



To: Executive Councillor for Environment, Waste and Public Health: Councillor Peter Roberts

Report by: Frank Harrison

Relevant scrutiny committee: Environment 16/3/2015 Scrutiny Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge East Chesterton King's Hedges Market Newnham Petersfield Queen Edith's Romsey Trumpington West Chesterton

BUSINESS REGULATION PLAN 2015-16

EXECUTIVE SUMMARY

Not a Key Decision

1. Executive summary

Cambridge City Council is responsible for food hygiene and health and safety enforcement in its area, and is required to produce an annual plan clarifying how this will be achieved. The Business Regulation Plan needs to clearly define the objectives allowing the Council to fulfil its responsibilities for the year, and confirm that it has committed sufficient resources to enable this work to be achieved. It also needs to be submitted to the Council for their consideration and to have evidence of the formal approval of the plan. The Plan is a large document and therefore this year an Executive Summary has been produced as Appendix A which identifies all of the key aspects of the full report, which is available to view in full, and if approved by committee will imply approval of the full Plan.

2. Recommendations

The Executive Councillor is recommended:
To approve this Executive Summary of the Business Regulation Plan 2015-16, and to imply approval of the full report.

3. Background

Cambridge City Council is the enforcement authority for food safety and health and safety within the area of the City. As such, the authority is required to ensure that it provides adequate resources and commitment to

fulfilling these responsibilities, and the Business Regulation Plan for 2015/16 sets out how this will be achieved. The plan identifies the extent of the work required of the Commercial Team for food safety and health and safety, the other demands imposed upon the service that will impact on its ability to carry out this role and the resources available to it to achieve this obligation.

The obligations referred to above are imposed on Cambridge City Council as the food authority under Regulation EC No. 178/2002, which establishes the requirement for food authorities within each European Member State, and the Food Safety Act, 1990, section 5, which clarifies the capacity and role of authorised officers responsible for the enforcement of food safety within each food authority.

The Health and Safety at Work, etc. Act, 1974, section 18, imposes the responsibility for the enforcement of health and safety on to authorised local authority officers, and requires of the local authority the ensure that appropriate means are made available to allow the officers to carry out their duties.

Through the obligation imposed on Cambridge City Council by these statutes, this authority is directly, or indirectly, required to appoint suitably qualified officers to undertake these duties and to provide them the resources to achieve this work. Furthermore, the plan outlining how these objectives will be met is required to receive the consent of the Council, thereby ensuring that the authority has understood its obligations, and permitted sufficient resources to achieve the objectives.

The Commercial Team is responsible for the enforcement of various statutes in most of the 3,000 businesses in the city; food safety enforcement in more than 1,100, health and safety in more than 1,700, and public health and statutory nuisance legislation (except noise) in all businesses.

The nature of the proposed work required during 2015-16 is summarised in the Executive Summary to the plan which outlines the work that was carried out in 2014- 15 and the work proposed in 2015-16.

4. Implications

(a) Financial Implications

The exact financial allocations required to fully fund this service have not as yet been assigned for the year 2015-16, but will be in line with the amounts allocated for the previous years for this service, which is set out in the full Business Regulation Plan 2015-16, which is available as a background paper.

(b) **Staffing Implications** (if not covered in Consultations Section)

The staffing implications for the service are not expected to change from recent years and are set out in section 4.2 of the full Business Regulation Plan 2015-16.

(c) **Equality and Poverty Implications**

An Equality Impact Assessment has not been carried out as the service is not changing from that which has been delivered for many years.

(d) **Environmental Implications**

It is not expected that the proposals contained in the Business Regulation Plan 2015-16 will have any environmental implications for the Council or for the businesses in the City who will potentially be affected by the plan.

(e) **Procurement**

There are no foreseeable procurement implications associated to the adoption of the Business Regulation Plan 2015-16.

(f) **Consultation and communication**

The Business Regulation Plan 2015-16 is produced to set out how the Council will meet its obligations for the enforcement of food safety and health and safety. The plan needs to be formally adopted by the Council, and be available to the Food Standards Agency or the Health and Safety Executive should they require access to it or during any audit to access how we comply with the obligations placed upon the authority. The plan needs to state only how the Council will meet its statutory obligations, and does not need to go through a consultation process with service users.

Once approved, the the Business Regulation Plan 2015-16 and Executive Summary will be made available via the Council's Webpages.

(g) **Community Safety**

The role of the Commercial Team is to enhance community safety in the City, and the Business Regulation Plan 2015-16 defines how this will be achieved during the year.

5. Background papers

Background paper used in the preparation of this report:

- The Business Regulation Plan 2015-16

6. Appendices

Appendix 1 Executive summary of the Business Regulation Plan 2015-16

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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CAMBRIDGE CITY COUNCIL
ENVIRONMENT DEPARTMENT
REFUSE AND ENVIRONMENT SERVICES
COMMERCIAL TEAM

BUSINESS REGULATION PLAN
2015-16
Executive Summary

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

SECTION 1 : REPORT BACKGROUND

1.1 Summary

- 1.1.1 This summary report identifies the background within which the Commercial Team operates in the City, a review of the work carried out over 2014/15, and the identification of the work the service intends to undertake during 2015/16.
- 1.1.2 The full Business Regulation Plan for 2015/16, as required to be produced by both the Health and Safety Executive and the Food Standards Agency, is available as a background paper from the Commercial Team.

1.2 Background

- 1.2.1 According to the 2011 Census, the city has a population of approximately 124,000, which is an increase of more than 10% over the previous census. There are approximately 3,000 businesses in the City, with the Commercial Team responsible for enforcing health and safety in approximately 1,700 businesses, and food law enforcement in approximately 1,100 food businesses. Many businesses in the City are established, but there is a known turnover of food business of approximately 15% each year, with an estimated similar turn-over in the non-food businesses sector.
- 1.2.2 The Health and Safety risk rating distribution for the businesses in the City (as of December 2014) is as follows:

Health and Safety Risk Rating	Number of Businesses
Category A	0
Category B1	19
Category B2	405
Category C	1,251

Table 1: The distribution of businesses in Cambridge based on Health and Safety risk rating (as of December 2014)

1.2.3 The food business risk rating profile (as of December 2014) is as follows:

Food Hygiene Safety Risk Rating	Number of Businesses
Category A	0
Category B	21
Category C	328
Category D	336
Category E	397
Approved Premises	0

Table 2: The distribution of food businesses in Cambridge based on their Food Hygiene Safety rating

1.2.4 The Commercial Team operates the Food Standards Agency (FSA) Food Hygiene Rating Scheme (FHRS), which rates food businesses between 0 (urgent improvements necessary) to 5 (very good). This is a publically accessible rating scheme to allow food business customers to have a greater knowledge about the hygiene standards present in the food business at the time of the last inspection. Food businesses meeting their legal obligations are rated 3 to 5, whilst those failing to do so are rated 0 to 2; this threshold is known as Broadly Compliance.

SECTION 2 : SUMMARY REPORT

2.1 Review of the Commercial Team Intervention Programme 2014/15

2.1.1 Review of Health and Safety Enforcement Work Plan for 2014/15

2.1.1.1 During the year 2014/15, the Commercial Team undertook the following health and safety work;

Proposed Health and Safety Work	2014/15 target ¹	Actual Work ²
Full Programmed Health and Safety Inspections	1	7
Alternative ³ Health and Safety Interventions	140	127
Hazard spotting during non-health and safety interventions	250	376 ⁴
New Business Inspections	100	
Health and Safety Complaint Investigations	120	120
Investigations under RIDDOR	50	67
Total number of Interventions	661	688
Number of Formal Letters served	Not set	83
Number of Enforcement Notices served	Not set	5
Prosecutions	Not set	1

1 = Targets taken from the Business Regulation Plan 2014/15

2 = Figures are extrapolated for the year, based upon work up to February 2015.

3 = Includes; Business Assessment via Questionnaires or targeted partial assessments, etc.

4 = Categories combined due to changes in intervention coding imposed by HSE

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

Table 3: Review of Health and Safety Performance against the work Proposed in the 2014/15 Health and Safety Work Plan

2.1.1.2 Table 3 (above) shows the number of interventions that the Commercial Team has carried out ;

- To deliver a risk based intervention programme of the commercial businesses in the City due an intervention during the year,
- Investigate all complaints and carry out appropriate enforcement action. This year we had a successful prosecution for serious health and safety contraventions with a fine of £15K
- Investigated four serious health and safety related accidents, 3 involving falls from height and 1 involving the scalding of a young child
- To carry out an initial assessment of the risks posed by new businesses starting in the City during the year,
- To maintain, develop and assess businesses associated with our Primary Authority Partnership (PAP).
- Developed a commercial estate targeted intervention initiative working with the Council’s commercial estates team, due to be undertaken Between January and March 2015

2.1.1.3 The service also;

- Started the processes required of the Government's Better Regulation Development Officer to commence a second PAP with a nationally recognised food restaurant chain, and

2.1.2 Review of Food Safety Interventions for 2014/15

2.1.2.1 During the year 2014/15, the Commercial Team has undertaken the following food safety work;

Proposed Food Safety Work	2014/15 target ¹	Actual Work Undertaken ²
Programmed Food Safety Inspections	552	616
Alternative Food Safety Interventions ³	143	71
New Food Business Inspections	200	150
Sampling Interventions	15	21
Food Complaint Investigations	300	326
Infectious Disease Investigations	100	144
Total number of Interventions	1310	1328
Number of Formal Letters served	Not set	655
Number of Enforcement Notices served	Not set	5
Level of Broadly Compliant food businesses	90%	93% ⁴ & 96% ⁵

¹ = Targets taken from the Business Regulation Plan 2014/15

² = Figures are extrapolated for the year, based upon work up to February 2015.

³ = Intervention as part of a targeted project, including the assessment of food mobiles or market stalls registered with another food authority, food stalls at outdoor events, etc.

⁴ = Number of broadly compliant food businesses excluding re-rating

⁵ = Number of broadly compliant food businesses including re-rating post completion of required improvement

Table 4: Review of Food Safety Performance against the work Proposed in the 2014/15 Food Safety Work Plan

2.1.2.2 Table 4 (above) shows the number of interventions that the Commercial Team has carried out ;

- To deliver a hazard based, food safety targeted intervention programme of the registered food businesses in the City due an intervention during the year
- To register and carry out an initial assessment of the food hazards posed by all new food businesses starting in the City during the year
- A programme of food or environmental (work surface and equipment) sampling in food businesses in the City, based upon national, regional or local initiatives
- To investigate food hygiene associated compliants received during the year
- To investigate the reported infectious disease cases associated with the City, working with both Public Health England and the Health Protection Agency.

2.1.2.3 The service also;

- Improved the food hygiene standards in the food businesses to achieve a FHRS broadly compliance rating of 93.0% (as of December 2014) at the time of the inspection and 95.6% (as of December 2014) following a reassessment of the food businesses after undertaking the necessary work highlighted during the inspection; the service objective was to achieve a broadly compliance rating of 90%
- Worked in partnership with the County Health and Welbeing Board to develop and launch a healthier eating initiative
- Provided taught and on-line food safety training to individuals and businesses both within and outside of the City
- Developed and delivered a new food allergen awareness workshop for food businesses both within and outside of the City
- Identified new opportunities to develop income generation for the service, including the development of new targeted training and business improvement services aimed at raising the standards of the businesses within the City. This year we received additional income of approximately £8,000

2.1.3 Additional interventions undertaken during 2014/15

2.1.3.1 In addition to the previously mentioned work, the Commercial Team has also carried out other work for the benefit of the community. This included;

- Developed and obtained the approval from the County Council Public Health Directorate to pilot a healthier food initiative. Pilot to work with the Public Health Directorate, East Cambridgeshire District Council, Fenland District Council and the Commercial Team to target food businesses offering food to the city-centre lunch-time economy and takeaway food to the more socially deprived wards in the local authority areas. The pilot is to run during 2015.
- Working with the neighbouring county-based local authorities to ensure consistency and uniformity of enforcement for food safety and health and safety interventions
- Continuing to work with a local IT business to try to develop an IT based HACCP focused food safety system
- Working with locally based community groups to offer targeted foreign language food safety training
- Identified and developed income generation initiatives for the service such as new targeted training to the Thai Community and the Chinese Community
- Investigated approximately 145 reported infectious disease cases, working with both Public Health England and the Health Protection Agency

2.2 The Proposed Work of the Commercial Team for 2015/16

2.2.1 The Scope for the Proposed Work

2.2.1.1 Both the HSE and the FSA require Cambridge City Council to state how it intends to meet its obligations to carry out its enforcement duties; this section will clarify this for the year 2015/16. However, it must be considered that the service has obligations other than those identified in this Business Regulation Plan. The Commercial Team is primarily an enforcement service enforcing health and safety, food safety and certain elements of statutory nuisance legislation as applied to the commercial sector in the City of Cambridge. As such, the service will continue to deliver a programme of proactive and reactive interventions aimed at ensuring that the business community is safe and legally compliant. This will continue to be the main method by which the service will satisfy the Council's obligations to fulfil the requirements of the HSE and FSA, to ensure that our businesses are legally compliant.

2.2.1.2 The service also provides an educative and advisory role, and will attempt to work cooperatively with the business community to provide them with the resources they may require to develop, grow and hopefully be more successful, thereby being better able to contribute to addressing the Council's anti-poverty strategy. As this is a charged service, the income generated will contribute to the off-setting of some of the costs for undertaking this work.

2.2.1.3 Cambridge City Council has adopted an Anti-poverty Strategy aimed at minimizing the economic disadvantage faced by some of the residents of the city. The Commercial Team has embraced this strategy and aims to work to offer resources and opportunities to reduce any disadvantage suffered by the target populations. The service has developed initiatives to target the more socially deprived wards to see if there is an opportunity to help raise the knowledge about healthier food and more hygienic food processes. This work is also in partnership with the County Council Public Health Directorate and aims to meet the objectives of both the anti-poverty strategy and the Government's Responsibility Deal to improve health standards.

2.2.2 The Health and Safety Interventions for 2015/16

2.2.2.1 All businesses that fall under the health and safety enforcement regime for the Commercial Team will receive an inspection or intervention appropriate to the risks they pose and the guidance offered by the Health and Safety Executive. To this effect, the service will proactively inspect category A rated businesses, whilst businesses rated B1 to C will receive an intervention appropriate to the lower risks they pose.

2.2.2.2 All new businesses will be inspected to allow the risks posed by the business to be assessed. This will allow the Commercial Team to risk rate the business, which will in turn allow the service to subsequently consider the most appropriate intervention regime.

- 2.2.2.3 All reactive notifications received giving the service local intelligence about the condition of a business will be assessed, and, subject to the notification identifying a potential risk to the business user, will be investigated to determine the most appropriate course of action. Reactive notifications include the receipt of accident notifications or complaints about the conditions in the business.
- 2.2.2.4 Food businesses that are visited will also receive a health and safety hazard spotting assessment. If this assessment is sufficient to risk rate the business, the rating will be changed accordingly. If the assessment is not sufficient, the intervention will be record on M3 to determine the next inspection due date.
- 2.2.2.5 To allow the businesses in the City to develop, the Commercial Team will offer advice & assistance as part of any intervention involving the business. In addition, the service will also offer a targeted training and mentoring service intending to work with the business, thereby allowing it to develop its own strategy for compliance and a targeted approach to our industrial and trading estates.
- 2.2.2.6 Businesses which are based in the enforcement areas of more than one local authority are able to enter into a partnership with one specific local authority. This is the principle of the Primary Authority Partnership (PAP) Scheme as managed by the Government’s Better Regulation Delivery Office. The Commercial Team currently has two existing partnerships, a health and safety PAP with Ridgeons Ltd, and a food hygiene and health and safety PAP with Nandos Chickenland Ltd. The service will continue to work during 2015/16 to develop additional PAP where appropriate.
- 2.2.2.7 The Commercial Team will build upon the experiences it acquired during 2014/15 with the development of the Commercial Estates intervention by undertaking a similar intervention during 2015/16. The service aims to work with the estates management and the businesses on site to provide targeted assistance and guidance appropriate to the local businesses needs.
- 2.2.2.8 The table below outlines the proposed health and safety interventions planned for 2015/16;

Programmed Inspections – High risk businesses only	0
Alternative Interventions – Non-high risk businesses	185
Hazard Spotting, as part of non-health and safety interventions (estimated)	250
New Business Inspections (including food businesses) (estimated)	200
Complaint Investigations (estimated)	120
Investigations under RIDDOR	70
Development of targeted partnership schemes	
Provision of Health and Safety Training – subject to demand	
Total number of Interventions	825

Table 5: The Proposed Health and Safety Interventions for 2015/16

2.2.3 The Food Safety Interventions for 2015/16

2.2.3.1 All food businesses that are due an intervention during 2015/16 will receive the appropriate level of intervention as permitted by the Food Standards Agency

- Businesses rated A, B or C or with a FHRs score of 0, 1 or 2, will receive a full or partial targeted inspection
- Businesses rated D or E, and with a FHRs score of 3 to 5 will receive either the same type of intervention as identified above, or an alternative intervention. This may include a targeted partial inspection or a business self-assessment using a low risk questionnaire if the business has been visited within the previous three months and assessed for food safety due to another reason, including following a complaint or request for assistance by the food business.
- All new food businesses will be visited and fully hazard assessed within 28 days of their opening or registration if this is later. This will allow the Commercial Team to hazard rate the business, allowing the service to subsequently consider the most appropriate intervention regime. The new premises inspection will also include a health and safety assessment if appropriate.

2.2.3.2 All reactive notifications received giving the service local intelligence associated with, or about the condition of specific food businesses will be assessed, and, subject to the nature of the matter, will be investigated to determine the most appropriate course of action.

2.2.3.3 To allow businesses in the City to develop, the Commercial Team will offer advice & assistance as part of any intervention carried out. In addition to this, the service will also offer targeted training and a mentoring service with the intention to work with the business to help it develop and become fully legally compliant.

2.2.3.4 As highlighted in 2.2.2.6 (above), if food businesses are potentially eligible under a PAP scheme, the Commercial Team will consider developing new partnerships where appropriate.

2.2.3.5 The table below outlines the proposed food safety interventions planned for 2015/16 (figures are based upon the information available as of December 2014);

Programmed Inspections – total	578
A rated food businesses due an inspection	0
B rated food businesses due an inspection	21
C rated food businesses due an inspection	289
Alternative Interventions	
D rated food businesses due an intervention	129
E rated food businesses due an intervention	139
New Business Inspections (estimated)	200
Premises Sampling Interventions (estimated)	10
Complaint Investigations (estimated)	330
Infectious Disease Investigations (estimated)	145
Development of targeted partnership schemes	
Provision of Food Safety Training – subject to demand	
Total number of Interventions	1263

Table 6: The Proposed Food Safety Interventions for 2015/16

2.2.4 Proposed FHRs objective for 2015/16

2.2.4.1 During 2015/16, the Commercial Team will encourage all food businesses to improve their ratings, and aim to achieve an overall standard of **92%** broadly compliance for those qualifying food businesses inspected during the year. Alongside this objective, the service will also work with food businesses to encourage more of them to display their FHRs window stickers. It is hoped that by having more broadly compliant businesses in the city, and by encouraging consumers to actively consider this guide, the rate of display will also increase.

2.2.5 Proposed Additional Interventions for 2015/16

2.2.5.1 As mentioned, the Commercial Team undertakes significantly more work than just that required by the HSE or FSA. As this work impacts upon the team and the City, this section summarises this additional work.

2.2.5.2 The table below outlines the proposed additional interventions planned for 2015/16;

<u>Statutory or Obligatory Undertakings</u>	
Statutory nuisance investigations	
Enforcement of smoking legislation	
Consultee for licensing and planning enquiries	
Investigation of body piercing establishments	
Liaison and partnership working with other council services	
Liaison and partnership working with other organisations	
<u>Discretionary Undertakings</u>	
Primary Authority Partnership Scheme	Maintenance of existing partnership
	Development of new partnerships
Introduction of work associated with the public health agenda	
Introduction of a healthier eating strategy	
Introduction of work associated with the anti-poverty strategy	
Development of the Cambridge commercial estates scheme	
Development of targeted community liaison	
Implementation of a business mentoring scheme	
Development of a business targeted training strategy	
Development of an income revenue strategy	

Table 7: Proposed Additional Interventions for 2015/16

2.2.5.3 The service has adopted the need to target issues associated with both the Council's anti-poverty strategy, the Public Health Obesity Strategy and the Govern'emt's Responsibility Deal. To this effect, the Commercial Team with undertake the necessary work required to pilot the healthier food initiative as referred to in 2.1.3.1 (above). Associated with this pilot, the Commercial Team also proposes to work in partnership with the County Council Public Health Directorate to target families associated with schools in the more socially deprived schools in the city to educate them about healthier and more hygienic food, thereby contributing to the objectives of both the anti-poverty strategy and the Government's Responsibility Deal to improve local health standards.

2.2.5.4 In addition to the above interventions, and due to financial constraints being imposed on the council, all departments are being required to review their services to try to identify opportunities for either savings or new income generation. The Commercial Team will continue to consider income generation during 2015/16.