

**CAMBRIDGE CITY COUNCIL  
ENVIRONMENTAL SERVICES  
COMMERCIAL ENVIRONMENTAL HEALTH**

**BUSINESS REGULATION PLAN  
2017-18**

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

May 2017

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## INTRODUCTION

Cambridge City Council is responsible for the enforcement of food hygiene and health and safety within the City. As such, the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) require the production of an annual service plan clarifying how it proposes to meet this obligation. The plan must also state how the authority proposes to resource the objectives, and to confirm the abilities of the officers doing so. The FSA and HSE determine the degree of intervention required of local authorities, and in Cambridge, it is the task of Commercial Environmental Health to implement and deliver the most appropriate intervention regime to ensure that the Council fulfils this objective.

Whilst these statutory responsibilities are significant, they cannot be considered in isolation of the other important objectives that the team are required to undertake. With the recent merger with the Licensing team, these wider objectives now cover not only all Environmental Health but additionally Licensing activities within commercial operations. To facilitate these duties, the officers of the team strive to work in partnership with the business sector, with the aim of improving working conditions, improving the standards of our businesses and therefore helping to develop employment opportunities in the City. This alignment of statutory function with the aim of improving the business economy of the City helps to contribute to the Council's objective of tackling poverty and inequality in the City.

Linked to these objectives, Commercial Environmental Health also works in partnership with Cambridgeshire County Council and several other Cambridgeshire local authorities to promote an innovative healthier food alternative programme. Working in partnership to educate food businesses to provide healthier food, the Healthier Options programme has allowed the Council to contribute to the delivery of the Government's Responsibility Deal and Cambridgeshire's Healthy Weight Strategy, enabling more people to access healthier food, and so increase their opportunity to improve their health.

The Commercial Environmental Health Service, as with all of the Council, needs to ensure that it is capable of offering a service in the most efficient and economical manner practicable. Although the service has a statutory enforcement role, it also satisfies its obligation to improve the quality of businesses in the City by offering targeted training and partnership opportunities. Whilst the objective is to work with our business community to enable them to develop and flourish, and therefore be able to increase job opportunities, the service is able to combine this with an income potential, thereby contributing to the cost reductions to benefit the Council as a whole.

2017/18 will again be a challenging year. However, this plan continues the previous developments to balance the statutory obligations with the innovative work to promote public health and business improvement throughout the City. As such, Commercial Environmental Health intends to deliver this Business Regulation Plan via partnerships, and will continue the on-going improvements in the quality of the business community in Cambridge.

Yvonne O'Donnell

Environmental Health Manager

May 2017

**SECTION 1 : COMMERCIAL TEAM AIMS AND OBJECTIVES****1.1 Aims and Objectives**

- 1.1.1 Commercial Environmental Health is primarily an enforcement service with the responsibility to deliver the Council's obligations under) the Food Safety Act, 1990 (the Food Act), the Health and Safety at Work, etc. Act, 1974 (HASWA), and the relevant Regulations made under these Acts. Whilst it is mainly through the delivery of this statutory undertaking that the service works with the local businesses, the team also works in partnership with local businesses and organisations to enable improvements through greater co-operative working.
- 1.1.2 Cambridge City Council has a vision to forge and lead a united city under the principle of "*One Cambridge – Fair for All*". Under this over-arching objective, there is the intention to facilitate a local economy where class-leading businesses can thrive, and so continue to offer our communities the opportunity to develop and share in the economic diversity and potential prosperity that a successful city can offer. The close relationship that the team has with our business community means that the service is in the front line in delivering this vision, and all of the services on offer strive to benefit this objective.
- 1.1.3 Where practicable, the emphasis for service delivery will be to both offer the resources to the business sector to allow them to meet their legal obligations themselves, or for the team to work in partnership towards our overall objectives. It shall only be where this approach is not achievable that the service will rely on our enforcement capabilities to ensure both the safety of our communities and the improvement of our target businesses. The sector will continue to be both monitored and risk rated, as appropriate, in accordance with the intervention regimes required by the national regulators, that is the FSA or HSE. However, this will be undertaken in parallel with the provision of education and assistance to enable our commercial sector to maintain its recognised high standards of safety and legal compliance.
- 1.1.4 The team recognises the need for financial probity and by continuing to develop its trading opportunities, all of which supplement the free advisory and supportive information which is also provided, helps to offset some of the overall costs of the service. By providing formal training or mentoring to the business community, which is still aimed at improving the standards of the commercial sector, this aims to maintain the very high hygiene and safety standards already achieved by our commercial sector.
- 1.1.5 Most of the food businesses in the City are publically rated under the Food Hygiene Rating Scheme (FHRS). Those rated 3, 4 or 5 are considered to be broadly compliant with food hygiene law, whilst those rated less than this are non-compliant; it is the aim of the service to work with businesses to encourage at least 93% of them to achieve compliance.

- 1.1.6 Both the FSA and HSE impose specific objectives on Cambridge City Council about what statutory work it is required to do, and how this objective is to be met. The City has approximately 4,100<sup>1</sup> commercial operations in total, of which approximately 2,500<sup>1</sup> fall to the Council to enforce health and safety, and 1,300<sup>1</sup> are registered as food businesses. The Commercial Environmental Health Service is responsible for enforcing the appropriate legislation in all of these, and in order to meet the requirements of the FSA and HSE, during 2017/18 we will target over 1,200 enforcement focused interventions in the commercial sector in Cambridge. Of these, approximately 1,000 will be food hygiene focussed whilst the remaining will be health and safety focussed; section 3.2 breaks these figures into numbers per risk ratings. The service aims to achieve all of these interventions during the year, carrying them out in accordance with the guidance offered by the national regulators in a timely fashion, and in accordance with the Standard Operating Procedures (SOP) and Team Standards followed by the service.
- 1.1.7 In recent years, the team has followed Government guidance, and has developed a number of targeted partnerships to achieve its objectives, rather than merely using enforcement. To this effect, the service now has three Primary Authority Partnerships (PAP), with Ridgeons Ltd., Nando's Chickenland Ltd. and most recently, Check-it Ltd. These partnerships encourage the businesses to develop legally compliant working practices which are then followed throughout their branches and partner businesses, thereby extending the influence of Commercial Environmental Health to many businesses far outside the authority. This work is cost neutral to the Council, as all of the work is carried out on a cost recovery basis, thereby allowing the service to develop closer working partnerships, extend its influence and yet enable the team members a greater opportunity to extend their experiences and competencies. The team will work to further develop these partnerships, aiming to increase the compliance standards of the partner businesses where practicable.
- 1.1.8 Public health improvement is now firmly recognised as an objective of local government. To help deliver this, the team has been working with a number of internal and external partners, including the County Council Health and Wellbeing Board, Healthier Weight Strategy Group, East Cambridgeshire District Council and Fenland District Council. These partnerships have been working to extend the knowledge of the local community and businesses to enable them to develop a healthier and more hygienic food culture, so thereby help to target both the Council's anti-poverty strategy and combat the adverse health effects attributed to increasing obesity. During 2017/18, the service aims to continue to develop its Healthier Options initiative within the City and with its partner organisations, and to try to better develop its community focussed healthier food work.
- 1.1.9 During any year, Commercial Environmental Health can expect to receive a high number of demands for reactive work which fall to it to action and investigate. This work includes the need to;
- Inspect and assess new food and non-food businesses to determine their level of risk, and to then determine appropriate interventions for food safety and health and safety in accordance with the requirements directed by the FSA and HSE

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<sup>1</sup> numbers correct as of May 2017

- Carry out infectious disease investigations to try to determine the source and public health implications of the infection, and minimise the risk of spread
- Respond to complaints of a food safety or health and safety nature as they apply to the commercial sector.

Section 3.2 expands on the details of these objectives. The service aims to carry out this work in accordance with its SOP's and Team Standards.

1.1.10 In accordance with the enforcement role of Commercial Environmental Health, where all other means have failed to achieve legal compliance, enforcement action will be taken. Where such measures are ultimately necessary, the service will act in accordance with statute, the Council's Enforcement Policy and the stated aims of the Council.

## 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 21,000<sup>2</sup> undergraduate and postgraduate students. The University, and city as a whole, have a wealth of buildings of historic or architectural interest, and help to attract in excess of 5.3 million tourists each year, bringing an approximate £583 million to the local economy annually and accounting for 17% of local employment<sup>3</sup>.
- 2.1.2 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<sup>4</sup>. 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
- 2.1.3 Cambridge City Council is responsible for the enforcement of environmental health law in approximately 4,100<sup>1</sup> businesses in the city, with approximately 2,500<sup>1</sup> falling to Commercial Environmental Health for the enforcement of health and safety, and 1,300<sup>1</sup> for the enforcement of food hygiene. Although a high number of businesses are well-established enterprises, there is however a turnover of business with each year, approximately 200 (approximately 15%) new food businesses registering with Cambridge City Council. As there is no legal requirement for non-food businesses to register this figure is less reliable. However, if it is assumed that a similar turnover rate occurs, then an estimated 375 non-food businesses also start in the City each year.
- 2.1.4 There are also areas of extensive 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 team to enforce. The exact increase in the number of households these developments have led to is not yet known, and will remain unclear until the next census due in 2021.

### 2.2 Organisational Structure

- 2.2.1 Commercial Environmental Health merged with Licensing in January 2017, with the appointment of a new Team Manager; Karen O'Connor, the Commercial & Licensing Team Manager. This new larger team is one of three teams in Environmental Health (EH), which forms part of Environmental Services. EH is managed by Yvonne O'Donnell, Environmental Health Manager (EHM), with Environmental Services being managed by the Head of Environmental Services (HES), Joal Carre, who reports directly to the Strategic Director.

<sup>2</sup> Cambridge University <http://www.undergraduate.study.cam.ac.uk/international-students>

<sup>3</sup> Meet Cambridge <https://www.meet-cambridge.com/sector/tourism>

<sup>4</sup> <https://www.cambridge.gov.uk/2011-census>



- 2.2.2 The delegated responsibility for food safety is passed from the Executive Councillor directly to the Director who delegates to the EHM, and this post also holds the authority to instigate legal proceedings with the Head of Legal Services. Due to the necessity to maintain practical competency, the Council's Senior Food Officer is the Commercial & Licensing Team Manager (TMCL), who as well as managing the operation of the Commercial & Licensing Team, is responsible for ensuring the competency of each authorised enforcement officer (EO) in the team. Each EO responsible for carrying out food safety intervention work will have been duly authorised after being initially and periodically assessed as being competent. Authorisation to investigate and instigate health and safety enforcement action is delegated down to competent health and safety enforcement officer directly, as stipulated by the HASWA. Other enforcement duties of the service are also carried out by Officers when assessed as being competent and duly authorised.
- 2.2.3 The TMCL also manages the day-to-day activities of team, which is responsible for the Council's enforcement role in relation to most aspects involving the City's commercial sector; the TMCL reports to the EHM who reports to the HES.
- 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 has a vacant post.
- 2.2.5 The Commercial Environmental Health service consists of:
- The Team Manager (Commercial & Licensing) for 0.5 of their time
  - Four Environmental Health Officers (EHO) (2 f/t and 2 p/t – 1 of which vacant)
  - Two Technical Officers (TO) (1 f/t and 1 p/t)
  - Two Pest Control Officers (PCO)
- 2.2.6 During 2016/17, a number of staffing changes have and (at the time of writing this report), are still taking place. The Team Manager (1 FT) left the service, and one EHO (0.8 FTE) was on extended leave. Additional posts were vacant and filled during the year, but in combination the impact for the service is that for a substantial proportion of the year, the Commercial work has been under resourced. This has had a significant impact on the service's ability to deliver all of its planned work. See section 3.1 for the summary of the work carried out by the team during 2016/17.

## **2.3 Scope of Commercial Environmental Health**

### **2.3.1 The team is primarily responsible for the following work areas:**

- The enforcement of all aspects of Food Hygiene and Safety in food businesses in the City;
- The registration and inspection of all new food businesses in the City;
- The enforcement of all aspects Health and Safety in businesses allocated to local authority enforcement;
- The assessment of new non-food businesses allocated to local authority enforcement;
- The investigation of food poisonings and infectious diseases under the guidance of Public Health England;
- The investigation and consideration of matters relating to smoking legislation;
- The delivery of public health promotion to target organisations in the City in conjunction with the local and county Health and Wellbeing Boards and other partner organisations both within and external to the Council.

### **2.3.2 The team is also responsible for these work areas:**

- Undertaking a sampling programme associated with food safety in partnership with the other authorities as part of a local, regional and national sampling programme;
- The provision of business focussed training and mentoring, aimed at improving the quality of the businesses in the City (see 2.3.3 below);
- The provision of public health focussed training and advice, aimed at targeting inequalities in health in the more socially deprived wards in the City in partnership with other services and external partner agencies;
- Providing consideration and response to consultation documents;
- Partnership working with other enforcement agencies where appropriate;
- Working with the organisers of outdoor events to ensure that each event is as safe and compliant as practicable;
- Developing and maintaining the existing PAP the service holds, responding to the needs of the partnerships as they arise.

### **2.3.3 Due to the need for the service to try to offset some of its costs, the Commercial Environmental Health Service will contribute to this during the year. The prime focus of this will continue to be by generating an income by providing additional services for which we will charge. These will include:**

- The provision of taught and online food safety training;
- The provision of targeted training developed in house;
- The provision of a mentoring service aimed at assisting both new and existing businesses to become fully compliant with either food safety, health and safety or both series of requirements as they may apply to the business;
- Working with our Primary Authority Partners to improve standards

2.3.4 In addition to the enforcement and various partner agencies already mentioned, the team works in partnership with a number of local, regional and national organisations covering a number of different functions, as highlighted in table 1, below.

<b>Name of Organisation</b>	<b>Type of Service</b>	<b>Frequency of Use</b>
Care Quality Commission	Consultation	Ad hoc
Comark, Norwich	Temperature probe calibration	Annually
Cambridge Fire and Rescue Services	Consultation and joint enforcement issues	Ad hoc
Public Analyst, Norwich	Analysis of food contaminants	Ad hoc
Medical Entomology Centre, Cambridge	Insect identification	Ad hoc
Novus Environmental (Vetspeed Ltd.), Herts.	Waste meat incineration	Ad hoc
Public Health Laboratory Service, Cambridge or 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 Commercial Environmental Health**

## **2.4 Demands on Commercial Environmental Health**

- 2.4.1 The team is, as already stated, the enforcement service for food safety and health and safety for Cambridge City Council. As such, it is responsible for the enforcement of the Food Safety Act 1990 in approximately 1,300<sup>1</sup> and the HASWA in approximately 2,500<sup>1</sup> businesses. The service also works in partnership with other Council services and external organisations as specified in Table 1 above
- 2.4.2 The increasing stringent financial considerations imposed on all parts of the Council are a concern to the service, and to assist in redressing a small part of this, the team will provide the various revenue generating activities mentioned in 2.3.3, above.
- 2.4.3 As mentioned in 2.1 (above), the City is experiencing significant growth and urban development to allow it to better accommodate the demands placed upon it by a growing residential and commercial population. As such, an increase in the number of new businesses has occurred in these new developments. Whilst to date, the impact of this is not fully seen, there has been a notable increase in new operations as a direct result of such development. Additionally, over the next few years, an increasing amount of commercial and educational development will occur, and this will have an increasingly significant impact on the service, although the exact extent will not be entirely known until the development has occurred.

#### 2.4.4 Food Hygiene Safety Enforcement Profile

2.4.4.1 Cambridge City Council is responsible for the enforcement of Food Hygiene Safety in approximately 1,300<sup>1</sup> food businesses in the city and in accordance with the requirements as laid down by the FSA. The distribution of these, based on risk is as follows (see table 3 below):

Food Hygiene Safety Risk Rating	Number of Businesses <sup>1</sup>
Category A	2
Category B	37
Category C	243
Category D	634
Category E	469
Approved Premises	0

**Table 2: Distribution of Food Businesses in Cambridge based on Food Hygiene Risk Rating**

2.4.4.2 All food businesses are subject to a programmed food hygiene inspection, as defined by food law, which is supplemented by formal guidance. This also defines the inspection interval, ranging from 6 month to 3 year intervals, and the type of intervention permitted, from a full or partial inspection, an audit or alternative intervention, as defined in the guidance.

2.4.4.3 New food businesses register with this authority each year, and these too must be inspected and subsequently risk rated. Although the precise number of new businesses registering each year cannot be forecast, approximately 200 are received annually. With 203 received during 2016/17, this reflects the increasing level of new businesses registering. Whilst some will replace existing businesses, which close or change hands, they all need to be fully inspected, which imposes an additional burden on the service.

2.4.4.4 The FSA also has a number of roles that can directly influence the operation of the team. As well as developing and implementing the national guidance and codes of practice for all food authorities, they may also identify and direct reactive work. Such unplanned reactive work may also impact on the work of the team.

#### 2.4.5 Food Hygiene Rating Scheme

2.4.5.1 Cambridge City Council supports the FSA's Food Hygiene Rating Scheme (FHRS). This scheme allows for the publication and promotion of the food business rating score, from 0 (urgent improvements necessary) to 5 (very good). The scheme also identifies those qualifying food businesses that are broadly meeting their legal obligations (rated 3 to 5), and those failing to do so (rated 0 to 2); this threshold is known as Broadly Compliant. The team will use this information to target the non-compliant businesses to assist them to improve their rating, and thus aim to increase the overall percentage of broadly compliant businesses within the City.

2.4.5.2 Under the FHRS, although subject to a number of specified conditions, food businesses may request re-rating visits in the hope of raising their public FHRS rating. Although this facility helps in trying to achieve the objective identified in 2.4.8.3 (below), it does impact on the quantity of reactive work required of the Commercial Environmental Health Service.

2.4.5.3 The service objective for the target of achieving broadly compliant food businesses for the year 2016/17 was set at 93% at the time of the initial rating. As of 1 April 2017, the figure was 92.4%<sup>5</sup>. It is acknowledged that this figure is below the objective, but this is due staffing issues throughout 2016/17 which has resulting in fewer businesses being inspected and rated. Much of this shortfall should be addressed during June-August 2017 if appropriate contractors are available, and so should address this issue. However, during 2017/18 there is a currently vacant post and a planned significant period of additional staff leave so the objective for the percentage of broadly compliant businesses in the City will remain 93% at the time of the initial rating.

2.4.5.4 Whilst display of the FHRs sticker is not legally required, we do encourage businesses to display their stickers. Additionally, all FHRs scores we produce are uploaded to the help to populate the national FHRs website; which makes each qualifying business rating score available to the public.

#### 2.4.6 Health and Safety Enforcement Profile

2.4.6.1 Cambridge City Council is responsible for the enforcement of Health and Safety in approximately 2,000<sup>1</sup> businesses in the city. The risk rating distribution of these is as follows:

Health and Safety Risk Rating	Number of Businesses <sup>1</sup>
Category A	1
Category B1	36
Category B2	397
Category C	1,623

**Table 3: Distribution of Businesses in Cambridge based on Health and Safety Risk Rating**

2.4.6.2 The team is required under the HASWA to have some degree of intervention with all of the businesses that Cambridge City Council is responsible to enforce; the frequency of the intervention is based upon the risks posed by the business. Supplementary health and safety guidance followed by the service dictates the nature of the intervention, and this can range from full inspections of everything associated with the business to a confirmation that the business is still trading, and that risks identified in a previous visit remains unchanged. Section 3.2.2 specifies the health and safety intervention programme for 2017/18 to accommodate the requirements of this guidance.

2.4.6.3 The HSE has a number of roles, including defining the nature of the statutory intervention it and local authorities may undertake; this directly influences the operation of the team's health and safety intervention strategy.

<sup>5</sup> Data provided to FSA in 2016/17 Local Authority Return

## 2.4.7 Public Health Promotion

2.4.7.1 Responsibility for the local promotion of public health rests with Cambridgeshire County Council who is then able to commission local interventions through partnership working, including with local authorities to deliver the local plans. A partnership of Cambridgeshire County Council, East Cambridgeshire District Council, Fenland District Council and the Commercial Environmental Health Service launched the Healthier Options initiative as a pilot programme to encourage local businesses to support changing their menus to provide healthier alternatives to their consumers. This scheme has continued and the team will commit to continue to deliver and extend the scheme during 2017-18 to encourage more local businesses to adopt the initiative and thereby provide greater access to healthier out-of-house produced food. We currently have 4 businesses within Cambridge City that have been assessed and joined the scheme, with several others having shown an interest.

## 2.4.8 Additional Services

2.4.8.1 The team is also responsible to undertake a number of additional roles aimed at protecting the public. This role combines statutory enforcement with education, and often entails partnership working with a number of other organisations. These additional services include;

- The investigation of Infectious Diseases, working with both Public Health England and the Health Protection Agency to investigate the approximately 60 food or infectious disease related notifications each year.
- The provision of food hygiene and health and safety guidance to ensure the numerous city-wide outdoor events operate as safely as practicable.
- The enforcement of the Health Act 2006, thus ensuring that the indoor smoking ban is applied throughout the City. Linked to this, the service also signposts people wishing to stop smoking to CamQuit when requested.
- In the event of a health related incident sufficiently serious, such as avian or swine flu to trigger the emergency plan, it has been recognised that Environmental Health Officers would be required, with the team likely to be involved in this work. Fortunately the need for such interventions is rare, but it is important that the service is able to support the Council in being able to deliver this role.
- In addition to any of the work identified above, if the team becomes aware of other additional significant issues, they too 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 Environmental Health Service is currently based at Mill Road depot whilst Mandela House is refurbished, although enforcement obligations require interventions to be carried out throughout the city. In some circumstances, this requirement may extend into the areas of other local authorities, albeit with the prior notification of the relevant local authority. In addition, due to the Primary Authority Partnerships (see section 3.2) the team have, it may be necessary for the service to either work with or occasionally challenge other local authorities where our partner businesses operate.

- 2.5.2 The 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 additional times to ensure that all businesses are inspected during the period when they operate and are likely to pose the greatest risks to their staff or the public.
- 2.5.3 The legislation enforced by the team permits its Officers to carry out inspections and visits without the need to give prior notification in most cases, and as such, most inspections to assess compliance are carried out in this manner. It is only where businesses operate from residential premises that prior appointments are made, unless prior notification may adversely impact on the purpose of the visit.

## **2.6 Enforcement Policy**

- 2.6.1 Cambridge City Council has adopted an Enforcement Policy which has been updated in accordance with the Regulator's Code. The Environmental Health Service as a whole, including the Commercial Environmental Health Service endorse the principles laid down in this Policy and also has regard to the Code for Crown Prosecutors' guidelines when making enforcement decisions. This policy requires all enforcement services to consider a graduated approach, ranging 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 the implementation of these policies, when considering any enforcement action, the 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. Additional relevant codes or guidance are also taken in account, such as the FSA's Code of Practice.

## **SECTION 3 : SERVICE DELIVERY**

### **3.1 Review of the Commercial Environmental Health Service Intervention Programme 2016/17**

3.1.1 During 2016/17 the service again experienced significant staffing matters, including the resignation of the Team Manager and the additional loss of one authorised enforcement officer.

3.1.2 The roles and functions that Technical Officers are able to perform were also curtailed by previous Food Standards Agency Statutory requirements. This limited the range of duties they were able to perform and resulted in them being unable to perform some aspects relating to higher risk premises and activities.

3.1.3 These staffing matters combined to impact on the availability of staff to carry out the programmed work, and range of activities different officers could undertake, as can be seen in the subsequent tables 4 and 5.

#### 3.1.4 Review of Food Safety Interventions for 2016/17

3.1.4.1 During the year 2016/17, the team has undertaken the food safety work identified in Table 5, overleaf.

3.1.4.2 To clarify further the food safety work identified in table 4 (overleaf), the team has;

- Carried out a hazard based, food safety targeted intervention programme of the registered food businesses in the City due an intervention during the year
- Registered and carried out an initial assessment of the food hazards posed by all new food businesses starting in the City during the year
- Carried out a programme of food or environmental (work surface and equipment) sampling in food businesses in the City, based upon national, regional or local initiatives
- Participated in the Healthier Options pilot initiative with Cambridgeshire County Council Health Promotion Team, East Cambridgeshire District Council, Fenland District Council and the University of Hertfordshire
- Provided taught and online food safety training to individuals and businesses both within and outside of the City
- Provided and taught our food allergen awareness training to businesses both within and outside of the City
- Developed and delivered a Business Mentoring programme aimed at improving the standards of food businesses within the City
- Maintained and developed our existing food safety focussed PAP with Nandos Chickenland Ltd., and a similar partnership with Check-it Ltd., to develop an IT based food safety management system.



Proposed Food Safety Work	2016/17 target <sup>6</sup>	Actual Work Undertaken
Programmed Food Safety Inspections/Interventions:		
Category A	1	1
Category B	24	34
Category C	164	159
Category D	316	221
Category E	124	76
Total:	629	491
New Food Business Inspections	200	138
Sampling Interventions	10	0
Food Complaint Investigations	330	373
Infectious Disease Investigations	100	60
Total number of Interventions	1269	1062
Number of Written Warnings served	Not set	355
Number of Enforcement Notices served	Not set	4
Level of Broadly Compliant food businesses	93%	92.4% <sup>7</sup> & 96% <sup>8</sup>

**Table 4: Review of Food Hygiene Performance against the Work Proposed in the 2016/17 Work Plan**

<sup>6</sup> Targets taken from the Business Regulation Plan 2016/17

<sup>7</sup> Number of broadly compliant food businesses including unrated premises

<sup>8</sup> Number of broadly compliant food businesses excluding awaiting inspection

### 3.1.5 Review of Health and Safety Enforcement Work Plan for 2016/17

3.1.5.1 During the year 2016/17, the team undertook the following health and safety work;

Proposed Health and Safety Work	2016/17 target <sup>6</sup>	Actual Work
Full Programmed Health and Safety Inspections	0	3
Alternative Health and Safety Interventions: <sup>9</sup>		
Hazard spotting during non-health and safety interventions	400	201
New Business Inspections	450	7
Total:	850	208
Health and Safety Complaint Investigations	120	69
Investigations under RIDDOR <sup>10</sup>	70	67
Total number of Interventions	1040	347
Number of Formal Letters served	Not set	9
Number of Enforcement Notices served	Not set	2

**Table 5: Review of Health and Safety Performance against the Work Proposed in the 2016/17 Work Plan**

3.1.5.2 To clarify further on the work identified in table 5 (above), the team has;

- Carried out a risk based intervention programme of the commercial businesses in the City due an intervention during the year,
- Carried out an initial assessment of the risks posed by new businesses starting in the City during the year,
- Investigated all complaints and carried out appropriate enforcement action,
- Maintained and developed our existing health and safety focussed Primary Authority Partnerships (PAP) with Ridgeons Ltd. And Nandos Chickenland Ltd.

### 3.1.6 Additional interventions undertaken during 2016/17

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

- Working with the neighbouring county-based local authorities to ensure consistency and uniformity of enforcement for food safety and health and safety interventions
- Working to identify and further develop income generation initiatives for the service

<sup>9</sup> Includes business assessment via questionnaires or targeted partial assessments, etc

<sup>10</sup> RIDDOR is the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations, 1995 (as amended)

## **3.2 The Proposed Work of Commercial Environmental Health for 2017/18**

### **3.2.1 The Scope for the Proposed Work**

- 3.2.1.1 Both the FSA and HSE require Cambridge City Council to state what work it is committed to undertake regarding food safety and health and safety compliance, and how it intends to meet this obligations; this section will therefore clarify the year for 2017/18. However, it must be considered that the service has obligations other than those identified in this Business Regulation Plan, and as they are not required to be identified in this plan, they are not included.
- 3.2.1.2 Commercial Environmental Health is an enforcement service enforcing food safety and health and safety 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 programme will therefore satisfy the Council's obligations to fulfil the requirements of the FSA and HSE, to ensure that as far as reasonably practicable, our businesses are legally compliant.
- 3.2.1.3 To assist with the aim of ensuring the businesses in Cambridge are compliant, the team undertakes their enforcement role in an educative and advisory manner where practicable. This means that the service works cooperatively with the business community to provide them with the resources they may require to develop, grow and become more successful, thereby being better able to contribute to addressing the Council's anti-poverty strategy. However, where the provision of such assistance is more than incidental to an intervention, the service is able to provide tailored assistance ensuring the business has the best possible resources to help attain legal compliance. Whilst this optional service has been recognised as being a benefit to the business community, as it is an optional service, the team does charge for this, thereby recouping some of the costs for undertaking this optional service. As this assistance is aimed at improving the compliance and sustainability of our successful business community, this work helps to fulfil the objectives of the Councils Anti-poverty Strategy. Legally compliant businesses are better placed to succeed, and as such, are better placed to grow and therefore employ more people.
- 3.2.1.4 The team will continue to deliver the Healthier Options scheme during 2017/18, and it is hoped that we will increase the number of qualifying businesses willing to promote this health promotional initiative. By doing so, the service will help the Council to contribute to the Cambridgeshire Healthy Weight Strategy and the Public Health Responsibility Deal, and again support the objectives of the Council's Anti-poverty Strategy.
- 3.2.1.7 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 Service had already moved to being part of a wider Commercial & Licensing Team, saving 0.5 of a Team Manager post, and will contribute to this objective during 2017/18. The 0.8 FTE vacant EHO post will be reflected within the recruitment programme, and one of the two Technical Officers is now able to undertake the full range of EHO duties (and is currently acting up into the EHO role). Additionally a contractor recently started on a temporary basis to assist with outstanding work.

### 3.2.2 The Food Safety Interventions for 2017/18

3.2.2.1 The scope of the food safety intervention programme for 2017/18 has been developed in conjunction with the expectations imposed on the authority by the FSA. To this effect, the service will proactively inspect all food businesses that are due to be inspected, although the nature of the intervention will differ depending upon the hazard posed by the business.

- Businesses hazard rated A, B or C will receive a full or partial targeted inspection
- Businesses rated D or E, will receive either a full or partial targeted inspection or an alternative intervention. For the purposes of food safety, an alternative intervention may include a targeted sampling assessment to verify the adequacy of the food safety management system in the business, or an appropriate intervention by a Technical Officer (where permitted by the FSA), or other interventions as permitted by the FSA.
- The team will aim to inspect all new food businesses within 28 days of their opening or registration date if this is later. However, with increasing numbers of new businesses, and currently reduced officer levels, it may be that this deadline will not always be met. The new premises inspection will also include a health and safety assessment if appropriate.

3.2.3.2 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 intelligence, will be investigated to determine the most appropriate course of action.

3.2.3.3 To allow businesses in the City to develop, the team will offer advice & assistance as part of any intervention carried out. In addition, the service will also offer targeted training and mentoring services with the intention of working with businesses to help them to develop, become fully legally compliant, and therefore successful, thus being more able to employ additional staff.

3.2.3.4 The table over the page outlines the proposed food safety interventions planned for 2017/18;

Programmed Inspections/Interventions – total	584
A rated food businesses	3
B rated food businesses	36
C rated food businesses	142
D rated food businesses	247
E rated food businesses	156
Outstanding Inspections/Interventions	214
New Business Inspections (estimated)	200
Premises Sampling Interventions (estimated)	10
Complaint Investigations (estimated)	330
Infectious Disease Investigations (estimated)	100
Development of targeted partnership schemes	
Provision of Food Safety Training – subject to demand	
Total number of Interventions	1438

**Table 6: Proposed Food Safety Interventions for 2017/18****3.2.3 Proposed FHRS objective for 2017/18**

3.2.3.1 During 2017/18, the team will encourage all food businesses to improve their ratings, and aim to achieve an overall standard of 93% broadly compliant by those qualifying food businesses inspected during the year.

3.2.3.2 Those businesses rated with an FHRS of 0 to 2 will receive a follow up visit and appropriate intervention to help them improve. Where necessary this may include formal enforcement action.

**3.2.4 The Health and Safety Interventions for 2017/18**

3.2.4.1 The scope of the health and safety intervention programme has been developed in conjunction with the expectations and limitations imposed on the authority by the HSE. To this effect, the service will only proactively inspect its highest risk businesses; the categories of businesses which are identified as a priority by the HSE and those where local intelligence dictates an intervention would be warranted.

3.2.4.2 Businesses not targeted as higher risk, will not routinely receive a proactive inspection, but may be subject to alternative assessments. This may include other face to face advisory visits.

3.2.4.3 During any visit to a business falling to the Commercial Environmental Health function to enforce for health and safety for another reason, the visiting officer will carry out a hazard spotting intervention sufficient to risk rate the business. Once rated, the business will be rescheduled for a future intervention according to the risks observed.

- 3.2.4.4 All new businesses will be assessed to determine the risks posed, after which the business will also be rated and scheduled for a future intervention regime subject to the risks observed. This will allow the team to risk rate all businesses, allowing the service to ensure that the City's business community is as safe as practicable.
- 3.2.4.5 All reactive notifications received, giving the service local intelligence about the condition of a business, will be assessed and subject to the details of the information, will be investigated to determine the most appropriate course of action.
- 3.2.4.6 Under the Reporting of Injuries Diseases and Dangerous Occurrence Regulations, 2013 (RIDDOR), it is the requirement of businesses to report qualifying injuries, near misses or recognised occurrences to the appropriate enforcement agencies. Those falling to this authority to investigate will initially be assessed, and if appropriate, will be investigated in accordance with the most appropriate health and safety legislation and guidance.
- 3.2.4.7 To allow businesses in the City to develop, the team will offer advice & assistance as part of any intervention involving the business. In addition to this, the service also offers targeted training and mentoring services intended to allow the business to develop its own strategy for compliance.
- 3.2.4.8 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, and as long as they agree the procedures that the business will adhere to, every other local authority has to abide with the conditions of the agreement. This is the principle of the Primary Authority Partnership (PAP) Scheme as managed by the Government's Regulatory Delivery Office. The team currently has two health and safety PAPs with Ridgeons Ltd, and Nandos Chickenland Ltd. Due to the resource implications, the service has no plans to approach any additional new businesses for such a partnership, although should any suitable businesses approach the service, a partnership will be considered.
- 3.2.4.9 The table below outlines the proposed health and safety interventions planned for 2017/18;

Programmed Inspections – High risk businesses only	0
Alternative Interventions – Non-high risk businesses	
• Hazard Spotting, as part of non-health and safety interventions (estimated)	100
• New Business Inspections (including food businesses) (estimated)	100
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	390

**Table 7: Proposed Health and Safety Interventions for 2017/18**

**3.2.5 Proposed Additional Interventions for 2017/18**

3.2.5.1 As previously mentioned, the team undertakes more work than just that required by the FSA or HSE. As this work does impact upon the team and the City, this section clarifies this additional work.

3.2.5.2 The table below outlines the proposed additional interventions planned for 2017/18;

Statutory or Obligatory Undertakings	
Liaison and partnership working with other organisations	
Enforcement of smoking legislation	
Liaison and partnership working with other council services	
Discretionary Undertakings	
Primary Authority Partnership Scheme	Maintenance of existing partnerships
Introduction of work associated with the public health agenda	
Development of the Healthier Options programme	
Development of work associated with the anti-poverty strategy	
Development of targeted community liaison	
Development of the business targeted training strategy	
Development of the business mentoring scheme	
Development of an additional income revenue strategy	

**Table 8: Proposed Additional Interventions for 2017/18**

3.2.5.3 Table 8 (above) identifies the additional interventions and strategies that the team is proposing to undertake. Given that the service is not required to deliver this discretionary work, as long as the resources available to the service, it will strive to deliver this work. However, a number of additional considerations will need to be met in order to justify this discretionary work. These include;

- The likely benefit each activity may to a respective business or business sector
- The likelihood of the service to develop an additional income from the identified activities

If neither objective can be met, or if demands on other aspects of the service increase, this discretionary work may not be undertaken.

## SECTION 4 : RESOURCES

### 4.1 Financial Allocation

4.1.1 The budgets for 2015-18 for Commercial Environmental Health are shown in Table 9, below. Previous work plans have focused on the food safety or health and safety work and, as a result, this section has only shown the cost of that specific work. As this work plan covers most of the work of the service, the financial resources available to the service excluding pest control, have been identified.

	2016/17	2017/18
Total Expenditure		
Set	£453,560 (inc. £136,960 recharged expenditure)	£473,270 (inc. £140,270 recharged expenditure)
Actual	£464,440	
Income:		
Via Training	£3,051	Budget yet to be set
Via Primary Authority Partnership	£1,583	
Other	£167	
Total	£4801	
<b>Total (Expenditure less Income)</b>	<b>£459,639</b>	

**Table 9: Commercial Environmental Health Service Annual Budgets 2015-18**

4.1.2 All enforcement officers have access to sufficient IT and other necessary equipment to enable them to undertake their work. Each officer is also capable of remote working and periodically takes advantage of this.



- 4.1.3 In the event of legal proceedings having to be taken, the costs of doing so will be met from within the Environmental Health Service's overall budget. Requests for funds to pay for Counsel's opinion or case presentation in court will be considered on their merits using the Service's enforcement policy and legal department for guidance.
- 4.1.4 Previously, it has been stated that during the year, the service will further attempt to develop its intention to identify and develop means to be able to generate an income for both the service and, through internal partnership working, the Council as a whole.

## **4.2 Staffing Allocation**

- 4.2.1 The majority of the work carried out by Commercial Environmental Health is done by the Officers themselves, although the Business Support Team and Customer Service Centre (CSC) do carry out tasks on behalf of the service.
- 4.2.2 All EHOs carrying out enforcement duties are registered with the Environmental Health Officers' Registration Board (EHORB). Each enforcement officer shall be duly authorised in accordance with the standards and requirements of the respective legislation and minutes of Cambridge City Council.
- 4.2.3 During 2017/18, the service will determine the standards of competency required for each officer, as stated by both the FSA and HSE. The service will ensure that the standards are maintained and will endeavour to provide sufficient resources to facilitate the maintenance of competency, once attained.
- 4.2.4 As part of previous staff turn-overs, two unqualified officers were appointed who did not have their full EHORB registration. One such officer obtained this in December 2016, and the service will endeavour to facilitate this progression for the remaining officer as soon as practicable.

## **4.3 Staff Development Plan**

- 4.3.1 All enforcement officers are appropriately qualified as proportionate to their status, whether upon appointment or through training and development whilst in their current or a previous post. All officers are subject to an annual performance review programme to ensure competency and consistency of practice is maintained. All officers will also be assessed under the Council's Performance Review Process (PRP), which, for the team, includes an assessment under the FSA competency framework. Sufficient resources will be provided to ensure these assessments are reviewed, and where additional measures need to be considered, these will be reviewed accordingly.
- 4.3.2 The TMCL will also undertake quality monitoring of each Officer to ensure the competency and consistency of the team. Previous reviews undertaken following guidance from the FSA and the Cambridgeshire Food and Occupational Safety Managers Group showed that the service is generally applying legislation consistently.
- 4.3.3 Each Officer is responsible for undertaking and maintaining their own accredited Continual Professional Development (CPD), subject to the requirements of the FSA and their own professional institute.

#### 4.3.4 Staff development for the service includes:

- The employment of competent enforcement officers capable of performing their role within the team;
- Evidence of formal qualification (sight of original qualification certificates prior to commencement of work);
- Confirmation of EHO registration with the EHORB;
- Undertaking in-house or external competency-based training consistent with the requirements of the FSA;
- The undertaking of shadowing or mentoring with a qualified or experienced Officer if identified as being necessary;
- The undertaking of shadowed monitoring by the TMCL;
- The identification of training needs during the PRP, by the Officer themselves, as a result of changing working practices or via an on-going performance-monitoring appraisal such as 1-2-1's;
- Newly qualified officers will be trained, mentored and shadowed in accordance with their own training needs to provide them the sufficient resources to become fully qualified as appropriate to their post.

## **SECTION 5 : QUALITY ASSESSMENT**

### **5.1 Quality Assessment**

- 5.1.1 In order to ensure that the quality of the work undertaken by the Commercial Environmental Health Service is maintained, Standard Operating Procedures and the Team Standards will be periodically reviewed, and where changes required, these will be made in accordance with the latest and most appropriate legislation and guidance.
- 5.1.2 The quality and consistency of each enforcement officer will also be periodically reviewed, including with the use of peer review exercises and the FSA competency framework, and where any training needs are identified, these will be considered by the service.

## SECTION 6: BUSINESS REGULATION PLAN REVIEW

### 6.1 Review against the Business Regulation Plan

- 6.1.1 The main comparison between the service plan for 2016/17 and this one is that this year we have produced the plan after the final figures for the preceding years' work have been confirmed. The work itself remains largely comparable to 2016/17.
- 6.1.2 The achievements of the team are periodically reported by the TMCL to the EHM at various times during and at the end of each year, who in turn reports this information to the head of the service on a quarterly basis through the service Operational Plan.
- 6.1.3 Two specific Local Key Performance Indicators are identified in the Environmental Health Service Plan that relate to Commercial Environmental Health work. The first is the percentage of inspections to be completed, in terms of percentage of those that are due, within different risk rating bands (detailed in Table 10 below). The second relates to the percentage of broadly compliant premises (defined in 1.1.5 above), and is set at 93% broadly compliant. It must be noted that the FSA statutory guidance state that all due inspections must be completed, and this approach has been taken to prioritise the resources available to those presenting the greatest risk.

Premises Risk Rating	Target Percentage completed
A, B and C	100%
D	75%
E	50%

Table 10: Target percentage of food hygiene inspections due for different risk ratings

### 6.2 Identification of any Variation from the Business Regulation Plan

- 6.2.1 The key performance indicators that are set annually, and based upon the proposed objectives of this plan, are reviewed monthly and then reported by the EHM to the head of the service along with any reasons for any significant variation. Where necessary, a remedial action plan is developed and implemented. The Executive Councillor for Environment and Waste Services will be kept informed of progress against the service plan through regular meetings during the year.

### 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 considered and an appropriate plan of action to address them will be agreed with by the appropriate managerial officers, and the necessary remedial work implemented to address the issues. If the matter also involves the actions of an officer, they too will be involved in the delivery of the action plan, as may any other appropriate services of the Council.
- 6.3.2 During the latter stages of 2016/17 a new TMCL was appointed, and subsequently the previous Commercial Team merged with Licensing. During 2017/18, the Commercial Environmental Health Service will integrate more fully with the Licensing aspects of the new Team. Whilst some aspects of the service are likely to change, the overall service provided is unlikely to significantly change.

## **SECTION 7: SUMMARY**

Major staffing issues continued during much of 2016/17 which has had a significant impact on the ability of the service to meet all of its objectives. The result is that at the time of producing this plan, a number of programmed inspections from 2016/17 remain outstanding. However, additional resources have been sought to this task to ensure that these inspections will be completed in accordance with the arrangements permitted by the FSA.

The workload proposed for 2017/18 allows for all of the Council's statutory obligations to be accommodated and carried out, although the manner of each of these interventions may be subject to changes and reviews during the year as a result of Governmental impositions and resource implications.

The service is required to consider opportunities for identifying savings or potential sources for income generation. Whilst a number of initiative and developments have been identified, if the service is able to identify additional opportunities, these will be considered.

The service will continue trying to work with external partners to implement interventions aimed at trying to target the Cambridgeshire Healthy Weight Strategy and the Council's anti-poverty strategy.

The team will also work with the food business sector to try to raise the FHRS scores to ensure that as many food businesses as possible achieve a broadly compliant rating (FHRS rating of 3, 4 or 5).