

CAMBRIDGE CITY COUNCIL
ENVIRONMENT DEPARTMENT
REFUSE AND ENVIRONMENT SERVICES

BUSINESS REGULATION PLAN
2013/2014

Drawn up in accordance with the
Food Standards Agency's
Framework Agreement Amendment No. 5 (April 2010)
And the
Health and Safety Executive's
Guidance to Local Authorities

January 2013

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INTRODUCTION

This is Cambridge City Council's first combined Business Regulation Plan, and considers all aspects of the work of the Commercial Team, including Food Safety and Health and Safety Enforcement. Following a recent restructure of Environmental Health, this service is now in the position to assess all environmental health considerations in the commercial sector rather than just food or health and safety compliance. To reflect this development, this plan will focus on how the service will meet all of its enforcement obligations. These include statutory nuisances, infectious disease investigations and partnership working, both within the Council and with various external business and community partners.

The Health and Safety Executive (HSE) requires local authorities to commit sufficient resources to fulfil their health and safety enforcement obligations. Furthermore, local authorities are required to produce an annual work plan clarifying how they intend to fulfil their obligations; section 18, of the Health and Safety at Work etc. Act. 1974 (HASWA), provides details as to how this can be achieved. However, in addition to this, the local authority has to show due consideration to targeted guidance especially where this directs how health and safety is to be enforced. HSE circular LAC 67/2 (rev 3) is such guidance, and this stipulates that local authorities should aim to work in partnership with business rather than act merely as an enforcement agency. To this effect, the Commercial Team will refocus its priorities, and look to develop this aspect of its work further in the year ahead.

Similarly, the Food Standards Agency (FSA) requires each local authority to produce an annual food enforcement work plan, and gives guidance for this in its FSA Framework Agreement. This document sets out how the local authority intends to meet its food enforcement obligations, and also imposes a requirement for the authority to provide sufficient resources to do the necessary work. This year, we have produced this Business Regulation Plan to meet this obligation, although it will follow the guidance and allows the FSA to assess how the service will undertake its food enforcement work.

Following the recent Environmental Health re-structure, the Commercial Team is, as mentioned, now responsible for enforcing and promoting all aspects of environmental health as they relate to the commercial sector of the city. This recent development allows the service to develop an all-encompassing approach whenever it is dealing with businesses in Cambridge, and should therefore be able to better provide a "One Council" approach to all those using the service.

The service is also making the necessary changes in the way that it functions. The various changes recently imposed by central Government upon key aspects of the service, means that the Commercial Team will have to adapt; addressing this challenge and working within new partnerships to develop and promote the city is the main objective for the service for 2013-14 and over the next few year to come.

Jas Lally
Head of Refuse and Environment

January 2013

SECTION 1 : COMMERCIAL TEAM AIMS AND OBJECTIVES

1.1 Aims and Objectives

1.1.1 Cambridge City Council as a whole has a clear vision for the future of our city. Equally, the Commercial Team aims to achieve its core objectives in a way that follows this vision and to thereby improve the commercial sector, which in turn will improve the quality and opportunity for work in the city.

1.1.2 To this end, the Commercial Team, which is responsible for the enforcement of much that is associated with business in the city, has adopted the following vision statements;

A City where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all, and

A City with a thriving local economy that benefits the whole community and builds on its global pre-eminence in learning and discovery.

1.1.3 The strategic objective within the Environment and Waste Services Portfolio Plan states that the service will aim to:

“Improve local environmental quality within the City”

Refuse and Environment Services (R&ES), and the Commercial Team in particular, have the ability to play a significant role in helping to achieve this. By working with the business community, the team is in the ideal position to both assess the degree of statutory compliance, and also to begin to influence a change in the city’s attitude towards health of the environment and the community.

1.1.4 As a result of the restructure of Environmental Health, the Commercial Team is now responsible for enforcing and advising on all aspects of environmental health law (with the exception of licensing and statutory noise issues) as it relates to the commercial sector of the city. As such, the aim of the team is to improve the degree of statutory compliance of businesses in Cambridge, but to do so in the most appropriate manner. It is hoped that this can be in partnership and without the need to resort to enforcement.

1.1.5 In addition to enforcing and promoting legal compliance, and as a result of the Government transferring much of the Public Health Agenda from the National Health Service or Primary Care Trusts to Local Government, it is foreseeable that the Commercial Team will be involved in delivering some of this work at a local level. As such, the team will need to be able to develop and promote a health improvement strategy that is targeted to the appropriate population, but to do so via, or in partnership with, the business community.

1.1.6 The recent changes imposed on local government show the importance of all Council services improving their effectiveness; the Commercial Team is no different. As such, and in accordance with the specific enforcement changes for the service, the team will aim to develop effective partnerships with local businesses, fellow enforcement agencies and local communities in an attempt to further develop the city.

SECTION 2 : BACKGROUND

2.1 Authority Profile

- 2.1.1 Cambridge is a major employment centre with a pronounced emphasis on high technology, research and development, and education. The city hosts the world-famous Cambridge University that has in excess of 10,000 under-graduates with over 3,200 new undergraduates accepted each year. The University, and city as a whole, have a wealth of buildings of historic or architectural interest, and help to attract in excess of 4 million tourists each year, bringing an approximate £216 million to the local economy annually.
- 2.1.2 The Cambridge University Hospitals NHS Foundation Trust, which was voted as the Trust of the Year for 2012 by the independent assessors Dr Foster Intelligence, has two renowned centres of excellence, Addenbrooke's Hospital and the Rosie Hospital, both of which are situated within Cambridge.
- 2.1.3 According to the 2011 Census, the city has a population of 123,900, an increase of approximately 15,000 people and 4,000 households since the 2001 census. Due to the situation of the city, the Council has close working relationships with both the County Council, who are responsible for education, libraries, highways, trading standards and social services, and South Cambridgeshire District Council, whose administration covers most of the smaller communities immediately outside of the city's boundaries
- 2.1.4 Cambridge City Council is responsible for the enforcement of environmental health law in more than 3000 businesses in the city, with over 1200 of these being food businesses of one sort or another. Although a high number of businesses are well-established enterprises, the turnover of food business is approximately 13% each year, where there is a legal responsibility for the food business operator to inform the local authority. In the non-food sector, where there is no legal obligation to inform the local environmental health service, the rate of business turnover is unknown, but believed to be approximately similar.
- 2.1.5 There are extensive areas of urban development taking place within the Council's boundary, and whilst much of this will be residential, an increase in commercial development will also take place, with many of these new businesses falling to the Commercial Team to enforce.

2.2 Organisational Structure

- 2.2.1 The Commercial Team is one of four teams in the Environmental Health Service, and forms part of R&ES that in turn is part of a larger Environment Department. R&ES is managed by the Head of Refuse and Environment (HRE), who reports to the Director of Environment.

- 2.2.2 The HRE has delegated responsibility for food safety enforcement and the authority to instigate legal proceedings with the Head of Legal Services. Each Officer responsible for carrying out food safety intervention work has been duly authorised after being assessed as competent. Authorisation to investigate and instigate health and safety enforcement action is delegated down to the competent health and safety enforcement officer, as specified by the HASWA. The other enforcement duties of the service are also carried out by Officers duly authorised.
- 2.2.3 The Team Manager (Commercial) (TMC) is responsible for the day-to-day management of the Commercial Team, which is responsible for the Council's enforcement role in relation to most aspects involving the city's commercial sector; the TMC reports to the Environmental Health Manager who reports to the HRE.
- 2.2.4 Where staff shortages or long term vacancies arise, overtime (time off in lieu) or contractors may be used to meet the objectives of the work plan; at present the service is fully resourced.
- 2.2.5 The Commercial Team consists of:

Frank Harrison	Team Manager (Commercial) (day-to-day management responsibility for the team,)
Rebecca Broadbelt	Senior EHO (full range of duties)
Tracy Chabot	Senior EHO (full range of duties)
Anne Galliano	Senior EHO (full range of duties p/t)
Ross Goodfellow	Senior EHO (full range of duties)
Suzanne Lane	Senior EHO (full range of duties p/t)
Joanne Duncombe	Food Safety Officer (food safety enforcement and low-level health and safety enforcement duties)
John Leggett	Health and Safety Enforcement Officer (full range of health and safety enforcement duties)

2.3 Scope of the Commercial Team

- 2.3.1 The Commercial Team is primarily responsible for the following work areas:
- The enforcement of all aspects of Food Hygiene Safety
 - The enforcement of all aspects Health and Safety
 - The enforcement of Statutory Nuisance legislation (excluding noise) in the commercial sector
 - The investigation of food poisonings and infectious diseases
 - Consultee for licence and planning applications in relation to relevant commercial premises

- The investigation and consideration of matters relating to cosmetic piercing legislation
- The investigation and consideration of matters relating to smoking legislation

2.3.2 The Commercial Team is also responsible for these work areas:

- The implementation of the local, regional and national Sampling Programme for food and water
- The provision of food safety and health and safety training
- The consideration and response to national and regional governmental consultation documents
- Partnership working with the HSE the other five Cambridgeshire Local Authorities under the remit of the Flexible Warrant Scheme

2.3.3 In addition to the enforcement agencies already mentioned, the Commercial Team works in partnership with a number of local, regional and national organisations covering a number of different functions. Table 1, below, gives details of the organisations and the nature of services of these partnerships.

Name of Organisation	Type of Service	Frequency of Use
Care Quality Commission	Consultation regarding safety in care homes	Ad hoc
Comark, Stevenage	Temperature probe calibration	Annually
Cambridge Fire and Rescue Services	Consultation and joint enforcement issues	Ad hoc
Public Analyst (Lincoln Sutton and Wood), Norwich	Analysis of food contaminants	Ad hoc
Health Protection Agency	Medical advice on aspects of disease control and prevention	On-going
Medical Entomology Centre, Cambridge	Insect identification	Ad hoc
Novus Environmental (Vetspeed Ltd.), Thriplow Heath, Herts.	Waste meat incineration	Ad hoc
Public Health Laboratory Service, Cambridge and Colindale	Microbiological food sampling Advice on infection and disease control	On-going
Ventress Technical Services Ltd., Cambridge	Food and contaminant examinations and identifications	Ad hoc

Table 1: External Service Providers working with the Commercial Team

2.4 Demands on the Commercial Team

2.4.1 Cambridge City Council is responsible for the enforcement of environmental health law in more than 3000 businesses in the city. Of these, the Commercial Team enforces health and safety in over 1800 businesses and food hygiene safety in over 1200. The team is also be responsible for the enforcement of statutory nuisance in all recognised businesses, as well as occasionally working in partnership with the Residential Team for issues relating to mixed use (residential and commercial) premises, and carrying out the other duties of the team as specified in section 2.3, above.

2.4.2 Health and Safety Enforcement Profile

2.4.2.1 Cambridge City Council is responsible for the enforcement of Health and Safety in over 1800 businesses in the city. The distribution of these, based on risk (as of December 2012) is as follows:

Health and Safety Risk Rating	Number of Businesses
Category A	13
Category B1	73
Category B2	608
Category C	1113

Table 2: The distribution of businesses in Cambridge based on Health and Safety risk rating

2.4.2.2 The Commercial Team is required under the HASWA to have some degree of intervention with all of the businesses that the Council is responsible to enforce. The nature and frequency of this the intervention is based upon the risk rating of the business, and HSE circular LAC 67/2 (rev 3) gives the current guidance as to what type of intervention is appropriate. The options are given in Table 3 overleaf.

Health and Safety Intervention Strategy; in accordance with LAC 67/2 (rev 3)	
Undertake the proactive inspections of all A rated businesses	
Consider the full range of alternative interventions for all other rated businesses, including;	
	Partnership working
	Motivating senior managers in businesses
	Targeting of the supply chain posing particular local risks
	Targeting the design and supply industry
	Developing sector or industry specific initiatives
	Targeting businesses or employees specifically at risk
	Educating and raising awareness of health and safety of the workforce
	Working with representative groups
	Promoting best practice
	Promoting good performers
Undertaking reactive investigations	

Table 3: The Health and Safety Intervention Alternatives permitted under HSE LAC 67/2 (rev 3)

Section 3.1 will specify the health and safety work programme for 2013-14 to accommodate the requirements of this guidance.

2.4.2.3 The HSE has a number of roles that may directly influence the operation of the Commercial Team. As well as developing and implementing the national intervention strategies and requirements for their enforcement arm and local authorities, they also identify and direct reactive work that may be of regional or even national importance. Such unplanned reactive work can impact the Commercial Team at any time during the year due to having to respond and address the issue at hand. The change in enforcement strategy caused by LAC 67/2 (rev 3), is a direct example of this.

2.4.3 Food Hygiene Safety Enforcement Profile

2.4.3.1 Cambridge City Council is responsible for the enforcement of Food Hygiene Safety in approximately 1200 food businesses in the city. The distribution of these, based on risk (as of December 2012) is as follows:

Food Hygiene Safety Risk Rating	Number of Businesses
Category A	0
Category B	12
Category C	429
Category D	378
Category E	378
Approved Premises	1

Table 4: The distribution of food businesses in Cambridge based on their Food Hygiene Safety rating

2.4.3.2 All food businesses are subject to a programmed food hygiene inspection, as defined by the Food Law, Code of Practice (England) (June 2008) (the Code of Practice), as issued under section 40 of the Act, Regulation 24 of the Food Hygiene (England) Regulations 2006, and Regulation 6 of the Official Feed and Food Control (England) Regulations, 2007. This guidance also defines the inspection interval and type, and ranges from 6 months to 3 years intervals and requires either a full or partial inspection, an audit or alternative intervention to be carried out.

2.4.3.3 In addition to the known food businesses, a number of new food businesses register each year, and these too are inspected and subsequently risk rated. Although the precise number of new businesses registering each year cannot be determined until the year has ended, approximately 200 (based on the figure received by December 2012) will have been received during 2012/2013.

2.4.3.4 As well as the registration of normal food businesses, a number of childminders register with the Local Authority each year, and although these businesses are not treated entirely in the same manner, they too need to be inspected. As of December 2012, this authority had 44 childminders.

2.4.3.5 The authority also has a number of registered home caterers of one description or another. Some of these are affiliated to the Cambridge Markets organisation whilst others are truly independent, attempting to sell their produce by various means. One recognised trend of this type of food business is for the home manufacture of cupcakes and similar. These food businesses still need to be registered and inspected, and although many of these businesses can be considered as start-up ventures, they still need to adhere to the requirements of the food law. As of December 2012, Cambridge City Council had approximately 80 home caterers registered.

2.4.3.6 The FSA has a number of roles that can directly influence the operation of the Commercial Team. As well as developing and implementing the national guidance and codes of practice for all food authorities, they also identify and direct reactive work that may be of regional or even national importance. Such unplanned reactive work can impact the Commercial Team at any time during the year due to having to respond and address the issue at hand. The introduction of the *E. coli* cross-contamination food guidance is a specific example of this, which has had a major impact on the service, and the food businesses of the city.

2.4.4 Food Hygiene Rating Scheme

2.4.4.1 Cambridge City Council has subscribed to the Scores on the Doors public food-rating scheme for many years, and with the cessation of this scheme, has adopted the FSA's Food Hygiene Rating Scheme (FHRS). The Council's operation of this scheme went live during the last quarter of 2012-13, but many of the implications of the transition will not be felt until year 2013-14.

2.4.4.2 A number of the provisions of the FHRS differ from those of the Scores on the Doors scheme. Not least is the ability for the food business to request a re-rating of their score. After an initial period, the business can request a re-rating inspection. If the business can show a continued improvement with their compliance with the requirements of the food law, their rating can increase; if they cannot, their rating may reduce. This additional inspection will be a new service that the Commercial Team will provide, and as such, will have an impact on the resources of the service, although the degree of impact is as yet unknown.

2.4.5 Statutory Nuisance Enforcement Profile

2.4.5.1 As a result of the re-structure undertaken in the Environmental Health Service, the Commercial Team is now responsible for the enforcement of statutory nuisance, excluding statutory noise nuisance, in all commercial premises in the city.

2.4.5.2 The impact this change is likely to have on the service can only be based upon the incidence from previous years, but will be monitored during the year. However, as Officers from the Commercial Team are more likely to be visiting commercial premises than Officers from the previous enforcement team, there is a possibility that they will be aware of more incidents of statutory nuisances and as such the number reported may increase slightly.

2.4.6 Additional Services

2.4.6.1 In addition to the services highlighted previously, the Commercial Team is also responsible for the investigation of infectious disease notifications and as such, this work has an impact on the resources of the service. The Commercial Team work in close co-operation with the Health Protection Agency for this work and as such, the procedure required to be followed may change during the year dependent upon the clinical need and scientific knowledge of the infective agent at the time. During 2012-13, an estimated 95 (based on the December 2012 total) notifications will have been received, and it is expected that a similar number will be received during 2013-14.

2.4.6.2 In addition to the number of permanent businesses based in the city, Cambridge also plays host to a number of outdoor events. Many of these are organised by the Council, in which case the Commercial Team only has a limited enforcement role. Other events are entirely independent of the Council, and for these, the enforcement role of the service is greater. Most of these events provide food, and as such, food enforcement is carried out by the service, and whilst most of the work associated with this is managed via the co-operation of the event organisers, the outdoor events do impact resources of the Commercial Team. Examples of the events that involve the Commercial Team are;

- The various College May Balls – whereby the service assesses the degree of compliance of each event with regards to food and health and safety,
- The Cambridge Folk Festival – whereby the service works in close conjunction assessing the management of food safety by the event organisers and providing an advisory health and safety role,
- The Big Weekend and Midsummer Fair – whereby the service oversees the assessment of the food safety of each food stall employed by the event organisers,
- The Mill Road Street Fair – whereby the service is available to assess the safety of the food vendors and offer advice for health and safety, and
- The winter ice rink – whereby the service provides an advisory health and safety role.

2.4.6.3 During 2012, the Government made a number of significant changes to the governance of the Country. One of these that is likely to have a significant impact on the Commercial Team, is in the administration and provision of Public Health. The responsibility to provide public health services has been passed from the disbanded Primary Care Trusts to County Councils, with much of the delivery of the work expected to be done by District Councils; Cambridge City Council is no different in this. At the time of writing this work plan, the exact demands that will be placed on the Commercial Team are unknown, but they are likely to be associated with the management of the provision of healthy food options and the continued work associated with the reduction in smoking.

2.4.6.4 It has been recognised that Environmental Health Officers should have an increasing role in the emergency planning field by providing support in the event of significant emergencies, for example include avian or swine flu. As such, and depending upon the nature of any incident triggering and emergency response, the Commercial Team may be involved in this.

2.4.6.5 In addition to any of the work identified above, if the Commercial Team become aware of any other additional significant issues, these will be considered, and if required to be acted upon, will be implemented as necessary within the city.

2.5 Service Provision

2.5.1 The Commercial Team is based in Mandela House of Cambridge City Council, although the enforcement obligations of the service require interventions to be carried out throughout the authority.

- 2.5.2 The Commercial Team operates a normal service during office hours on Monday to Friday, and an emergency call out service during any other time. Where businesses operate outside of normal hours, inspections are carried out during these time to ensure that all businesses are inspected during the period when they are likely to pose the greatest risks to their staff or the public. In food businesses, it is critical that food preparation is observed, and likewise, if this is carried outside normal working hours, the business will be assessed at these times.
- 2.5.3 The legislation enforced by the Commercial Team permit its Officers to carry out inspections and visits without the need to give prior notification in most cases, and as such, all inspections to assess compliance are carried out in this manner, except in the few instances where prior notifications are required. Inspections of businesses based in residential premises require an appointment or at least 24 hours notice of the intent to visit.

2.6 Enforcement Policy

- 2.6.1 Cambridge City Council has signed up to and adopted the Enforcement Policy, as updated by the Regulator's Compliance Code. R&ES endorses the principles laid down in the Policy and has regard to the Code for Crown Prosecutors' guidelines when making enforcement decisions. The Commercial Team's Enforcement Policy outlines the various enforcement options available, and these range from merely giving advice or education to formal action including the service of enforcement notices and prosecution for non-compliance with legislation.
- 2.6.2 As part of this implementation of these policies, when considering any enforcement action, the Commercial Team undertakes a specific enforcement consideration assessment to determine the most appropriate course of action; for health and safety purposes, this is by using the HSE's Enforcement Management Model, and although there is no similar recognised procedure for enforcing the other legislation, the principles are still applied.

SECTION 3 : SERVICE DELIVERY

3.1 Review of the Health and Safety Intervention Programme 2012-13

3.1.1 Review of Health and Safety Enforcement Work Plan for 2012-13

3.1.1.1 During the year 2012-13, the Commercial Team has undertaken the following health and safety work;

Proposed Health and Safety Work	2012-13 target	Actual Work Undertaken ¹
Full Programmed Health and Safety Inspections	44	100
Alternative ² Health and Safety Interventions	130	300 ²
New Business Inspections	320est	200
Health and Safety Complaint Investigations	50	80
Investigations under RIDDOR	135 ³	85 ⁴
Total number of Interventions	679	765

¹ = Figures are extrapolated for the year, based upon work up to December 2012.

² = Includes; Business Assessment via Questionnaires, Health and Safety Hazard Spotting whilst already on site Database cleansing, inc. visits, telephone interviews, etc

RIDDOR = The Reporting of Incidents, Diseases and Dangerous Occurrences Regulations, 1995 (as amended)

³ = Estimate prior to the changes in RIDDOR guidance.

⁴ = Figures including changes to RIDDOR guidance.

Table 5: Review of Health and Safety Performance against the work Proposed in the 2012-13 Health and Safety Work Plan

3.2 Review of the Food Safety Intervention Programme 2012-13

3.2.1 Review of Food Safety Interventions for 2012-13

3.2.1.1 During the year 2012-13, the Commercial Team has undertaken the food safety work identified in Table 6, overleaf;

Proposed Food Safety Work	2012-13 target	Actual Work Undertaken ¹
Full Programmed Food Safety Inspections	640	670
Alternative ² Food Safety Interventions	0	98
New Food Business Inspections	200est	210
Food Complaint Investigations	240	275
Infectious Disease Investigations	145	95
Total number of Interventions	1225	1348
Number of Formal Letters or Notices served		650

¹ = Figures are extrapolated for the year, based upon work up to December 2012.

² = Includes; Inspection of businesses not registered with Cambridge City Council, The Olympic Torch Route Intervention and The Healthy Eating Intervention Project

Table 6: Review of Food Safety Performance against the work Proposed in the 2012-13 Food Safety Work Plan

3.3 Additional Unforeseen Work During 2012-13

3.3.1 The Commercial Team, previously the Food and Occupational Safety Service of Cambridge City Council, had operated the Scores on the Doors (SotD) public food hygiene-rating scheme for a number of years. During 2012-13, the FSA both introduced the Food Hygiene Rating Scheme (FHRS) and terminated the SotD scheme. As a result, the Commercial Team had to adopt the FHRS as it intended to maintain a publicly accessible hygiene-rating scheme for the city. In order to achieve this, the service successfully bid for a grant from the FSA, although the implications were that much of the resources of the service had to be directed towards achieving this within the financial year. As this work plan is being prepared, the service is in the process of achieving this additional unforeseen work, and although the grant has allowed for additional resources to be put into the service, the processes required to do so have impacted on the service.

3.4 The Legal Scope of the Work of the Commercial Team for 2013-14

3.4.1 The Scope for the Proposed Interventions for 2013-14

3.4.1.1 As previously mentioned, some of the legal parameters for the Commercial Team has changed, and as a result, this will impact on the type and quantity of work the service will do. The impact of these changes will be more visible with regards to health and safety enforcement, but the recent FSA guidance on the prevention of cross-contamination still needs to be accepted by all of the food businesses in the city. Furthermore, as a result of the restructure of Environmental Health, the Commercial Team has also acquired additional enforcement responsibilities, and these too will need to be considered in the overall scope of the work plan.

3.4.2 The Scope for Health and Safety Interventions for 2013-14

3.4.2.1 The scope of the Commercial Team with regards to the health and safety intervention programme is developed with the agreement of the Portfolio Holder for the service, with due consideration to the obligations laid out in the HSE document LAC 67/2 (rev 3), in conjunction with the needs of the local community.

3.4.2.2 The obligations specified in LAC 67/2 (rev 3) state that each local authority should:

- a. Undertake the proactive inspections of the A rated businesses in its enforcement area, and
- b. Consider the full range of interventions available to manage health and safety in its community, including;
 - i. Partnership working
 - ii. Motivating senior managers in businesses in the area
 - iii. Targeting the supply chain posing a local risk
 - iv. Targeting the design and supply industry sectors
 - v. Developing sector or industry specific initiatives
 - vi. Targeting those specifically at risk
 - vii. Educating and raising awareness in the workforce
 - viii. Working with representative groups
 - ix. Promoting best practice
 - x. Promoting good performers
- c. Undertaking reactive investigations.

3.4.2.3 The key local need that has been recognised as additional to the work outlined by LAC 67/3 (rev 3), is the need for the service to fully assess the new businesses that start each year within the city. Whilst the number of businesses operating in Cambridge has been approximately 3000 for a number of years, the turnover is significant, with an estimated 15~20% of businesses closing and re-opening each year. Furthermore, the with the development of the Growth of the city policy, new residential and commercial developments are being built in and around the city, and as these start to come to fruition, they too will include new businesses that the service will need to be aware of. Since there are no longer any obligations on business to notify the local health and safety enforcement service of their existence or arrangements, the number of new businesses each year can only be estimated based upon the findings and experience of the service. The service does work with Business Rates, but as their requirements differ, the number of businesses notified to them differs significantly from those that have a health and safety interest, for example, bus stops and Bill-Boards are rateable businesses but clearly have no health and safety involvement.

3.4.2.4 An additional consideration for 2013-14 is the change to the requirements for business to report under the Reporting of Incidents, Diseases, and Dangerous Occurrences Regulations 1995 (as amended) (RIDDOR). Whilst there are a number of changes for business, the key difference that will affect the service is the increase in the time an employee may be away from work due to an accident before a notification has to be made. This has changed from 3 to 7 days, and as a result, the number of notifications will fall.

3.4.3 Scope for Food Safety Interventions for 2013-14

3.4.3.1 The scope for the Food Safety Interventions for 2013-14 is essentially unchanged from previous years. That is, it is based on the requirements for a food authority, such as Cambridge City Council, to carry out its obligations under the Food Law, Code of Practice (England) (June 2008) (the Code of Practice), as issued under section 40 of the Act, Regulation 24 of the Food Hygiene (England) Regulations 2006 (the Hygiene Regulations), and Regulation 6 of the Official Feed and Food Control (England) Regulations, 2007. The work of the service for 2013-14 will again follow this requirement.

3.4.3.2 In addition to the requirements of the above legislation and guidance, the Commercial Team will also follow the requirements of the Council's Enforcement Policy whenever it needs to consider such intervention. In so doing, the service will also follow the principles of the Enforcement Concordat and the LBRO Regulators' Compliance Code 2008, as well as having due regard to the Code for Crown Prosecutors' guidance.

3.4.3.3 Whilst the guidance given in the Code of Practice is prescriptive, it does allow local enforcement needs to be considered, and these will again influence exactly how the Commercial Team will perform this obligation. The Code allows for different types of interventions to be used; these are;

- Full Inspection – In this type of intervention, the officer assesses each aspect of the business to consider how the business fulfils its obligations under the food law. This level of intervention considers the documented food safety management system and how it is implemented, all aspects of the practical work carried out as part of the food storage, preparation, handling and sale and the condition of the structure of the food parts of the premises to assess their level of compliance and the likely risk to food safety they pose. This type of assessment can be carried out in food businesses of all risk levels.
- Partial Inspection – This, as the name suggests, is an assessment of only parts of the food practices in place to assess how safe they are. As this is a limited assessment, it cannot be used in the highest risk food businesses.
- Audit – This type of intervention is an assessment of only the food safety management system and the supporting documentation associated with it. It is intended to allow an assessment of the quality of the management of the business and to assess how it is complying with its administrative obligations. Again, as this is a limited assessment of overall food safety, an audit alone cannot be used in the higher risk food businesses

3.4.3.4 During 2012-13, the Scores-on-the-Doors scheme was ended, and because of this, the Commercial Team switched to the FSA's Food Hygiene Rating Scheme (FHRS), see point 2.4.4, above. However, the implication of this is that the publicly accessible hygiene ratings changed, and although the actual hazard scores remained unaltered, the service will not be able to repeat its previously successful intervention of targeting the 0, 1 or 2 star food businesses. Instead, it will focus on ensuring this scheme is promoted, supported and used as widely as practicable during this year. If there is a need to re-introduce a scheme similar to last years, this will be considered for 2014-15.

3.4.4 Scope for Statutory Nuisance Interventions for 2013-14

3.4.4.1 The enforcement requirements for this role has not significantly changed in recent years but, as this objective has only recently been moved to the Commercial Team, it is still a role that the Officers of the team are having to adapt to. As a result, most of the work to achieve this will be reactive, and as such will not be able to be planned. However, whenever the service provides advice to businesses, especially as a result of assessing new businesses, details about how to comply with typical business-related statutory nuisances, such as disposal of rubbish or light pollution, will be provided.

3.5 **The Proposed Work of the Commercial Team for 2013-14**

3.5.1 Due the nature of the work of the Commercial Team, there is a fundamental difference between the processes involved in enforcing the relevant laws in food businesses and non-food businesses. In addition, the very different levels of interventions expected by the FSA and HSE mean that the requirements for the enforcement of food law and health and safety law differ significantly. As a result, although the service deals with all issues relating to environmental health law enforcement in the commercial sector with the exception of statutory noise, there will inevitably be a need to differentiate between the expectations of the service with regards to the enforcement of these two legal requirements.

3.5.2 Proposed Health and Safety Interventions for 2013-14

3.5.2.1 In view of the changes that LAC 67/3 (rev 3) and the new RIDDOR requirements will have on the type and number of health and safety interventions that the service will be able to carry out during the year, the estimated workload will look very different from previous years. As a result, the focus will reduce the strategy of programmed preventative intervention, and move towards raising the standards of health and safety through greater partnership working, with having due regards to the condition of all businesses whilst being present in the premises for whatever reason, that is hazard spotting and acting upon any significant issue identified. To do this, it is essential that the service is aware of the risks posed by all businesses in the city. Therefore, the Commercial Team will assess the risks posed by all new businesses in the most appropriate manner practicable.

3.5.2.2 To this effect, the estimated workload for 2013-14 for health and safety interventions for the Commercial Team is likely to be;

Programmed Inspections – High risk businesses only	13
Alternative Interventions	
Questionnaires	300
Inspections of non-respondents	30
Hazard Spotting whilst undertaking non-health and safety interventions	400
New Business Inspections	200
Complaint Investigations	80
Investigations under RIDDOR	5
Development of targeted partnership schemes	
Provision of Health and Safety Training – subject to demand	
Total number of Interventions	1028

Table 7: The Proposed Health and Safety Interventions to be carried out during 2013-14

3.5.3 Proposed Food Safety Interventions for 2013-14

3.5.3.1 Given the need for the Commercial Team to ensure that the FHRS has been fully accepted and implemented in the city, the nature of the food safety work for 2013-14 is likely to reflect this. Furthermore, the significance of the FSA's guidance to prevent the risk of cross-contamination is still not fully appreciated in all of the lower hazard-rated businesses. As a result, the service will consider these points during food safety inspections. The proposed work plan for the service for 2013-14, will consist of;

Programmed Inspections	520
Alternative Interventions	40
New Business Inspections	200
Sampling Interventions	15
Complaint Investigations	275
Infectious Disease Investigations	95
Development of targeted partnership schemes	
Provision of Food Safety Training – subject to demand	
Total number of Interventions	1125

Table 8: The Proposed Food Safety Interventions to be carried out during 2013-14

3.5.4 Proposed Statutory Nuisance Interventions for 2013-14

3.5.4.1 As previously mentioned, this aspect of enforcement is still relatively new to the Commercial Team, although it is recognised within the team that the principles form the basis of most environmental health law.

- 3.5.4.2 The nature of most Statutory Nuisance incidents is that they are raised to address an unplanned occurrence, and that the work is therefore primarily reactive. In such circumstances, the proposed statutory nuisance interventions for 2013-14 will be to investigate any complaints received, and where necessary take the most appropriate enforcement action necessary to achieve a mitigated situation. There is also the legal provision to prevent of recurrence of a statutory nuisance, and although these can be prevented from occurring, the initial notification of their likelihood still tends to be as a result of a reactive notification.
- 3.5.4.3 Some of the legally defined conditions that are considered statutory nuisances can also be mitigated using different legislation, for example litter or the adequate disposal of domestic or trade refuse. As such, many of the enforcement powers to undertake these legal duties are shared with other services of the Council. As a result, should an investigation arise potentially involving one of these other services, the Commercial Team will work with that service where appropriate to mitigate the nuisance.
- 3.5.4.4 As the Commercial Team is proposing to develop partnership working with a number of organisations, community focused groups and the businesses within their areas, the service is proposing to offer guidance and training to aid compliance and therefore raise the standard of the businesses in those areas, especially to new businesses.

3.5.5 Proposed Partnership Interventions for 2013-14

- 3.5.5.1 As mentioned previously, the service will endeavour to achieve much of its specified work with the aid of partnership working. This is partly due to the changing requirements of health and safety enforcement, but also due to the recognition that compliance as a result of co-operation usually leads to a greater and more long-term improvement.
- 3.5.5.2 Following this principle, and in addition to the work identified in earlier parts of this section, the service will endeavour to develop a number of formal partnerships during the year. Many of the potential partnerships have already been identified, and as long as sufficient agreement between the prospective partners can be reached, it is hoped that partnerships will develop. The partnerships will differ and will be based upon the needs of the respective partners. Furthermore, as partnerships, they will be based on a co-operative multifunctional intervention, and may assess more than one aspect of the Commercial Team's objectives as part of the initiative, e.g. considering food and health and safety when dealing with businesses as part of a community focused strategy. The service hopes to include the following initiatives as part of it's work plan for 2013-14;
- Primary Authority Partnership Scheme – working with specific regional or national companies to develop a joint advisory and enforcement led partnership to attain full legal compliance through co-operation to assist the business, its customers, the city, and equally the customers, and other local authorities covering the other locations where the business branches are located.

- Estates Excellence – working with targeted estates and business parks to encourage them to develop and share best practice. This partnership hopes to work with the HSE and South Cambridgeshire District Council to develop this relationship.
- Legionella Strategy – working with other departments within the Council to ensure that our hot water supplies are safe and free from this potentially fatal bacterium. To then expand the strategy into the private sector by hopefully working with care and nursing homes, sports centres and swimming pools as well as the main providers of residential accommodation in the city
- Community Strategy – working with the various locally focused community groups to develop a greater knowledge and understanding of good food safety and health and safety compliance
- Healthy Eating Intervention – this will hopefully to continue the exploratory work done during 2012-13 in conjunction with the NHS and Trading Standards as part of the Olympic Torch project. This aspect worked with a number of volunteer takeaway food businesses to try to initially assess the health impact of some of their takeaway foods. The development of this intervention for 2013-14 will hopefully try to develop healthier versions of popular takeaway food and to again work with volunteer food businesses to try to implement the healthy option. This work will contribute to the Public Health Agenda, and specifically to the objective to target Coronary Heart Disease, which has been identified as one of the objectives for the year.
- New Business Advisory Assessment – to build upon the information already provided by the Commercial Team to explore the development of a Business Compliance Guide. Initially offering guidance to allow a business to fully comply with the requirements of the Commercial Team, this will be expanded to other Council services if there is the demand from business or by the respective services.

3.5.6 Provision of Training

- 3.5.6.1 The Commercial Team is a registered training provider for the Chartered Institute of Environmental Health (CIEH). As a result, the service can provide a number of training courses, including the Level 2 taught and on-line Food Safety and Health and Safety Courses. These will be provided on demand, but as the food course is significantly in greater demand, four pre-set dates for the taught course will be set; if delegates wish to undertake this course, they will be referred to the next available date.
- 3.5.6.2 In addition to the prescribed CIEH courses, the service is able to provide targeted and tailored training of a food safety and health and safety nature, and should our partnership working with the various community groups develop into a true partnership, if the need arises this type of training can be provided.

3.5.7 Liaison with Other Organisations

3.5.7.1 As already mentioned, the focus for much of the work of the Commercial Team for 2013-14 will attempt to focus more towards partnership working and trying to promote compliance by the sharing of best practice and information. As well as requiring the co-operation of the target businesses, the Commercial Team will continue to work with its established enforcement and advisory partners to achieve this. These partners are;

- The Health and Safety Executive
- The Food Standards Agency
- Trading Standards Department of Cambridgeshire County Council
- Cambridgeshire and Peterborough Food and Occupational Health and Safety Managers Group
- CIEH Eastern Centre Health and Safety Group
- Cambridgeshire and Eastern Region Chief Officers' Group
- Eastern Region Health and Safety Liaison Group

3.5.8 The Public Health Agenda

3.5.8.1 The service will also be involved in the delivery of part of the Public Health Agenda, and it is likely that a key consideration will be associated with food. As such, and in addition to the Healthy Eating Intervention mentioned in section 3.4.4 above, should any other such initiative be identified during the year, the Commercial Team will endeavour to support this.

3.5.9 Consultee for Licensing or Planning

3.5.9.1 The current structure of the environmental health service means that the majority of straightforward licensing or planning applications will be dealt with by Licensing and Environmental Quality and Growth Teams of Environmental Health. However, in circumstances where there are exceptional issues of a food safety or health and safety nature, the Commercial Team will act as expert consultants.

3.5.10 The Consideration and Investigation of Cosmetic Piercing Establishments

3.5.10.1 The legislation relating to businesses offering cosmetic piercing falls to both the Licensing and Commercial Teams to enforce. Whilst the respective businesses are licensed, the Commercial Team work co-operatively to carry out initial inspections of the businesses to assess their degree of compliance and their worthiness to trade.

3.5.10.2 The Commercial Team is responsible for the enforcement of health and safety legislation in businesses offering cosmetic piercing, and inspects and investigates them as required.

3.5.11 The Consideration and Investigation of Smoking Legislation

- 3.5.11.1 The Commercial Team is responsible for the enforcement of the smoking legislation, and works with business to ensure they are aware of the implications and the requirements of the law. The service also offers advice and guidance to any business wishing to seek clarification on how they can best meet their obligations.
- 3.5.11.2 One of the identified objectives of the public health agenda for Cambridgeshire, is to try to reduce the incidence of chronic heart disease (CHD). Smoking is a recognised cause, or at the very least, a major contributor to the causes of CHD. As such, if one of the actions for Cambridge City Council in targeting CHD during 2013-14 is to start to address and reduce the incidence of smoking, there is likelihood that the Commercial Team may become involved in this. At this stage, as there is no indication of the quantity of any involvement, the impact such work may have on the service is unknown.

SECTION 4 : RESOURCES

4.1 Financial Allocation

4.1.1 The budgets for the financial years of 2012-13 and 2013-14 for the whole of the Commercial Team are shown in Table 9, below. Previous work plans have focused solely on the food safety or health and safety work and, as a result, this section has in the respective work plans has only shown the cost of that specific work. As a result, the figures shown have been significantly lower in each separate work plan; in total, the amounts have correlated to a similar amount

		2011-12	2012-13	2013-14
Total Expenditure	Set	£365,440.00	£370,990.00	Budget yet to be set
	Actual	£330,717.02	£258,536.88±	
Income:	Via Training	£2,030.00	£3,335.00±	
	Total	£2,070.00		
Total (Expenditure less Income)		£328,647.02	£255,201.88±	

± = Year to Date (December 2012)

Table 9: Commercial Team Annual Budgets 2011-14

- 4.1.2 All enforcement officers have access to a desktop computer (PC) containing database, e-mail, word processing and spreadsheet packages. All PC's in the FOS teamwork area have Internet access and capability for receiving EHC net messages by which food hazard warnings from the FSA are communicated.
- 4.1.3 In the event of legal proceedings having to be taken, the costs are met from within the overall approved budget. Requests for funds to pay for Counsel's opinion or case presentation in court are considered on their merits using the Service's enforcement policy as a guide.

4.2 Staffing Allocation

4.2.1 The majority of the work by the Commercial Team is carried out by the Officers themselves. The Business Support Team performs a number of administrative duties for the service, with the Customer Service Centre (CSC) carrying out many front-line reactive duties. As part of the recent re-organisation of Environmental Health, a number of tasks have been identified to consider passing over to the CSC, and the Commercial Team are working with them to make this transition.

4.2.2 All EHO's carrying out enforcement duties are registered with the Environmental Health Officers' Registration Board (EHORB). Furthermore, each enforcement officer shall be duly authorised in accordance with the standards and requirements of the respective legislation and minutes of Cambridge City Council.

4.3 Staff Development Plan

4.3.1 All enforcement officers appropriately qualified, whether upon appointment or through training and development whilst in their current or a previous post. They will have their competency reviewed annually by an appropriate means, including via the Council's Performance Review Process (PRP). It is hoped that, subject to the Council's IT systems, the Commercial Team will be able to adopt and utilise the Regulator Developmental Needs Assessment (RDNA) tool, which if able to be used, will be assessed as part of the PRP.

4.3.2 The TMC will also undertake a review of the competency and consistency of each Officer within the team. As part of this, a periodic peer review will be carried out to ensure the all of the appropriate systems are being followed, and the judgement of the Officer is consistent with published guidance and the expectations of the service.

4.3.3 Each Officer will be responsible to assess their own training requirements, whether this will be as a result of undertaking the RDNA, or via another appropriate means. As part of the PRP, the Team Manager will also assess any training needs, and if identified, shall undertake to ensure such needs are met.

4.3.4 Each Officer shall be responsible for their own undertaking and maintenance of their accredited Continual Professional Development (CPD). Currently, EHO are required to attain at least 20 hours CPD qualifying training each year, with no less than 10 hours being in the field of their work; Chartered EHO's are required to attain 30 hours of qualifying training each year. The service will attempt to provide a proportion of this, but it will remain each Officer's responsible to meet the requirements of the CIEH.

4.3.5 Staff development for the service includes:

- The employment of competent enforcement officers capable of performing their role within the Commercial Team;
- Evidence of formal qualification (sight of original qualification certificates prior to commencement of work);
- Undertaking in-house or external competency-based training;
- The undertaking of shadowing or mentoring with a qualified or experienced Officer
- The identification of training needs during the PRP, by the Officer themselves, as a result of changing working practices or via an ongoing performance-monitoring appraisal.

4.3.6 The foreseeable training requirements for the Commercial Team have been budgeted for. Where possible free or low cost training from providers such as the HSE or other similarly recognised training provider will be utilised as much as is practicable.

SECTION 5 : QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The following monitoring arrangements are either in place or under review, to ensure that the Commercial Team delivers a service that is in accordance with the legal expectations and standards required of it. To assist in this process, the following is carried out:

- A review by the TMC of 10% of all post-inspection paperwork including the hazard or risk analysis assessment sheets;
- A review of a all inspection records and reports where there is a change in the hazard or risk rating of the business;
- All inspection records, assessment sheets, letters and reports of new Officers will be reviewed for the first 3 months and until the TMC is satisfied that written paperwork is consistently satisfactory;
- The undertaking of periodic performance assessment (peer review);
- Monthly team meetings;
- Periodic 'one-to-one' meetings with officers to assess personal performance;
- Annual PRP and development interviews, with a RDNA interview if this can be utilised;
- Mid-term PRP interviews;
- Regional and countywide working groups addressing specific issues;
- The TMC will have regular team performance reviews with the EHM; the EHM will, in turn, have regular performance reviews with the HRE; appropriate feedback will also be recorded, and, if appropriate, acted on.

5.1.2 As required by the FSA, the Commercial Team has Standard Operating Procedures (SOP) that specifically relate to the food safety work undertaken by the service. These are periodically updated to ensure that compliance across the service is maintained. In addition to these, the service also has Team Standards that collate the requirements of the SOP's and the Council's service standards to ensure that each officer is aware of the standards they should adhere to when undertaking their work. A copy of the Team Standards can be found in Appendix 1.

SECTION 6: SERVICE PLAN REVIEW

6.1 Review against the Service Plan

- 6.1.1 The arrangement of the work plan for the service last year was very different from this one. The two key work activities of the service, food safety and health and safety, each had its own work plan that specified the proposed work that was intended to be performed for each discipline. As such, a direct comparison between this work plan and last year's will differ, although the degree to which the service has or has not met its service expectations can be done.
- 6.1.2 The Commercial Team is required to undertake both proactive and reactive work.
- 6.1.2.1 The FSA requires that all food businesses be inspected in a suitable manner and in accordance with an intervention strategy appropriate to the food safety risks they pose. In accordance with this, a number of food businesses are required to be inspected each year; this forms the proactive food inspection programme, which the Commercial Team is required to carry out annually. Reactive work, in relation to food safety, refers to complaints made about food businesses and the safety of the food they sell, the notification of suspected or confirmed food poisonings linked to food businesses, and the inspection of new food businesses registered with the Council during the year. The Commercial Team is required to meet the standards adopted by the Council for responding to reactive work, and those of the FSA for the inspection of new food businesses, and the service can be assessed according to them.
- 6.1.2.2 The HSE also require that businesses be inspected in accordance with the requirements they have produced. For Cambridge City Council, the standards adopted for 2012-13 were that businesses posing the first and second tier of risk were to be inspected by a programmed inspection, and this formed the proactive work for this part of the service. Similarly, reactive work consisted mainly of complaints made in relation to activities occurring in businesses and RIDDOR notifications relating to businesses within the city. As such, the degree to which the Commercial Team met the standards required by the Council can also be assessed.
- 6.1.2.3 During 2012-13, the Commercial Team acquired the responsibility to investigate statutory nuisances arising in the commercial sector, but other than considering them all as reactive work, the service did not produce any objective for the year as the objective was not defined at the time of producing the Work Plan.
- 6.1.3 The results of the comparison between the proposed work of the Commercial Team for the year 2012-13 and that achieved is reported by the TMC to the EHM, who in turn reports the information to the HRE.

6.2 Identification of any Variation from the Service Plan

- 6.2.1 The key performance indicators are reviewed monthly and the results are formally reported by the EHM to the HRE along with reasons for any significant variation and an action plan setting out remedial action. The Executive Councillor for Environment and Waste Services is kept informed of progress against the service plan through regular meetings with the EHM and HRE.
- 6.2.2 If it can be shown that any additional activities other than direct enforcement action have taken place achieving the same objective as enforcement action, these will be identified and taken into account during the review.

6.3 Areas for Change

- 6.3.1 Any service issues identified during the various reviews of the service or by routine performance monitoring will be recorded in writing and an appropriate plan of action to address them will be agreed with between the TMC, the EHM and the HRE; if the matter also involves an officer, they too will be involved in the delivery of the action plan.
- 6.3.2 The Government has carried out a significant review of the delivery of the public health service, with many of the health improvement activities transferring to local government, with district Councils becoming responsible for their delivery. At the time of writing this work plan, the local health targets have been identified, specifically, although the role of the local authorities in Cambridgeshire has not. The local health targets are;
- Reducing the incidence of Coronary Heart Disease
 - Improving the Health of the Elderly
 - Improving the Mental Health

As a result of this situation, it is envisaged that the Commercial Team is likely to have an involvement in the delivery of some of the programmes that will be identified as hoping to achieve these targets. As yet, most of this work, with the exception of the Healthy Eating Intervention mentioned in section 3.5.5, has not been identified, but it is expected that some of the resources available to the Commercial Team will have to be directed to this during 2013-14.

SECTION 7: SUMMARY

The workload proposed for the year 2013-14 allows for a full range of interventions throughout the remit of the Commercial Team. The requirements of the HSE have forced the health and safety work to move more towards a partnership initiative, and as a result, the service will try to utilise this approach for much of its lower risk proactive work.

The introduction of a new FHRS should allow greater encouragement for our food businesses to strive for a higher rating, and the evidence of the targeted 0, 1, 2 star initiative during 2012-13 highlighted the improvements possible, if the necessary resources can be afforded to the struggling businesses.

The transference of the public health agenda from the Primary Care Trusts to the County and Local Councils will also have an impact on the work of the service, although until this has been fully identified, the exact nature of the work is unclear. However, it is hoped that as the service moves more towards a partnership, and even a community focused service, the public health work can be included in this.

Commercial Team – Team Standards

(Reviewed February 2012)

These are the minimum standards that can be expected of the Commercial Team of Cambridge City Council. Where they are not met due to operational reasons, the reason will need to be made clear in the records of the particular action

Food Premises Inspections

- All programmed inspections (PI) are to be un-announced (unless the business is in a domestic property whereby 24hrs notice should be given)
 - If unable to gain access, inspections may be pre-arranged but evidence of previous failure to access must be stated on the worksheet
- PI will be carried out as part of an programmed intervention strategy based on a local initiative, although if businesses cannot be integrated into a strategy
 - If unable to meet this due to operational reasons, the reasons are to be stated in the record of inspection on the worksheet
- PI will be based upon the principle of a full business compliance assessment, unless they intervention strategy dictates otherwise
- Prior to the PI all previous food and health and safety records (inspection history, accident details, complaints, food poisonings, etc.) are to be checked and considered
 - The Inspecting Officer should acknowledge the significant aspects of the history or any outstanding works required by a previous inspection and consider them during the inspection; a record of this is to be made as part of the inspection record
- PI of businesses that have been 0~2 star for at least the previous 2 inspections will have received an notification that, if at the time of this inspection legally enforceable items are found to be non-compliant, an enforcement notice will be served instead of the warning letter. This will legally require compliance, and should the business still be found to be low-rating at the next inspection, will allow Commercial Team to prosecute for repeatedly running an unsafe food business; this action will be reviewed prior to the next inspection which will still be during 2012/2013

New Business Registration and Inspections

- New food businesses are required to Register with Commercial Team at least 28 days before they start trading
- All new food businesses are to receive a full business compliance inspection no more than 28 days post after they start trading
- Upon receipt of the completed Registration form, Officers are to code the business and allow for the M3 database to be updated; the inspection date for the new businesses will be set for 28 days
- The inspection is to be carried out no more than 28 days after the business has started trading

Inspection Documentation

- Prior to the inspection, review in-house all relevant history and update the inspection form to ensure the necessary details are considered during the inspection; record the significant points on the inspection form before the visit
- During the inspection, gather all the necessary information including full contact details, including
 - Names (and address) of the Food Business Operator (FBO), owner and manager
 - Contact telephone, mobile and fax numbers
 - Business or preferred email address
 - Identify preferred means of contacting business
 - Ethnicity and languages spoken
 - The number of staff employed
 - All of the information is to be added to M3 database upon completion of the inspection
- All inspections of food business are to incorporate an assessment of health and safety compliance, unless a health and safety inspection is due, in which case a health and safety inspection shall be carried out, unless the premises
 - Is enforced by HSE, or
 - A full health and safety inspection has only recently occurred,
 in which case, a partial inspection or hazard spotting review should be performed
- Health and safety inspections can be carried out at same time as food inspection or re-arranged for a later date, but are to be completed within the calendar year, as is the requirement under health and safety legislation
- All inspections of Licensed businesses shall also assess the degree of compliance with the requirement of the license; any contraventions observed shall be reported to the Licensing Service

At the start of the inspection, the Proprietor is to be told that the food hazard rating scoring will be performed on site and the appropriate Food Hygiene Rating Scheme (FHRS) sticker will be issued
- If appropriate, at the start of the inspection, remove the historical FHRS star rating window sticker and where possible, the FHRS star rating certificate
- The on-site record of inspection forms is to be used (CoP requirement) and a copy left on site
- The on-site form should always be kept tidy, concise and accurate.
 - The form should contain no more than 3~5 key legal points in brief details, or bullet-points identifying the topics where action is required. The list need not contain all of the points of concern, but enable the Proprietor to start the more urgent remedial works
- It is the business's manager's duty to notify the FBO of any issue. We need only make a reasonable and practicable attempt to provide him with the information; giving the duty manager the information is reasonable
- The hazard rating of the business shall be based upon the full 8 point inspection regime currently required by the Code of Practice; the FHRS star rating is based on just three of these points
- The hazard scoring should be carried out on site, including notifying the business and if possible, the issuing of the FHRS star rating stickers
- Guidance upon how the business can improve its hazard rating score may be given if the business wishes it, but the score or the star rating cannot be altered until the next PI, even if all of the necessary remedial work has been completed

Inspection of Non-food Premises

- Enforcement officers are also authorised to inspect non-food businesses
- In principle, these interventions will follow the same guidance as for the inspection and enforcement of a Food Premises, but with the different guidance associated with inspections under health and safety legislation, the nature of the intervention may vary
- Programmed Inspections may be announced, in which case the officer should justify the prior notification on the worksheet
- Visiting the business on the scheduled inspection date is not critical under health and safety guidance; visits should occur within the year the inspection is due

Partial or Targeted Inspections

These are inspections of a business, but do not assess every significant aspect of Food Safety or Health and Safety that may apply to the business. They will initially focus on one or more key aspect, and if this is found to be satisfactory, the inspection shall be considered complete. If, however, serious issues are found, a full inspection may be carried out. Partial or targeted inspections;

- May be carried out at lower risk (Not A rated) businesses in accordance with the guidance offered by the FSA or HSE
- May be stand-alone interventions or as part of a targeted project
- If upon completion, the Officer feels he has sufficient information, he may review the hazard rating scores and for a food premises, may issue a new FHRS sticker and certificate

Updating the FOS database

- Following any inspection, the Property Index record on Commercial Team's M3 database shall be updated with the correct information and contact details under the Summary tab, especially the:
 - Telephone number
 - Email address
- The Inspecting Officer should ensure that as much relevant information as possible is recorded
- The update should include adding supplementary food and food-premises type codes
- If the business has or uses high risk equipment, either potentially dangerous due to the use of the equipment or from a food safety perspective, they should be recorded under the equipment tab of the Property Index

Post Inspection Documentation

- Following the inspection, the post-inspection letter and report is to be sent out **in all cases**, even if it is only to say the business was satisfactory
 - The Commercial Team is attempting to develop its IT services to allow **all reports to be published for public access**. It is therefore essential the correct format be followed. In most cases, publication will meet the needs of the Freedom of Information Act as the report will already be in the public domain
 - The format of all reports shall be as follows:
 - § The covering letter, which will not be published, will be on a separate page to include;
 - Personal details
 - Referral to attached report
 - Differentiation of legal requirements and recommendations
 - A clear warning that if mandatory items are not complied with, legal action will be considered
 - A point of contact should the recipient wish to clarify or discuss any aspect of the report, and
 - To state that the report will be published
 - § On a separate page(s), the report will include;
 - The business name and address
 - Details of the prime legislation to require the inspection
 - A legal section stating
 - The specific legislation that has been breached and a time limit by when each item shall be addressed. If a food safety and health and safety inspection has been carried out, these shall be clearly differentiated in the report, or
 - If no breaches were identified, a statement that all was satisfactory during the inspection
 - A recommendation section listing points which if followed, could improve the safety or legal compliance of the business
 - § **NB** Reports should not carry any personal details; if they do, the information shall be redacted prior to publication
 - The post-inspection report shall include, in complete detail (including the statute) the requirements of the items listed on the on-site report plus any additional relevant items which were not included
 - Each legal condition is to have a stated reasonable time for compliance
 - § It is acceptable to include the clause
 - “*All items in this report must be completed within 3 months of the date of this report unless otherwise specified*”
 if appropriate
- The covering letter, the reports and the FHRS certificate are to be sent to the business and any associated recipients within 10 working days of the inspection
 - If a health and safety inspection is carried out at later date, 2 separate letters and reports may be sent

Revisits

- A revisit shall be made to every business where legal requirements have been identified in the report. If, at the time of the inspection, all was found to be satisfactory, the Officer shall record that no revisit is required
- The revisit is to assess the degree of compliance of the FBO with the legal requirements stated in the report following the inspection
- The revisit shall be made within a reasonable time of the expiration of the specified works in the report
 - If multiple completion dates are stipulated, each requires a separate and dedicated revisit
- If, at the time of the revisit, the FBO has not fully complied with the legal requirements, the Officer shall;
 - Serve a Formal Notice on the FBO for significant items which it would be reasonable to enforce without further warning, or
 - Serve an Informal Notice on the FBO stating that legally required minor works are still outstanding, and that if they have not been completed prior to the next inspection, a Formal Notice shall be served
- Only in exceptional cases will the Commercial Team Manager (CTM) consider a variation from this process as appropriate.

Complaints and Accident Investigations

Complaints may be received from a number of sources but will relate to the premises or activities associated with a business that Commercial Team is authorised to enforce. Where Commercial Team is not the correct enforcing authority, every attempt shall be made to direct the complainant to the correct organisation

- Every complaint shall be recorded on the M3 database where appropriate
- The initial response to fatal and serious accident notifications shall be by the next working day; in most circumstances it will be on the day of notification
- The initial response for all other complaints or accident notifications shall be within 3 working days
- After making the initial response, this must be recorded on M3 by activating the trigger function in the action tab
- The degree of intervention appropriate to the complaint or accident shall be determined by Investigating Officer
 - If justified, a full or partial inspection of the premises shall be carried out, with any subsequent action being carried out in accordance with these Team Standards and the Enforcement Policy
 - If intervention is not justified, the decision shall be recorded on worksheet
 - Where possible, every attempt shall be made to notify the complainant of the outcome in each case
- Every accident notification is reviewed, and if no immediate intervention is necessary, a report is to be written on the worksheet with a referral so that the details of the accident shall be considered during the next intervention at the business

Food Poisonings and Infectious Diseases

The notification of food poisonings may originate from the person suffering the symptoms, the Health Protection Agency or other medical organisations. Unconfirmed notifications shall be suspected cases and may recommend the sufferer to provide samples for analysis.

- All suspected food poisonings and confirmed Notifications of Infectious Diseases (NOID) shall receive an initial response by the next working day by the Investigating Officer
- The level of investigation shall be determined by Investigating Officer but be based upon guidance offered by the Health Protect Agency and Codes of Practice
 - If the food poisoning or Infectious Disease is associated to a particular food business, a full or partial investigation shall be considered, with any subsequent action following the guidance given
 - If an investigation is not justified, the decision shall be recorded on the worksheet

Enforcement Action

Where the Officer identifies serious breaches of legislation, enforcement action will be taken in accordance with the Enforcement Policy adopted by the Commercial Team.

- Informal Enforcement Notices shall be served where the Officer has witnessed a minor breach of the legislation and shall act as a final warning that unless the matter has been addressed, a Formal Notice shall be served. The Informal Enforcement Notice shall;
 - Be delivered or sent to the FBO or the person responsible for complying with the legislation within 5 working days the Officer identifying the issue
 - Be addressed to the respective person(s) and identify the premises to which it relates
 - State the legislation which is being breached and the nature of the issue
 - State the time by when the matters need to be addressed
 - Give a contact name and telephone number to allow the recipient to contact the Officer
- Formal Notices shall be served where the Officer has witnessed a major breach of the legislation, where there is an imminent risk to health or where a previously served Informal Enforcement Notice has not been complied. Formal Notices shall:
 - Be served on the FBO or the person responsible for complying with the legislation
 - Improvement Notices shall be served within 2 working days of the Officer identifying the issue
 - § If the Notice is not served on the day, prior to the actual service, the Officer shall confirm that the issues still exist
 - Prohibition Notices shall be served on the day identifying the issue
 - Any variation from this shall need to be approved by the CTM

- Compliance visits shall be carried out for each Formal Notice served, and will take place on the Notice expiry day plus 1 working day
 - The Officer shall have due consideration for weekends or bank holidays when setting the expiry date
 - All non-compliance with Formal Notices shall be referred for prosecution following discussions with the CTM
- Prosecution shall be considered in every case where a Formal Notice has not been complied with;
 - The Officer shall discuss the case history with CTM to justify the consideration for prosecution; if appropriate the referral for prosecution procedure shall be started
 - Where a case is to be referred for prosecution, all of the necessary documentation and investigation shall be completed and referred to Disclosure Officer within 8 weeks of the identification of the failure to comply
 - Once the Disclosure Officer has completed his primary review, and as long as the primary case is complete, he shall refer the case to the Head of Refuse and Environment within 12 weeks for his consideration

Low Risk Questionnaires (LRQ's)

LRQ's are a recognised means of assessing the general standards of basic legal compliance of a business. They are targeted towards specific legislation and ask questions of the business, which will allow the Commercial Team to make a reasonable assessment of the risks posed by the business. LRQ's are only sent to businesses where previous inspections have considered them to pose very low food safety or health and safety risks.

- Officers from the Commercial Team will identify businesses felt to be suitable to receive LRQ's and, subject to resources, the questionnaires will be sent by the Admin Services
- The returned LRQ's shall be assessed by a competent Food Enforcement Officer
- Food Safety LRQ's
 - To be used for known D & E risk rated food premises or registered childminders; may be used in targeted alternative strategy projects. Where the returned LRQ identifies;
 - § A new FBO or business, a new Food Registration form shall be sent and upon its return, the process for a New Business Registration shall be followed
 - § That significant structural or organisational changes have occurred, a partial inspection of the business will follow
 - § That no significant changes have occurred, the M3 records shall be updated and the existing food hazard rating score is maintained; the respective SotD star rating sticker and certificate is sent
 - If the LRQ is not returned, a chase letter is sent, and if that too is not returned, the premises will be inspected
- Health and Safety LRQ's
 - To be used for known Category B2 and C (low risk) businesses or as part of a targeted alternative intervention strategy
 - The responses mirror those for the Food Safety LRQ's
- If the last contact with a business was via an LRQ, the business shall be visited for the next intervention

Project Work

This may be carried out by the Commercial Team, and if done so, will be in accordance with the guidance offered by the Food Standards Agency or the Health and Safety Executive. All project work shall be confirmed by the CTM, and will follow the guidance given in the Team Standards where they apply

Compliance Review

- **All of the standards here will be monitored on an on-going basis**
- **The work of all Officers is currently assessed on a monthly basis with reports being passed to service Managers**
- **The effectiveness of the Commercial Team is reviewed on a quarterly basis with reports passed to the Head of Refuse and Environment**
- **The Team Standards are to be reviewed by the CTM at least annually**

GLOSSARY

ACOP	-	Approved Code of Practice: a code that has been approved by the HSC, as provided under Section 16, HASWA.
CIEH	-	Chartered Institute of Environmental Health: the professional body that represents the interests of environmental health professionals.
HASWA	-	Health and Safety at Work etc. Act 1974 (the Act): the primary piece of health and safety legislation currently in existence in this country.
HELA	-	Health and Safety Executive/Local Authority Enforcement Liaison Committee: responsible for giving national advice, information and guidance to local authorities and the development of local authority enforcement policy.
HSE	-	Health and Safety Executive: the operational enforcement arm of the HSC responsible for enforcing health and safety in businesses such as factories, educational establishments etc.
FTE		Full Time Equivalent