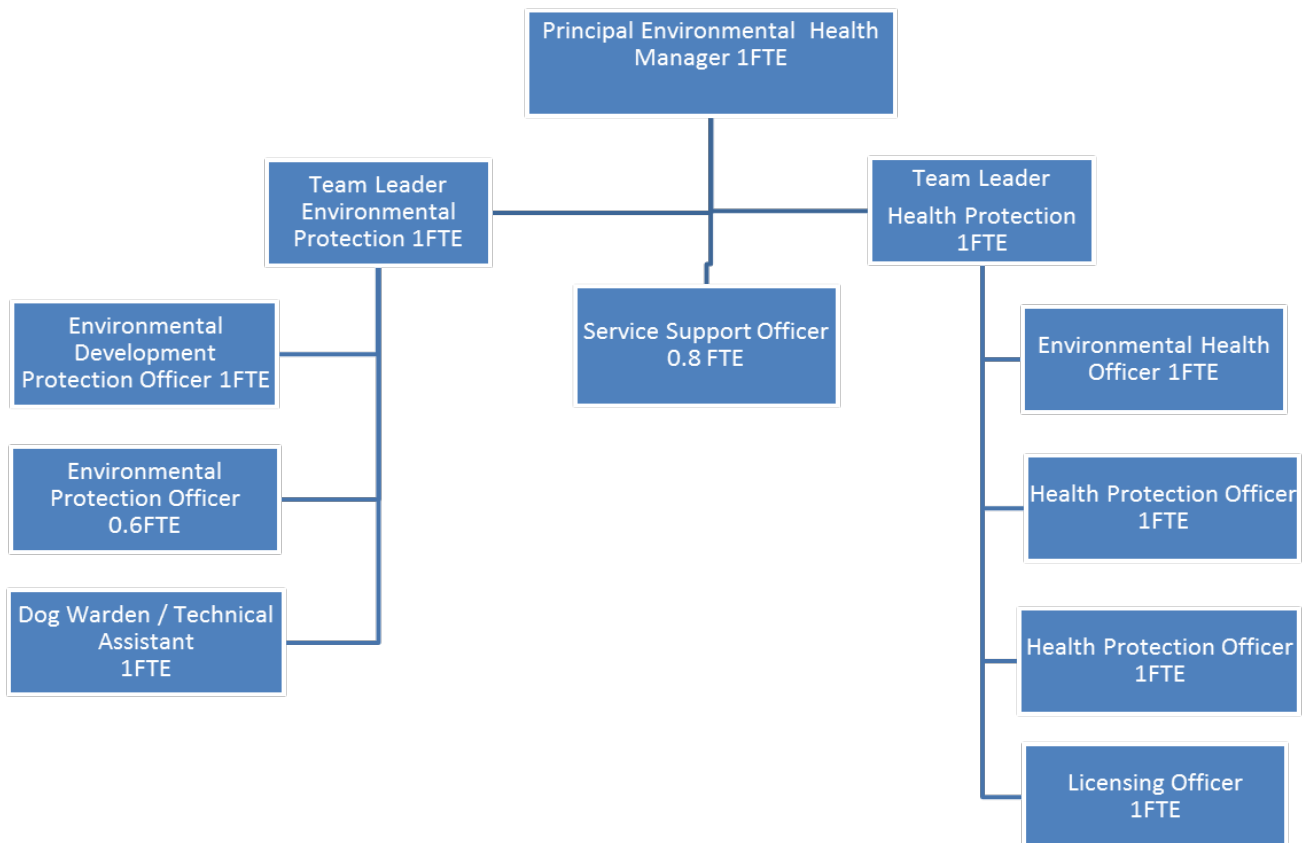
During the last ten years the town has witnessed the arrival of individuals and families from Eastern Europe. These communities are discernible through new shops, products and languages. Reliable statistical evidence of the numbers staying or working in the town is weak, but the food business profiles of these Eastern European migrants within the town have an increased presence.

3.2 Organisational Structure

The Health Protection team manages the health and safety function and is within Environmental Health, which is part of the Planning and Local Development service. Health Protection reports to the Services Committee. In addition to health and safety the Health Protection team also have responsibility for other areas of work, including food safety enforcement, licensing, infectious disease control, health promotion and water safety. Most officers are involved in all areas of work. Health protection officers may be required to assist the environmental protection team in times of staff shortage.

Environmental Health is structured as detailed below:

Health and Safety Service Plan 2016/17



3.3 Scope of the Health and Safety Service

The health and safety service provides two broad areas of work, which can be classified as either pro-active or reactive.

Pro-active

- Inspections (programmed interventions) at premises subject to local authority enforcement
- Education of proprietors and employees through guidance, information and training
- Undertaking issue specific targeted interventions
- Liaising with other Council departments and external organisations including Planning, Building Control, Licensing, corporate health and safety, Trading Standards, HSE, Northamptonshire Health and Safety Liaison Group, Care Quality Commission and OFSTED
- Assessing ASB5 notifications (Asbestos removal works)
- Devising material to help businesses comply with the law and good practice
- Website maintenance and design

Reactive

- Investigating reported accidents, diseases and dangerous occurrences
- Responding to complaints and requests for service
- Planning/ building control applications

3.4 Delivering the Health and Safety Service

The service is delivered both in and out of normal office hours to ensure premises are inspected whilst they are operational and late night visits will be undertaken where required. The Environmental Health Service runs an emergency out of hours call out service, through which requests for emergency action will be received.

The environmental health service has a general enforcement policy approved by the council which has a health and safety appendix. All enforcement action will be taken in line with this policy. In addition there are comprehensive procedures available to ensure consistency of service. This policy is currently being reviewed.

4 Service Delivery

4.1 Legal Requirements upon the Service

The Section 18 Standard sets out the requirements which HSE and Local Authorities are obliged to comply with in making 'adequate arrangements for enforcement'. This standard has legal status, and requires Local Authorities to perform their duties as enforcing authorities in accordance with the Section 18 Standard and the Regulators Code of Conduct.

4.2 Inspection Programme

Interventions are targeted on activities that give rise to higher risks or where the hazards are least well controlled, with the aim of maximising their impact on improving health and safety outcomes. Interventions are also designed to stop those that seek economic advantage from non-compliance (e.g. rogue traders)

The Health and Safety Executive in association with Local Authorities have agreed a set of national priority topic areas that have been taken into account in setting this years County workplan. Local priorities have also been identified which represent areas of local concern. These topic areas are chosen to ensure that high risk activities are prioritised for attention by the service.

The Northamptonshire Health and Safety Liaison groups Workplan for 2016/17 includes the following topic areas to be targeted;

National Priority Areas

- Asbestos

Local Priority Areas

- Legionella control in leisure facilities
- Workplace Transport
- Public events (If within the Authority's area and relevant)
- Better Regulation
- Migrant worker safety
- Health and Wellbeing within the workplace
- Radon awareness

These topic areas were chosen since they represent significant risk in relation to either the number of accidents reported across the county or due to the severity of those accidents which are reported. Local intelligence has also been used.

Premises will be targeted for a health and safety intervention according to the risk posed. The above topic areas will be covered during most interventions. Officers will decide upon the most suitable type of intervention to be undertaken, by taking into account all available information. Intervention types will include:

- Targeted topic interventions

- Accident investigations
- Provision of seminars or awareness days
- Self-assessment questionnaires
- Provision of information or mail-shots specific to particular risks associated with the main work activity
- Complaint investigations

Decisions on the required enforcement action to be taken following a health and safety intervention will only be taken after consulting the enforcement policy and where appropriate after completing the enforcement management model to ensure consistency and fairness.

4.3 Better Regulation

The Government has made a commitment to cut red tape to lift the regulatory burdens on businesses. Efficient and effective local regulation will play a key role in ensuring that the reduction of regulation really does translate into a reduction in the burden on businesses at a local level.

The team are working with local Enterprise Partnerships, other councils and national regulators across Northamptonshire to help reduce the regulatory burden on businesses under the Better Business for All (BBfA) government initiative

The project is seeking to develop ways for regulators to work with and support businesses, to encourage economic growth. A pilot was undertaken during 2015/16 looking at improving communication with businesses, by changing letter formats. This work will be further developed during 2016/17. The project will allow officers to ensure that support is effectively targeted to individual circumstances.

It is proposed that the project will seek to enhance relationships through:

- Seeking to reduce the regulatory burden on businesses
- Promotion of two way communication between businesses and regulatory services
- Improving the business perception of regulators
- Supporting regulators to find the right balance between encouragement, education and enforcement
- Developing a joint offer of support from regulatory services for businesses
- Building trust of both regulators and businesses
- Feeding back to government on how to do things better for both businesses and regulators

The project is initially focusing on small and medium sized food businesses. The Environmental Health Team will fully engage with this project as it progresses.

Health and Safety Service Plan 2016/17

4.4 Performance Indicators

The service has internal performance indicators designed to measure the effectiveness of the service;

Reference	Indicator Description	Target
W38	Number of pro-active Health & Safety at Work interventions undertaken (Including 100% of category A inspections)	30 visits
W41	Number of reactive Health & Safety at Work visits undertaken including re-visits and accident investigations	60 visits
W128	Number of food hygiene and health and safety courses undertaken	3
W129	% response to requests for service within 2 working days	95%

4.5 Achievements During 2015/16

The below achievements represent work undertaken between April 2015 and February 2016

1. Carried out 2 preventative inspections based on the priority topics within the year. We also undertook 39 reactive interventions to secure compliance with legislation.
2. Investigated and took appropriate action in response to 68 accidents and incidents reported under the Reporting of Injuries Disease and Dangerous Occurrence Regulations 2013 (RIDDOR).
3. Investigated 12 complaints about health, safety and welfare and took appropriate action.
4. Officers again undertook the nationwide Regulators' Development Needs Analysis (RDNA) which is a competency and development framework designed to assess health and safety enforcer competence and to ensure Enforcement Officers have the right skills for the job. A training programme was designed for each authorised officer and appropriate training has been undertaken, utilising free or low cost training provided by the HSE or the Northamptonshire Health and Safety Liaison group as part of the partnership approach.

4.6 Working with others

Businesses now have the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The

Health and Safety Service Plan 2016/17

Health Protection Service works in Partnership with neighbouring and other local authorities through the 'Primary Authority' scheme. The effect of 'Primary Authorities' on the regulation of multiple site businesses is beginning to grow. There are a growing number of partnerships and inspection plans which we must now take into account.

The team are undertaking licensing visits at the same time as other enforcement visits where appropriate, representing a more efficient use of resources.

Smoking enforcement checks are undertaken within business premises and commercial vehicles during routine intervention visits and following receipt of complaints.

Officers also comment on the safety aspects of planning permission and building control applications where appropriate including applications for smoking shelters.

The Flexible Warrant arrangements have been endorsed by Committee for partnership working across boundaries with the HSE and the other Northamptonshire Regulatory Authorities which will allow better use of scarce joint resources.

5 Resources

5.1 Financial Allocation

The salary budget for the Health Protection team is around £ £281,000 for the financial year 2016/17 which includes the other functions of the team such as Food Safety Enforcement, Infectious Disease control, and Health Promotion, of which around 35% will be allocated to Health and Safety Enforcement activities.

The remaining budgets are shown below;

Account Description	2016/17 Budget
Equipment, Furniture and Materials	£50
Staff Clothing	£150
Printing Stationary and Office Supplies	£400

5.2 Staff Allocation

The Health Protection team consists of 8 members of staff. At the time of writing this plan there are 0.8 Full Time Equivalent (FTE) officers for the health and safety function including smoking enforcement. The above calculations can be broken down into officers as detailed below:

Principal Environmental Health Manager	0.10 FTE
Team Leader Health Protection	0.10 FTE
Environmental Health Officer	0.10 FTE
Health Protection Officer	0.20 FTE
Health Protection Officer	0.20
Service Support Officer	0.08 FTE
Licensing Officer	0.02 FTE

6 Quality Assessment

6.1 Quality Assessment

Borough Council of Wellingborough recognises the need to measure the effectiveness of its health and safety enforcement duties. Auditing, peer review and external monitoring are seen as parts of this process to ensure that its procedures result in high quality, consistent inspections. The interpretation and action taken by Officers following an inspection should also be consistent within the authority.

The authority's current level of compliance with the HSEs updated Section 18 guidance has been assessed and an action plan has been formulated.

6.2 Qualifications and Training

The Authority will ensure that it only appoints appropriately qualified and experienced personnel to health and safety enforcement duties. The level of authorisation given will be appropriate to the training and experience of each individual officer.

The training needs of officers are identified during the appraisal process known as Performance Development Review (PDR) and during completion of the Regulators Development Needs Analysis (RDNA). An individual training programme is developed once this process is complete. It is the policy of the Council to ensure that officers receive adequate training to fulfil their training needs. This will be provided through a combination of commercial courses, those provided by the HSE, Northamptonshire Health and Safety Liaison Group and internal training.

The Authority will have regard to the competencies defined in Regulators Development Needs Analysis Process when assessing the competency of its Officers. Where an Officer cannot be shown to achieve the standard in all areas, the Authority will ensure that that Officer is supervised by an Officer who does possess these competencies.

The department adheres to section 18 guidance under Health and Safety at Work etc. Act 1974.

6.3 Procedural Documents

Borough Council of Wellingborough operates a system of procedural documents for key areas of health and safety enforcement. These are issued in a controlled document format and are regularly reviewed.

6.4 Standard Letters

Where appropriate officers involved in health and safety enforcement are issued with standard phrases and standard letters to ensure consistency.

To ensure we are responsive to customer needs, and to ensure we attain our agreed performance standards, we survey service users to gauge our performance. As part of this process customer satisfaction forms are sent out on occasion throughout the year to those who receive a health and safety intervention to assess duty holders satisfaction with our service.

7 REVIEWS

7.1 Review against the Service Plan

The performance of the service against the service plan is internally monitored monthly.

The health and safety service plan and procedure documents are reviewed annually. The authority takes part in peer review processes as appropriate, the results of which inform the review process and bring about improvements in service as appropriate.

7.2 Identification of Variations from the Service Plan

Any shortfalls from targets noted during the year are reviewed on a monthly basis to see:

- What factors have caused the variation to take place and
- Whether additional resources are needed to rectify the variation and achieve the annual targets.

Significant shortfalls are reported to the Head of Service and actions needed to resolve the problem are then agreed. This action can include

- Prioritisation of work, with lower risk inspections and other low priority work delayed, carried out in some other way or dropped from the work plan for the year as appropriate
- Staff reallocated from other duties in the short term to resolve any shortfalls that are regarded as a priority.
- Any shortfalls in inspections that have not been resolved by the end of each year are carried forward.

7.3 Areas for Improvement

As part of the review process, areas for improvement will be identified, covering:

- Improvements to response times as part of the performance indicator reporting.
- Improvements in efficiency, effectiveness and economy.
- A commitment to working with other authorities and partners to ensure a consistent approach to the project priority inspection programme through the Northamptonshire Health and Safety Liaison Group to reduce accidents and ill health statistics.
- Improvements in working practices, to improve efficiency and the quality of service.
- New projects or initiatives to improve the overall quality of safety in workplaces in the area or to raise the awareness of the general public.

7.4 Future considerations

In May 2013 the National Local Authority Enforcement Code was introduced. This code replaced Section 18 guidance. The [LA](#) National Code sets out the risk based approach to targeting health and safety interventions to be followed by LA regulators.

The Code provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk, concentrating on four objectives:

- Clarifying the roles and responsibilities of business, regulator and professional bodies
- Outlining the risk-based approach to regulation that LAs should adopt
- Setting out the need for training and competence of LA health and safety regulators
- Explaining the arrangements for collection/publication of LA data and peer review to give assurance on meeting the requirements of the Code.

The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Local authority enforcement officers must have regard to it when developing policies and procedures that guide their regulatory activities.

Internal procedural documents and the Environmental Health Enforcement Policy will be reviewed to ensure that they continue to reflect the National Code and Regulators Code.

Government reforms over health and safety, will be kept under review and incorporated into practice as required. The Section is committed to improving health and safety standards in accordance with this strategy.

Glossary of Terms

BRDO - Better Regulation Delivery Office

CIEH - Chartered Institute of Environmental Health

EHO - Environmental Health Officer

FTE - Full-time equivalent

HELA - Health & Safety Executive/Local Authorities Enforcement Liaison Committee

HSE - Health and Safety Executive

JSNA – Joint Strategic Needs Assessment

LPG - Liquefied Petroleum Gas

PHE Public Health England

RDNA - Regulators' Development Needs Analysis

RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995