Dear Sir/Madam,

The Cabinet Member for Health and Environment (Councillor W.H. Sheppard) is to consider the following reports and make a decision on Thursday, 11th August, 2011, at 6.00 p.m. in Interview Room D, Town Hall, Nuneaton.

Yours faithfully,

PHILIP RICHARDSON
Assistant Director – Governance and Recreation

AGENDA

PART 1

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.
2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. **DECLARATIONS OF INTEREST** - To receive declarations of personal/prejudicial interests in accordance with the Members' Code of Conduct.

   **Note:** Following the adoption of the new Code of Conduct, members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the member must withdraw from the room unless dispensation has been given by the Standards Committee.


INDIVIDUAL CABINET MEMBER DECISION

Report Summary Sheet

<table>
<thead>
<tr>
<th>Date:</th>
<th>11th August 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>Occupational Health and Safety Service Plan – 2011/2012</td>
</tr>
<tr>
<td>Portfolio:</td>
<td>Health and Environment</td>
</tr>
<tr>
<td>From:</td>
<td>Assistant Director - Regeneration and Public Protection (Ian Powell)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary:</th>
<th>To seek approval for the Occupational Health and Safety Service Plan 2011/2012.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recommendations:</td>
<td>That the proposed Occupational Health and Safety Service Plan for 2011/2012 is agreed.</td>
</tr>
<tr>
<td>Reasons:</td>
<td>Requirement for approval of an annual service plan is contained in the HSE’s mandatory S18 guidance.</td>
</tr>
<tr>
<td>Options:</td>
<td>Reject or revise the proposed service plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subject to call-in:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forward plan:</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Corporate priorities:**

<table>
<thead>
<tr>
<th>Aim 1 Priority 2:</th>
<th>To create a healthy, diverse and robust economy which provides employment opportunities for local people.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aim 1 Priority 3:</td>
<td>To work in partnership to improve health and reduce health inequalities for residents in the borough.</td>
</tr>
<tr>
<td>Aim 4 Priority 1:</td>
<td>To continue to improve the performance and quality of key services</td>
</tr>
</tbody>
</table>

**Relevant statutes or policy:**

The Health and Safety Executive has issued mandatory guidance under s S18 of the Health and Safety at Work etc. Act 1974 that local authorities must produce an annual service plan for their occupational health and safety regulatory service.

**Equal Opportunity Implications:** Contained within the Plan

**Human Resources Implications:** Contained within the Plan

**Financial Implications:** Contained within the Plan

**Health Inequalities Implications:** None

**Risk Management Implications:** None

**Environmental Implications:** None

**Legal Implications:** Health and Safety at Work etc. Act 1974
Contact Details:       Ian Powell – Assistant Director Regeneration and Public Protection
                       Tel: 024 7637 6396
                       Steve Moore – Head of Environmental Health
                       Te: 024 7637 6138
1. Purpose of Report

To consider the proposed Occupational Health and Safety Service Plan for 2011/2012.

2. Recommendation

That the proposed Occupational Health and Safety Service Plan for 2011/2012 is agreed.

3. Background

3.1 The draft Occupational Safety Service Plan for 2011-12 (Appendix A, B and C) has been drawn up in accordance with guidance issued by the Health and Safety Executive (HSE). It is mandatory that Local Authorities perform their duties in accordance with the guidance, issued under Section 18 of the Health and Safety at Work etc Act 1974.

3.2 The S18 guidance requires local authorities to produce a clear statement on their commitment to improving health and safety outcomes and to set out its priorities and plan of interventions for the current year. These should take into account:
   - HSE’s priorities
   - national & regional priorities, targets and plans
   - locally derived objectives
   - relevant guidance and policies.
Appendix A – Agenda Item 4

NUNEATON AND BEDWORTH BOROUGH COUNCIL

REGENERATION AND PUBLIC PROTECTION

OCCUPATIONAL HEALTH & SAFETY

SERVICE PLAN 2011 – 2012

Drawn up in accordance with S. 18 Guidance Issued by the Health and Safety Executive

CONTENTS
Section 1: Aims, Objectives and Priorities
Section 2: Background
  2.1 Authority Profile
  2.2 Organisational Arrangements
  2.3 Scope of the Service
  2.4 Demands on the Service
  2.5 Enforcement Policy
Section 3: Service Delivery
  3.1 Recent National Developments
  3.2 Health and Safety Interventions
  3.3 RIDDOR Notifications and Investigations
  3.4 Complaints about Working Conditions
  3.5 Requests for Advice and Information
  3.6 Statutory Notifications
  3.7 Registration
  3.8 Advice to Businesses
  3.9 Liaison with Other Organisations
  3.10 Health and Safety Promotion
  3.11 Premises Database Maintenance
  3.12 Training and Competency
  3.13 Team Management
Section 4: Resources
Section 5: Performance Targets / Monitoring
Section 6: Review of Interventions Plans

Appendix B  Intervention Plan – Health and Safety at Work 2010-11
Appendix C  Section 18 Compliance Action Plan
SECTION 1: OCCUPATIONAL HEALTH AND SAFETY SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

The overall aim of the Business Regulation and Support (BRS) Team’s Occupational Health and Safety (OHS) Service is:

To work with others to protect people’s health and safety by ensuring risks in the changing workplace are managed properly.

It seeks to achieve this through the following key objectives:

- To fulfil the Health and Safety Executive’s (HSE) objective of reducing risks and protecting people
- To implement HSE aims and priority programmes, having due regard to the ‘Revitalising Health and Safety’ strategy statement published in June 2000.
- To achieve the balance of enforcement processes which optimises overall effectiveness
- To help duty holders, employees and their representatives achieve appropriate standards of health and safety
- To continue to seek improvements in the performance and quality of key services, particularly with regard to opportunities for better regulation (as promoted/advocated by the Local Better Regulation Office) and enhanced co-ordination of regulatory activities locally.
- The Authority has a commitment to improve H & S outcomes in line with its corporate objectives and has always been committed to providing sufficient capacity to deliver those improvements.

Our key delivery priorities are:

- To secure the management of high risk activities and achieve compliance of poor performing businesses or those that seek economic advantage from non-compliance – a targeted approach to risk reduction in line with the Better Regulation agenda

- Investigating fatalities, major injury and significant injury incidents – used to assess and target poor management in line with the Better Regulation agenda

Our local priorities for 2011-2012 will be:

- An inspection programme of LPG installations in support of a national campaign being led by HSE (who will provide a list of premises that may require pipe work replacement).
- A project on sun bed use. This will promote the need for management arrangements to ensure that Under-18s do not use sun beds and that coin-operated salons are supervised by trained staff.
- To review and update as necessary policies and procedures within the service to ensure compliance with the principles and standards of the revised S18 Guidance.
• Develop and implement an alternative enforcement strategy and procedure for lower risk premises
• To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model, thereby ensuring proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda
• Continue to monitor Inspectors’ skills, competencies etc. using the Regulators Development Needs Analysis (RDNA) tool to ensure competence (encourages staff retention/recruitment and ensures credibility with local business)

1.2 Links to Corporate Objectives and Plans

1.2.1 The Corporate Plan 2007 – 2021 states the Council’s ambition is: ‘By 2021 we shall achieve the greatest improvement in quality of life and social justice in Warwickshire, providing value for money services in a safe and pleasant environment’.

1.2.2 The aims in the Corporate Plan with the most direct relevance to the work of the OHS Service are as follows:

Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Aim 1 Priority 3: To work in partnership to improve health and reduce health inequalities for residents in the borough.

Aim 4 Priority 1: To continue to improve the performance and quality of key services.

1.2.3 The OHS Service aims to meet local performance indicators, e.g. depending on their nature, a ‘standard’ (within 3 working days) response and an urgent (immediate/within 24 hours) response time to accidents or complaints about health and safety. The OHS Service also works to a target that aims to complete 80% of enforcement complaints within 45 working days. A system is also in place to monitor customer satisfaction (target 80% of respondents expressing overall satisfaction with the service) and to capture comments and suggestions for service improvements.

SECTION 2: BACKGROUND

2.1 Authority Profile

2.1.1 The Borough of Nuneaton and Bedworth covers an area of 30 square miles to the east of the West Midlands conurbation. It is predominantly bordered by rural areas of Warwickshire and Leicestershire, and by the city of Coventry to the south. It is the most urban and densely populated District within Warwickshire.
2.1.2 The population of the Borough is approximately 120,000. The economic base of the Borough now relies to a large extent on manufacturing, wholesale, retail and distribution industries, which make up a significantly larger proportion of the local than of the national economy.

2.2 Organisational Arrangements

2.2.1 Structure/Management
The Council’s administrative structure currently comprises 2 Executive Corporate Directors and 6 Assistant Directors. Regeneration and Public Protection is part of the Environmental Services Directorate and falls within the remit of the Cabinet Member for Health and Environment.

2.2.2 The OHS Service is delivered by the Business Regulation and Support Team within the Regeneration and Public Protection service unit, as shown below. In addition to occupational health and safety, the Team is also responsible for food safety and licensing activities.

2.2.3 The Authority will respond to short-term staff turnover issues by either re-evaluation of work activities and prioritisation, transfer of staff from other areas of work or the procurement of temporary / agency staff.

2.2.4 Revisits to businesses are made in accordance with the standard operating procedures and always where there are matters of concern or serious or persistent breaches of statutory requirements are found. Any enforcement action will be in accordance with the Authority’s Enforcement Policy.

2.3 Scope of the Occupational Health and Safety (OHS) Service

2.3.1 The OHS Service covers the following areas of work:
- Health and safety enforcement (inspection, licensing/registration, accident and complaint investigation) in premises for which the Council is the enforcing authority
- Health and safety education and promotion
- Other registration/licensing activities such as skin piercing, cooling towers, Sunday trading, scrap metal dealers and motor salvage operators registration.
2.3.2 The Occupational Health and Safety Service Plan has been produced to ensure that local businesses, members of the public and Council Members and Officers understand the planned approach to health and safety regulation adopted by the Council. The service plan will assist the Council in its aims of providing fair, consistent, open and effective enforcement services, which focus on the premises with the highest risk.

2.3.3 The service operates on a multidisciplinary basis, with officers possessing specialist competencies in occupational safety, food safety and licensing. Officers from the Environmental Protection Team based within Regeneration and Public Protection are responsible for investigating complaints relating to noise or odours from health and safety premises and would, where appropriate, liaise with officers within the BRS Team.

2.3.4 Health and safety standards in premises not enforced by the Council are the responsibility of the Health and Safety Executive. In addition to regular, formal contact within the Warwickshire Health and Safety Liaison Group, direct liaison takes place, via the HSE Enforcement Liaison Officer, on specific problems and issues.

2.4 Demands on the OHS Service

2.4.1 Premises:
The OHS Service is responsible for the enforcement of health and safety law at some 1586 premises locally. All responses in relation to service requests or complaints are undertaken in a risk based manner or following consideration of standard operating procedures.

The estimated numbers of premises, by type, are as follows:-

<table>
<thead>
<tr>
<th>Type Of Premises</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Shops</td>
<td>566</td>
</tr>
<tr>
<td>Wholesale Shops</td>
<td>104</td>
</tr>
<tr>
<td>Offices</td>
<td>226</td>
</tr>
<tr>
<td>Catering Services</td>
<td>361</td>
</tr>
<tr>
<td>Hotels / Short Stay premises</td>
<td>11</td>
</tr>
<tr>
<td>Residential Care Homes</td>
<td>21</td>
</tr>
<tr>
<td>Leisure / Cultural Services</td>
<td>84</td>
</tr>
<tr>
<td>Consumer Services</td>
<td>185</td>
</tr>
<tr>
<td>Other</td>
<td>33</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1586</strong></td>
</tr>
</tbody>
</table>

2.4.2 Access to the OHS Service:
The OHS Service is located on the second floor of the Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA. Service users can contact the Council/officers in the following ways:
- In person or by telephone between 9am – 5 pm Monday to Friday, via the Council’s Contact Centre located in the Town Hall, Coton Road, Nuneaton. Tel: (024) 7637 6328/ 6404
• Officers may also be contacted on dedicated telephone extensions, usually between 9am – 5 pm Monday to Friday. Such contact might also be made between 8-9am and 5-6pm if the officer is at work.
• By fax on (024) 7637 6214
• By e-mail: env.health@nuneatonandbedworth.gov.uk
• Via the Council’s website – www.nuneatonandbedworth.gov.uk
• An arrangement also exists through the Council’s Out of Hours service (Tel. (024) 7638 2153) whereby officers can be contacted to respond to emergencies.

2.5 Enforcement Policy

2.5.1 Nuneaton and Bedworth Borough Council formally adopted the principles of the Enforcement Concordat in July 2000, committing it to good enforcement policies and procedures. The Council subsequently agreed, in February 2001, a corporate Enforcement Policy and this was updated in 2009. An enforcement policy for Planning and Public Protection was introduced in 2006 and was updated in 2009.

2.5.2 The Council will also have regard to the Code for Crown Prosecutors’ Guidelines when considering prosecution of offences.

SECTION 3: SERVICE DELIVERY

3.1 Recent National Developments

3.1.1 On 1st April 2008 the Health and Safety Commission and the Health and Safety Executive merged to form a single entity known as the Health and Safety Executive (HSE). The Board subsequently developed a revised strategy ‘The Health and Safety of Great Britain - Be part of the solution’ as a clear statement of core principles and a sensible approach to health and safety in Great Britain

3.1.2 In addition to adhering to relevant enforcement policies, the Health and Safety at Work etc. Act 1974 [S18(4)(b)] requires LAs to perform their duties as enforcing authorities in accordance with guidance issued under Section 18 of the Act. The recently revised Section 18 Standard (called ‘Making a Difference’) sets out the requirements for enforcement authorities when complying with their duty to make ‘adequate arrangements for enforcement’. The guidance requires a shift of focus in terms of interventions planning by LAs and their officers. It reflects the HSE Board’s new strategy, key outcomes from the Hampton Review and sets out a new approach to developing effective health and safety regulatory interventions justified by risk. The new Standard reinforces the need for effective management systems, consistent enforcement, partnership working and sensible risk management, and abides by the five principles of better regulation as proposed by the Hampton report – consistency, accountability, transparency, proportionality and targeting. Local authorities are required:
From 1st April 2008, to work towards compliance with the requirements of the Standard, and
To have prepared and commence implementation of an action plan to comply fully with all the requirements of the standard (See Appendix B)

3.2 Health and Safety Interventions

3.2.1 The HELA (Health and Safety Executive/Local Authorities Liaison Committee) guidance on priority planning (LAC 67(2)) was revised in September 2009. The guidance covers the way information gathered during proactive work is used to:
- assess health and safety standards
- evaluate the effectiveness of an intervention strategy
- inform the targeting of future work
- generate a risk rating

The approach is mirrored through the guidance on reactive interventions contained in LAC 22/13 ‘Incident Selection Criteria Guidance’, also issued in September 2009.

3.2.2 The main implications of the two guidance documents above are a reclassification of risk bands (from six to four) and an associated specification of frequency of intervention related to risk (ranging from not less than once per year for the highest risk to the use of non-inspection intervention methods/techniques for the lowest risk).

A breakdown of the number of premises within the 4 risk categories (as at 1 April 2011) is as follows:

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Number of Premises</th>
<th>Inspection Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cat A</td>
<td>4</td>
<td>Inspection not less than once every 12 months</td>
</tr>
<tr>
<td>Cat B1</td>
<td>16</td>
<td>Intervention no less than once every 18 months</td>
</tr>
<tr>
<td>Cat B2</td>
<td>61</td>
<td>Can be dealt with by alternative interventions</td>
</tr>
<tr>
<td>Cat C</td>
<td>46</td>
<td>Can be dealt with by alternative interventions</td>
</tr>
</tbody>
</table>

3.2.3 A national portfolio of possible health and safety interventions has been made available for reference by all LA/HSE Partnerships throughout the country, with interventions being focussed around identified high risk topics and sectors. A proposed Health and Safety Interventions Plan for the OHS Team is attached as Appendix A. In addition to elements based on local priorities, it includes proposed co-ordinated interventions throughout the county arising from discussions between Warwickshire local authorities and the HSE.
3.2.4 It is estimated that the following key interventions will be undertaken in support of the Plan in 2011-12

- Proactive inspections/visits to all Category A and all due Category B1 (Medium Risk – 1)
- The inspection of hand car washing businesses following potential transfer from the HSE
- Special project on riding establishments and stables
- Survey of electrical safety within premises being inspected
- A project on tattooing and ear piercing. To incorporate the adoption of the body piercing byelaws and distribution of information leaflets to relevant target groups.

3.3 RIDDOR – Notifications and Investigations

The OHS service receives an average of 90 RIDDOR notifications per year. Notifications will be assessed and investigated in accordance with LAC 22/13 Incident Selection Criteria Guidance, see para 3.1.3 above. The initial response will in any event be within 3 working days but can be sooner (immediate or within 24 hours) if the notification is of a more serious nature, for example a major injury or a fatality.

3.4 Complaints about Working Conditions

The OHS service receives on average 39 complaints every year concerning standards of health and safety at work. Depending on the nature of the complaint/request the response may be immediate/within 24 hours, and in any case within 3 working days.

3.5 Requests for Advice and Information

Officers deal with an average of about 148 requests for advice and information on health and safety every year. In addition to providing tailored information and guidance for service users, the Team also maintains and distributes a wide range of HSE advisory leaflets. The Council also operates a health and safety information system that is available in hard copy and online.

3.6 Statutory Notifications

The OHS service receives notifications throughout the year relating to the following:

- asbestos removal
- defective lifting equipment
- defective electrical installations

Subsequently, officers will ensure that work is carried out in a satisfactory manner or that appropriate remedial action has been taken. The response standard for these notifications is 3 working days.
3.7 **Registration**

The OHS Team is responsible for the registration of the following:
- cooling towers and evaporative condensers – for Legionella control purposes
- skin piercing activities
- scrap metal dealers and motor salvage operators

The service standard is that registration applications will be processed within 20 working days of receipt.

3.8 **Advice to Businesses**

3.8.1 The authority is committed to supporting the successful growth of local businesses through the proper and sensible management of their health and safety risks. It sees itself as a major facilitator of knowledge and understanding in this area. It will do all it can to maximise access to relevant sources of information and advice and to encourage continual improvement in standards of health and safety through these endeavours.

3.8.2 The OHS service provides free and full advice to businesses to help them understand and comply with health and safety law. This is done in the following ways:
- most frequently, through on-site discussions with proprietors and managers during the course of inspections and other visits
- the distribution of free advice leaflets published by the HSE
- through responding to requests for advice
- the preparation and distribution of ‘Health and Safety Matters’ newsletters to relevant premises
- facilitation of awareness of health and safety training courses
- dissemination of information arising from specific national concerns about certain activities or products.

3.9 **Liaison with Other Organisations**

3.9.1 The Council is committed to ensuring that the enforcement approach is consistent with other local authorities. Accordingly, it is a member of the Warwickshire Health and Safety Liaison Group and networks with other regional liaison groups.

3.9.2 The OHS service also looks to benchmark its activities and processes, with the aim of continual improvement.

3.9.3 The Authority is presently working with other authorities in Warwickshire and Coventry to produce a Memorandum of Understanding establishing a ‘Flexible Warrant’ scheme involving the Health and Safety Executive (HSE) and the Local Authorities within the scheme. This will allow greater flexibility, efficiency and consistency through increased joint working and co-ordinated programmes of work.
3.10 Health and Safety Promotion

The OHS service works to promote health and safety for the benefit of employers and employees alike. In 2011/2012 this will be pursued through the following:

- support for the annual European Week for Safety and Health at Work
- support for events such as Careers Conventions, where the focus will be on providing advice and information for young people entering work for the first time.
- liaison with Training Providers, such as the North Warwickshire and Hinckley College and Nuneaton Training Centre, responsible for trainees working in local businesses
- promoting sensible risk management through press releases on priority topics, where appropriate

3.11 Premises Database Maintenance

It is important that the premises database is kept up to date. Consequently, it is the aim of the OHS service that:

- new businesses will be risk-rated at an early stage
- new businesses will be provided with an information pack and other advisory materials relevant to their activities.
- periodic checks will be made of industrial estates, managed multi-occupied premises etc.

3.12 Training and Competency

The highly technical and continually changing nature of health and safety work means that all officers undertaking health and safety enforcement work need to undertake training and development activities to retain competency in their work. In addition to qualification training (e.g. NEBOSH Diploma Part 2, Diploma in Enforcement of Health and Safety at Work), officers attend topic-specific seminars throughout the year. The Regulators’ Development Needs Analysis (RDNA) Tool was launched in 2009 and, following its introduction in 2010, it will be the objective of the OHS service that all officers undertaking inspection and enforcement duties will now use this tool to ensure required competencies.

3.13 Team Management

Management of the Service focuses on securing compliance with the HSE S.18 guidance, with key tasks including performance management and the maintenance of information systems, as detailed in the ‘Capacity and Management’ section of the S.18 Guidance.

SECTION 4 - RESOURCES

4.1 The overall net budget of the Business Regulation and Support Team for 2011/2012 is projected to be £406,425.
4.2 The majority of health and safety law enforcement activities are undertaken by specialists within the OHS Service, with administration provided by the Service Support Team. Environmental Health Officers carrying out health and safety enforcement duties are currently Environmental Health Officers' Registration Board (EHORB) registered. The Technical Officer in the Team has Graduate Safety Practitioner status with the Institution of Occupational Safety and Health.

4.3 Investment in IT results in all enforcement officers having access to a desktop terminal containing Civica (Flare), MS Office (Word, Excel, Outlook, PowerPoint). All officers have Internet access and receive relevant EHCNet messages directly to their screen. Officers subscribe to various health and safety websites that send regular e-mail alerts/updates.

4.4 In addition to an extensive, fully indexed library (all made freely available to local businesses), the Council also subscribes to the following:
   - EHCNet
   - An online professional information service

4.5 In the event of legal proceedings having to be taken on health and safety issues, any associated 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.

SECTION 5 PERFORMANCE TARGETS / MONITORING

5.1 Performance targets cover both proactive and reactive work and are detailed in the proposed Interventions Plan 2011-12 (Appendix 1).

5.2 In addition to monitoring that tracks performance against targets, the following arrangements are in place to assist in the quality assessment of the work carried out:
   - Inspection feedback questionnaire sent out to businesses after an intervention.
   - Team meetings on a regular basis
   - Peer review of inspection documentation and chosen enforcement actions
   - Team meetings
   - Annual personal development reviews
   - Commitment to participate in benchmarking activity

Within the service, any specific performance issues identified by routine monitoring for improvement will be recorded as necessary and addressed in an appropriate forum (one-to-one meeting with officer, BRS Team meeting or Departmental Management Team).
SECTION 6: REVIEW OF INTERVENTIONS PLAN

7.1 The performance of the OHS Service against the Interventions Plan is monitored throughout the year, with exception reporting on a monthly basis to the Cabinet Member for Health and Environment. Any variances from meeting the requirements of the service plan are identified, together with explanations or proposals to address the variance.

7.2 Performance against last year’s programme can be summarised as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Performance / Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target high risk/poor performing/rogue traders</td>
<td>All Cat A and B1 premises Inspected</td>
</tr>
<tr>
<td>Major Injuries/ Accidents 15 accidents investigations (estimate)</td>
<td>12 Major accidents were notified to the Section and investigated</td>
</tr>
<tr>
<td>1. <strong>Workplace Violence (1)</strong> (High risk licensed premises and retail premises)</td>
<td>Letter forwarded to all licensed premises within Nuneaton and Bedworth concerning workplace violence. Subsequently 29 licensed premises in the town centre and specific off licences were inspected to promote personal safety.</td>
</tr>
<tr>
<td>2. <strong>Workplace Violence (2)</strong> (Taxis)</td>
<td>Newsletter forwarded to all Operators / Private Hire Drivers and Hackney Carriage Drivers. 10 companies visited and Safety and Health Awareness day undertaken.</td>
</tr>
<tr>
<td>3. <strong>‘LACE’ Project</strong> Local Authority Construction Engagement. Increasing awareness of construction, design and management duties by providing information to planning and building control applicants</td>
<td>All relevant information provided to Planning and Building Control services. On going.</td>
</tr>
<tr>
<td>4. <strong>Dermatitis (Disease Reduction Programme)</strong> – targeted at the local retail catering industry.</td>
<td>Raised during all food inspections</td>
</tr>
<tr>
<td>5. <strong>LPG inspection campaign</strong> Inspections to cover the complete LPG installation. HSE will provide a list of the premises requiring a visit. To run in parallel with the pipe work replacement programme</td>
<td>None notified to LA by HSE; project still on going to 2013</td>
</tr>
<tr>
<td><strong>6. Asbestos – Duty to Manage</strong></td>
<td>Raised during all visits</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>All Food Safety and OHS officers to raise awareness during visits (ongoing).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>7. Radiation (U/V) – Sun beds</strong></th>
<th>All 23 premises that operate sun beds contacted / inspected. Further letter and press release outlining the management responsibilities in regard to sun beds. Additional letter recently forwarded re new regulations that came into force 8th April 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promote the need for management arrangements to ensure that Under-18s do not use sun beds and that coin-operated salons are supervised by trained staff.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>8. Motor Vehicle Repair (MVR)</strong></th>
<th>Initial phase to determine if HSE or LA enforced. Further 43 Inspections undertaken to determine compliance.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial phase comprises visits to ascertain work carried out and enforcement responsibility. Inspection of premises</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>9. Gas Safety (Catering Premises)</strong></th>
<th>Not undertaken</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>10. New premises inspections</strong></th>
<th>Inspected as new premises arose</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>11. SHAD on sensible risk assessment in conjunction with the other Warwickshire authorities.</strong></th>
<th>Not undertaken by any Warwickshire authorities</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Performance Indicators:</strong></th>
<th>333 inspections undertaken, the estimated number of new premises did not materialise.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fit 3 Programme – Overall target of 481 (this includes an estimate of 140 new premises) intervention visits/inspections.</td>
<td></td>
</tr>
</tbody>
</table>

If you require further information about this document, please contact:
Steve Moore, Head of Environmental Health
Regeneration & Public Protection
Nuneaton and Bedworth Borough Council
Town Hall, Coton Road, NUNEATON, CV11 5AA
Telephone: (024) 7637 6138
Fax: (024) 7637 6214
E-mail: env.health@nuneatonandbedworth.gov.uk
## Interventions Plan – Health and Safety at Work 2011-12

### Proactive / Planned Interventions

<table>
<thead>
<tr>
<th>What</th>
<th>How</th>
<th>Where (When)</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target high risk/poor performing</td>
<td>Inspections and revisits - based on risk rating and local knowledge/intelligence</td>
<td>Primarily Category A &amp; B1 8 premises (minimum) (Throughout Year)</td>
<td>PO (BRS) Senior EHOs</td>
</tr>
</tbody>
</table>

### Reactive Interventions

<table>
<thead>
<tr>
<th>Major injuries/accidents</th>
<th>12 accidents investigations (estimate)</th>
<th>(Throughout Year)</th>
<th>PO (BRS) Senior EHOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hand car wash operations</td>
<td>Determine number of premises and undertake inspections of premises and practices</td>
<td>Awaiting the transfer of businesses undertaking hand car washing</td>
<td>SEHOs / Technical Officer (TO)</td>
</tr>
<tr>
<td>Riding schools and livery stables.</td>
<td>Undertake inspection / ensure compliance</td>
<td>Throughout Year.</td>
<td>SEHO /TO</td>
</tr>
<tr>
<td>General inspection and electrical check on a retail shops, offices and hotels.</td>
<td>Mail shot to retail shops, offices and catering establishments in relation to electrical safety. All hotels will be inspected and 5% of retail shops and offices</td>
<td>By March 2012</td>
<td>Technical Officer (TO)</td>
</tr>
<tr>
<td>Tattooing and ear piercing</td>
<td>LA to adopt body piercing byelaws and undertake campaign and press release. Inspection of premises. Inspections to follow after campaign</td>
<td>Work to commence on byelaws July 2011</td>
<td>SEHOs</td>
</tr>
<tr>
<td>LPG inspection campaign</td>
<td>Inspections to cover the complete LPG installation. HSE will provide a list of the premises requiring a visit. To run in parallel with the pipework replacement programme to continue until 2013.</td>
<td>Estimate approximately 5 premises</td>
<td>SEHOs</td>
</tr>
<tr>
<td>Section 18 Guidance</td>
<td>To deliver the Section 18 Action plan which has been developed by the service to attain full compliance with the Section 18 audit standards See Annex B</td>
<td>Full compliance April 2012</td>
<td>Head of EH / PO (BRS)/SEHOs</td>
</tr>
<tr>
<td>Radiation (U/V) - sunbeds</td>
<td>Promote the need for management arrangements to ensure that Under-18s do not use sunbeds and that coin-operated salons are supervised by trained staff.</td>
<td>Approximately 23 premises</td>
<td>TO</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>----</td>
</tr>
<tr>
<td>Mobile food vehicles gas Safety</td>
<td>Undertake inspection of mobile food vehicles using checklist to determine safe installation of LPG gas</td>
<td>To be undertaken as food inspection become due</td>
<td>SEHO</td>
</tr>
</tbody>
</table>
## Appendix C
### SECTION 18 COMPLIANCE PLAN

<table>
<thead>
<tr>
<th>Commitment</th>
<th>Start Date</th>
<th>Target Date (For completion)</th>
<th>Status (C/NC/BP)</th>
<th>Action Plan if NC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Progress</td>
<td>30 September 2011</td>
<td>Not Completed</td>
<td>1 items - formal corporate commitment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EA to make a formal corporate commitment to improving H &amp; S outcomes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Start Date</th>
<th>Target Date (For completion)</th>
<th>Status (C/NC/BP)</th>
<th>Action Plan if NC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Progress</td>
<td>30 September 2011</td>
<td>COMPLETED</td>
<td>4 items - revision to wording of annual service plan re: statement of EA commitment &amp; use of agency cover; work on flexible warranting (in progress); review use of Incident Selection Criteria/risk based responses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>All areas included in 2011-12 Service Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Management Infrastructure</th>
<th>Start Date</th>
<th>Target Date (For completion)</th>
<th>Status (C/NC/BP)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Progress</td>
<td>31st December 2011</td>
<td>NOT COMPLETED</td>
</tr>
<tr>
<td>Category</td>
<td>Start Date</td>
<td>Target Date (For completion)</td>
<td>Status (C/NC/BP)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------</td>
<td>-------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td><strong>Performance Management</strong></td>
<td>01 October 2009</td>
<td>N/A</td>
<td>COMPLETED</td>
</tr>
<tr>
<td><strong>Information Systems</strong></td>
<td>01 October 2009</td>
<td>N/A</td>
<td>COMPLETED</td>
</tr>
<tr>
<td><strong>Competent Inspectorate</strong></td>
<td>01 October 2010</td>
<td>31st December 2011</td>
<td>NOT COMPLETED</td>
</tr>
<tr>
<td><strong>Enforcement Policy</strong></td>
<td>In Progress</td>
<td>31st December 2011</td>
<td></td>
</tr>
<tr>
<td>Status (C/NC/BP)</td>
<td>NOT COMPLETED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Action Plan if NC</td>
<td>2 items: Enforcement policy to be reviewed (looking at a county-wide policy); looking at incorporating rationale for enforcement decisions into documented procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Review of Enforcement Policy monitoring to be introduced re enforcement activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start Date</td>
<td>01 October 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target Date (For completion)</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status (C/NC/BP)</td>
<td>COMPLETED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Action Plan if NC</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Work In Partnership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start Date</td>
</tr>
<tr>
<td>Target Date (For completion)</td>
</tr>
<tr>
<td>Status (C/NC/BP)</td>
</tr>
<tr>
<td>Action Plan if NC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start Date</td>
</tr>
<tr>
<td>Target Date (For completion)</td>
</tr>
<tr>
<td>Status (C/NC/BP)</td>
</tr>
<tr>
<td>Action Plan if NC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sensible Risk Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start Date</td>
</tr>
<tr>
<td>Target Date (For completion)</td>
</tr>
<tr>
<td>Status (C/NC/BP)</td>
</tr>
<tr>
<td>Action Plan if NC</td>
</tr>
</tbody>
</table>

Equal opportunities to be added to final draft
# INDIVIDUAL CABINET MEMBER DECISION

## Report Summary Sheet

<table>
<thead>
<tr>
<th>Date:</th>
<th>11th August 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>Food Safety Service Plan – 2011/2012</td>
</tr>
<tr>
<td>Portfolio:</td>
<td>Regeneration and Public Protection</td>
</tr>
<tr>
<td>From:</td>
<td>Assistant Director Ian Powell</td>
</tr>
</tbody>
</table>

### Summary:
To seek approval for the Food Safety Service Plan 2011/2012.

### Recommendations:
That the proposed Food Safety Service Plan for 2011/2012 is agreed.

### Reasons:
Requirement for approval of an annual service plan contained in the FSA Framework Agreement

### Options:
Reject or revise the proposed service plan

### Subject to call-in:
N/A

### Forward plan:
N/A

### Corporate priorities:

- **Aim 1 Priority 2:** To create a healthy, diverse and robust economy which provides employment opportunities for local people.

- **Aim 1 Priority 3:** To work in partnership to improve health and reduce health inequalities for residents in the borough.

- **Aim 4 Priority 1:** To continue to improve the performance and quality of key services

### Relevant statutes or policy:
Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunity Implications</td>
<td>Contained within the Plan</td>
</tr>
<tr>
<td>Human Resources Implications</td>
<td>Contained within the Plan</td>
</tr>
<tr>
<td>Financial Implications</td>
<td>Contained within the Plan</td>
</tr>
<tr>
<td>Health Inequalities Implications</td>
<td>None</td>
</tr>
<tr>
<td>Risk Management Implications</td>
<td>The Food Standards Agency has powers of direction and default that can be used in relation to local authorities that fail to discharge their functions satisfactorily or fail to meet statutory obligations.</td>
</tr>
<tr>
<td>Environmental Implications</td>
<td>None</td>
</tr>
<tr>
<td>Legal Implications</td>
<td>Food Safety Act 1990</td>
</tr>
</tbody>
</table>

**Contact Details:**
- Ian Powell – Assistant Director Regeneration and Public Protection  
  Tel: 024 7637 6396  
- Steve Moore – Head of Environmental Health  
  Tel: 024 7637 6138
1. **Purpose of Report**

   To consider the proposed Food Safety Service Plan for 2011/2012.

2. **Recommendation**

   That the proposed Food Safety Service Plan for 2011/2012 is agreed.

3. **Background**

   3.1 The proposed Food Safety Service Plan for 2011/2012 (Appendix A) has been drawn up in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement. It is mandatory that Local Authorities perform their duties in accordance with the guidance issued by the Food Standards Agency.

   3.2 Food Safety Service Plans provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. Such plans are seen as an important part of the process to ensure national priorities and standards are addressed and delivered locally.
APPENDIX A – AGENDA ITEM 5

FOOD SAFETY SERVICE PLAN
2011 – 2012

Drawn up in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement (“the Framework Agreement”)

CONTENTS
Section 1 - Food Service Aims and Objectives

Section 2 – Background (Authority Profile, Organisational Structure, Scope of the Service, Demands on the Service, Enforcement Policy).

Section 3 – Service Delivery

3.1 Food Premises Inspections
3.2 Food –related Complaints
3.3 Home Authority Principle (HAP) Activity
3.4 Advice to Business
3.5 Food Inspection & Sampling
3.6 Investigation and Control of Outbreaks and Food-related Infectious Disease
3.7 Food Alerts
3.8 Liaison with Other Organisations
3.9 Food Safety Promotion
3.10 Team Management

Section 4 – Resources (Financial, Staffing, Staff Development Plan)

Section 5 – Quality Assessment

Section 6 – Review of Service Plan
SECTION 1: FOOD SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

1.1.1 The Business Regulation and Support (BRS) Team’s food safety service seeks to maintain and enhance standards of food safety and management through the following key objectives:

- To secure compliance with food safety law (having regard to the Food Standards Agency’s Code of Practice and Practice Guidance and Local Government Regulation guidance)
- To ensure that food is fit to eat and free from extraneous matter
- To work with businesses to help them comply with the law
- To maintain an accurate database of all food premises in the borough
- To prevent the spread of foodborne illness
- To promote food safety awareness so as to increase the knowledge and understanding of food handlers, proprietors of food businesses and all residents in matters of food hygiene and healthy eating
- To continue to seek improvements in the performance and quality of key services, particularly with regard to opportunities for better regulation (as promoted/advocated by the Local Better Regulation Office) and enhanced coordination of regulatory activities locally.

1.2 Links to Corporate Objectives and Plans

1.2.1 The Corporate Plan 2007 – 2021 states the Council’s ambition is: 'By 2021 we shall achieve the greatest improvement in quality of life and social justice in Warwickshire, providing value for money services in a safe and pleasant environment'.

1.2.2 The aims in the Corporate Plan with the most direct relevance to the work of the food safety service are as follows:

Aim 1 Priority 2: To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Aim 1 Priority 3: To work in partnership to improve health and reduce health inequalities for residents in the borough.

Aim 4 Priority 1: To continue to improve the performance and quality of key services

1.2.3 In addition to any national performance indicators, the food safety service strives to meet local performance indicators for complaints and service requests e.g. depending on their nature a ‘standard’ (within 3 working days) response, and an urgent (immediate/within 24 hours) response time e.g. for notifications of foodborne disease, food complaints and food alerts. The food safety service also works to a target that aims to complete 80% of general enforcement complaints and food complaints within 45 working days. A system is also in place to monitor customer satisfaction (with a target of 80% of respondents expressing overall
satisfaction with the service) and to capture comments and suggestions for service improvements.

SECTION 2: BACKGROUND

2.1 Authority Profile
2.1.1 The Borough of Nuneaton and Bedworth covers an area of 30 square miles to the east of the West Midlands conurbation. It is predominantly bordered by rural areas of Warwickshire and Leicestershire, and by the city of Coventry to the south. It is the most urban and densely populated District within Warwickshire.

2.1.2 The population of the Borough is approximately 120,000. The economic base of the Borough now relies to a large extent on manufacturing, wholesale, retail and distribution industries, which make up a significantly larger proportion of the local than of the national economy.

2.1.3 The borough has higher levels of coronary heart disease (CHD) than other boroughs in Warwickshire. The Primary Care Trust has identified reducing the burden of circulatory diseases as a regional and local priority.

2.2 Organisational Structure

2.2.1 Senior Management Structure
The Food Safety Team is in the Planning and Public Protection service unit, which is part of the Environmental Services Directorate, and falls within the remit of the Cabinet Member for Health and Environment.

2.2.2 The food safety service is delivered by the Business Regulation and Support Team within the Regeneration and Public Protection service unit, as shown below. In addition to food safety, the Team is also responsible for occupational health and safety, licensing and land charges.

2.2.3 Specialist/laboratory services can be called upon, as follows:
- The Council’s public analyst, which it must use for the analysis of food samples (e.g. contamination and foreign body complaints), is Eurofins Scientific Ltd.
- Samples of faeces are examined by the Pathology Department, University Hospital, Walsgrave, Coventry unless it is an outbreak investigation, in which case the samples go to Heartlands Hospital Birmingham.
• Food samples and environmental samples are examined by the Health Protection Agency laboratory at the Good Hope Hospital, Rectory Road, Sutton Coldfield, Birmingham.

• Although insect pests associated with foodstuffs are identified wherever possible using in-house expertise and reference materials the Council also has access to external specialist pest identification and advice services.

2.3 **Scope of the Food Safety Service**

2.3.1 The food safety service is responsible for the following areas of work:

• Food safety enforcement (inspection, licensing/approval, complaint investigation, sampling)

• Provision of advice and information to food business operators, including specific support for the FSA’s Safer Food Better Business (SFBB) pack.

• Investigation and control of food-borne disease

• Food safety education and promotion

2.3.2 The service operates on a multidisciplinary basis, with officers possessing specialist competencies in food safety, occupational safety and licensing. Officers from the Environmental Protection Team based within Planning and Public Protection are responsible for investigating complaints relating to noise or odours from food premises and would, where appropriate, liaise with officers within the BRS Team.

2.3.3 Food safety and consumer protection matters relating to food standards (e.g. labelling, food presentation, quality and ‘nature’) are dealt with by the Warwickshire County Council Trading Standards Department. In addition to regular, formal contact within the Warwickshire Food Liaison Group, liaison and joint visits take place between officers on specific problems and issues.

2.4 **Demands on the Food Safety Service**

2.4.1 Premises:
The food safety service is responsible for the enforcement of food safety law at some 803 premises locally, as detailed below by premises type and risk band (as at 6th April 2011):

<table>
<thead>
<tr>
<th>FOOD BUSINESS TYPE</th>
<th>NUMBER</th>
<th>% of TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Producers</td>
<td>6</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Manufacturers &amp; Packers</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Importers/Exporters</td>
<td>2</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Distributors/Transporters</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>Retailers</td>
<td>231</td>
<td>29</td>
</tr>
<tr>
<td>Restaurant &amp; Caterers</td>
<td>539</td>
<td>67</td>
</tr>
<tr>
<td>TOTAL</td>
<td>803</td>
<td>100</td>
</tr>
<tr>
<td>RISK BAND</td>
<td>NUMBER</td>
<td>% OF TOTAL</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>------------</td>
</tr>
<tr>
<td>A</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>B</td>
<td>61</td>
<td>8</td>
</tr>
<tr>
<td>C</td>
<td>326</td>
<td>41</td>
</tr>
<tr>
<td>D</td>
<td>172</td>
<td>21</td>
</tr>
<tr>
<td>E</td>
<td>227</td>
<td>28</td>
</tr>
<tr>
<td>Unrated</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>803</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

- Two product-specific premises are currently subject to inspection/approval under EC Regulation 853/2004 (Wright’s Pies and Dairy Crest).

2.4.2 Access to the food safety service:
Food safety officers are located on the second floor of the Town Hall, Coton Road, Nuneaton, Warwickshire CV11 5AA. Service users can contact officers in the following ways:
- In person or by telephone between 9am – 5 pm Monday to Friday, via the Council’s Contact Centre located in the Town Hall, Coton Road, Nuneaton. Tel: (024) 7637 6328/ 6404
- Officers may also be contacted on dedicated telephone extensions, usually between 9am – 5 pm Monday to Friday. Such contact might also be made between 8 - 9am and 5 - 6pm if the officer is at work.
- By fax on (024) 7637 6214
- By e-mail: env.health@nuneatonandbedworth.gov.uk
- Via the Council’s website – www.nuneatonandbedworth.gov.uk
- An arrangement also exists through the Council’s Out of Hours service (Tel. (024) 7638 2153) whereby officers can be contacted to respond to emergencies.

2.4.3 External Factors
In delivering the food safety service, the following factors are of relevance:
- There are approximately 40 food businesses in the Borough where the proprietors or employees do not speak English as their first language.
- Officers may be called upon to respond to unforeseen demands or emergencies in non-food safety areas of work such as accident notifications (subject to competency). In 2011-12 officers are also likely to be more involved in monitoring compliance with licensing legislation as a result of a review/realignment of service delivery within the BRS Team.
- There are regular open markets held in both Nuneaton and Bedworth. There may be occasional continental markets, which feature food stalls. There are also large public events such as town carnivals and occasional entertainment events at a local stately home which attract food vendors.

2.5 Enforcement Policy

2.5.1 Nuneaton and Bedworth Borough Council formally adopted the principles of the Enforcement Concordat in July 2000, committing it to good enforcement policies and procedures. The Council subsequently agreed, in February 2001, a corporate Enforcement Policy and this was updated in 2009. An enforcement
policy for Planning and Public Protection was introduced in 2006 and was updated in 2009.

2.5.2 The Council will also have regard to the Code for Crown Prosecutors’ Guidelines when considering prosecution of offences.

SECTION 3: SERVICE DELIVERY

3.1 Food Premises Inspections

3.1.1 It is the Council’s policy that routine food hygiene inspections are:
- Carried out in accordance with the Food Standards Agency Code of Practice (CoP) issued under the Food Safety Act 1990 (and associated Practice Guidance), and other recognised guidance such as that issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS).
- Focused on risk, giving greater priority to higher risk premises and any premises requiring approval under product-specific hygiene legislation.

3.1.2 Officers will determine the inspection frequency using the risk rating scheme defined in the CoP. This establishes risk by reference to three factors:
1. Potential hazard
2. Compliance
3. Confidence in Management/Control Systems

Minimum inspection frequencies are detailed in the CoP. A projection of the (programmed) premises inspection workload for the period 1st April 2011 to 31st March 2012 is given below:

<table>
<thead>
<tr>
<th>Risk Category</th>
<th>Projected No. of Programmed Inspections (as at 6th April 2011)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>12</td>
</tr>
<tr>
<td>B</td>
<td>60</td>
</tr>
<tr>
<td>C</td>
<td>239</td>
</tr>
<tr>
<td>D</td>
<td>88</td>
</tr>
<tr>
<td>TOTAL</td>
<td>399</td>
</tr>
</tbody>
</table>

Note:
a. All new catering or manufacturing food businesses will receive an initial inspection as a matter of priority, wherever possible before opening. Other new (low risk) food businesses will be inspected as soon as can be accommodated within the work programme and in any case no later than 3 months after opening.
b. Low risk food businesses (Category E) are covered by an approved Alternative Enforcement Strategy, comprising self-assessment questionnaires and a combination of random and follow-up inspections.

3.1.3 All officers undertaking inspections, investigating complaints, giving advice and taking samples will be authorised in accordance with the qualifications and experience laid down in the CoP.
3.1.4 Helping businesses understand and comply with the Food Hygiene (England) Regulations 2006, particularly with the important requirement for a documented food safety management system, continues to form a major element of the work of the food safety team. The Food Standards Agency (FSA) package to help caterers comply with the requirement for a documented system is Safer Food Better Business. The Council actively promotes this package and also has close links with the Catering and Hospitality Department at North Warwickshire & Hinckley College, who deliver occasional SFBB workshops throughout the year. Officers will also be focussing on the ‘Four Cs’ of the FSA national food hygiene campaign as follows:
- chilling
- cross-contamination
- cooking
- cleaning

3.1.5 Revised guidance in the FSA Code of Practice (CoP) has allowed local authorities to adopt alternative enforcement strategies instead of ‘primary’ inspections for lower risk food businesses. The latest revision of the CoP introduces the concept of interventions (as opposed to just inspections) that can be used by LAs in dealing with food businesses. It is the intention that the scope for utilising a range of interventions, in accordance with guiding principles contained in the CoP, will be considered in 2011-2012.

3.2 Food-related Complaints

3.2.1 Food-related complaint work generally falls into one of the following broad categories:
- complaints about food businesses (hygiene, pests, food handlers etc.)
- food complaints (foreign bodies, mould etc.)
- food labelling (‘use by’ date contraventions only)

3.2.2 The Council receives about 56 complaints about food products every year and almost 219 other food-related service requests.

3.2.3 Service requests are investigated in accordance with established policies, procedures and guidance notes. The initial response will in any event be within 3 working days but can be sooner (immediate or within 24 hours) if the complaint is of a more serious nature (e.g. a significant food complaint, an allegation of food related illness or of a potentially hazardous food handling practice).

3.2.4 A significant number of food complaints relate to food sold in the borough but manufactured elsewhere in the UK or abroad. These investigations can be more lengthy and time-consuming where they involve liaison with other food authorities and assessment of any supplied documentation.

3.3 Home Authority Principle (HAP) Activity

3.3.1 The authority endorses and supports the Home Authority Principle as advocated by Local Government Regulation (LGR). The Food Safety Team gives advice to
companies and other food authorities on either a ‘Home Authority’ or ‘Originating Authority’ basis.

3.3.2 In 2001 the authority entered into a Home Authority arrangement with the Heart of England Co-operative Society Ltd., which has its headquarters in Nuneaton. The Team will be receptive to the development of a home authority relationship with other local businesses, subject to adequate resources being available.

3.3.3 The Primary Authority Scheme is a new statutory initiative (under the Regulatory Enforcement and Sanctions Act 2008) designed to ensure more consistent regulation of businesses that trade across council boundaries. At the time of writing the Local Better Regulation Office (LBRO) is seeking to increase the number of partners operating in the scheme. The ability of the service to participate in the any requested partnership scheme would depend on (staff) resources available.

3.4 Advice to Businesses

3.4.1 The authority is committed to helping food businesses comply with food law. It sees itself as a major facilitator of knowledge and understanding in all issues relating to food safety. It will do all it can to maximise access to relevant sources of information and advice and to encourage continual progress in standards of food hygiene and safety through these endeavours.

3.4.2 The food safety service provides free and full advice to food businesses to help them comply with food law. This is done in the following ways:
  - most frequently through on-site discussions with proprietors and managers during the course of inspections and other visits
  - the distribution of free advice leaflets published by the FSA and others, including leaflets in minority languages
  - through responding to requests for advice (approximately 315 per year)
  - the preparation and distribution of newsletters to all food premises
  - facilitation of awareness of food hygiene training providers
  - the team has developed a ‘Support for Ethnic Food Businesses’ section on its website, giving direct links to relevant websites and ethnic minority versions of food safety leaflets as well as publicising food hygiene training delivered locally in ethnic minority languages.

3.4.3 The food safety service also maintains a comprehensive information/support system for food businesses - ‘Food Safety Matters’ (www.nbbcfoood.info) - containing content on food hygiene and healthy eating.

3.4.4 The authority is presently considering participation in an online food hygiene rating scheme, with the main choice of options being between ‘Scores on the Doors’ and the FSA promoted ‘Food Hygiene Rating System’. Access to an online food hygiene rating scheme will allow members of the public to view the hygiene ratings of food premises, to have a degree of assurance about hygiene standards and to make an informed choice when selecting somewhere to eat.
3.5 **Food Inspection and Sampling**

3.5.1 The food safety service will undertake microbiological food sampling activities in accordance with the West Midlands and Warwickshire Food Surveillance Group Programme which incorporates local plans and Local Government Regulation protocols. Food and environmental samples are likely to be taken from the following types of food business:
- those engaged in the handling or preparation of high risk foods
- those selling foods identified for sampling as part of national or regional sampling programmes
- premises selling food subject to consumer complaints

3.5.2 All sampling undertaken by officers will be done in accordance with:
- relevant legislation
- CoP/Practice Guidance issued by the FSA
- Guidance from LGR and other recognised bodies
- departmental standard operating procedures and guidance notes

3.5.3 As a baseline figure the food safety service aims to sample those foods specified for each local authority in microbiological survey programmes. This currently equates to approximately 120 samples, subject to the availability of the foods being sampled.

3.5.4 Environmental swabs and samples of food and water requiring microbiological analysis are examined by the Council’s Food Examiner - the Birmingham Good Hope Hospital.

3.6 **Investigation and Control of Outbreaks and Food-Related Infectious Disease**

3.6.1 The food safety service will investigate food-related infectious disease notifications in accordance with procedures agreed with the Consultant in Communicable Disease Control (CCDC). All notifications are recorded, and necessary investigations are deemed to require an urgent response (immediate or within 24 hours, depending on circumstances). Investigations are carried out in accordance with the departmental standard operating procedure and, if applicable, the Outbreak Control Plan produced by the CCDC, in consultation with the local authorities.

3.6.2 The Team receives more than 100 notifications of food-related infectious disease every year. In the event of an outbreak, officer deployment will be significantly higher due to the intensive staffing demands in controlling the spread of infection in the community, identifying the source and investigating potential offences.
3.7 Food Alerts

3.7.1 The food safety service will, on receipt of any food alert (concerning serious problems where food does not meet food safety requirements or where some constituents are found to be allergenic), respond as appropriate and in accordance with:
- the departmental standard operating procedure
- the FSA CoP and practice guidance
- instructions issued by the FSA

3.7.2 Emergency cover is provided out of hours by officers who can be contacted through the Council’s emergency call-out service.

3.7.3 Given the nature of food alerts it is difficult to quantify, with any accuracy, the likely work demand and resources required. It is estimated that approximately 70 food alert warnings will be received requiring different levels of action.

3.8 Liaison with Other Organisations

3.8.1 The Council is committed to ensuring that the enforcement approach is consistent with other local authorities. Accordingly, it is a member of the following:
- Warwickshire and Coventry Food Liaison Group
- West Midlands and Warwickshire Food Surveillance Group
- Warwickshire Combined Health Protection Forum

3.8.2 The food safety service also looks to benchmark its activities, with the aim of continual improvement. In addition to considering good practice identified by the FSA during its audits (and which are posted on the website) it also seeks opportunities to process benchmark with authorities that receive good audit reports from the FSA. Consistency exercises within Warwickshire LA’s feature regularly in the Liaison Group’s annual training/competency programme.

3.8.3 The Food Liaison Group has also formed links with other agencies such as Warwickshire CC Trading Standards, the Food Standards Agency (regional officers), the Health Protection Agency and local public health laboratories and Severn Trent water Ltd.

3.9 Food Safety Promotion

As it has been estimated that between 40 - 60% of food poisoning outbreaks arise as a result of poor food handling in the home, the Team is committed to the promotion of food hygiene/safety for all residents of the borough. This activity is a complementary strand to the promotion of food safety to food businesses and food handlers. Promotional work typically includes support for the National Food Safety Week and the FSA Food Hygiene Campaign (the ‘4 Cs’).
3.10 **Team Management**

Management of the Team has both strategic and operational considerations. As regards the former, contributing to the Corporate Plan objectives, and ensuring the service is able to meet the demands placed upon it by new EC legislation, the revised FSA Code of Practice and Practice Guidance and the FSA Framework Agreement are seen as the main management objectives. Operational management includes ensuring a customer-focused service, monitoring the quality and quantity of work undertaken, holding regular meetings (both individual and team) and reviewing, on regular basis, compliance with policies and procedures relevant to the Team.

**SECTION 4: RESOURCES**

4.1 **Financial Allocation**

4.1.1 The cost of the Business Regulation and Support service for 2011/2012 is projected to be £406,425. In the event of legal proceedings having to be taken, any associated 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.

4.1.2 Investment in IT results in all enforcement officers having access to a desktop terminal containing Civica Flare Environmental Health software and MS Office (Word, Excel, Outlook and PowerPoint). All officers have access to the Internet and a comprehensive on-line professional information system. Officers also receive EH Bulletin and relevant EHCNet messages directly to their screen. The Council achieved 100% electronic access to services in 2005.

4.2 **Staffing Allocation**

4.2.1 Details of 2011-12 staff resources and competencies in food law enforcement and related matters is as follows:

<table>
<thead>
<tr>
<th>Post</th>
<th>Post No.</th>
<th>FTE (food work)</th>
<th>Competency Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Environmental Health</td>
<td>EP015</td>
<td>0.1</td>
<td>Lead Officer for Food Hygiene Higher Risk Establishments Approved Premises Service of (H) INs Service of (H) EPNs Service of RANs/DNs Inspection, Detention &amp; Seizure of Food</td>
</tr>
<tr>
<td>Principal Environmental Health Officer</td>
<td>EP013</td>
<td>0.3</td>
<td>Higher Risk Establishments Approved Premises Service of (H) INs</td>
</tr>
<tr>
<td>Senior Environmental Health Officer</td>
<td>EP016</td>
<td>0.75</td>
<td>Service of (H) EPNs Service of RANs/DNs</td>
</tr>
<tr>
<td>Position</td>
<td>Code</td>
<td>FTE</td>
<td>Responsibilities</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>------</td>
<td>-----</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Senior Environmental Health Officer</td>
<td>EP017</td>
<td>0.75</td>
<td>Inspection, Detention &amp; Seizure of Food</td>
</tr>
<tr>
<td>Senior Environmental Health Officer – job share (.54 FTE)</td>
<td>EP022</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Technical Officer (Food Safety)</td>
<td>EP021</td>
<td>1.0</td>
<td>Authority to enter food premises</td>
</tr>
<tr>
<td>Technical Officer (Food Safety / Business Support)</td>
<td>EP019</td>
<td>1.0</td>
<td>Sampling Reactive/complaint-based work</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Support work for inspections</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lower risk inspections</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Infectious disease control</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>4.2</td>
<td></td>
</tr>
</tbody>
</table>

4.2.3 On occasions, it may prove necessary to employ external contractors as consultants in order to deliver elements of the Team’s workload. This could arise, for example, when a specific intervention is sought to assist in achieving an important objective in the team’s work, e.g. the successful completion of the premises inspection programme. Any consultant so engaged will be required to meet all relevant competency criteria, as specified in the Food Standards Agency Code of Practice.

4.2.4 All food law enforcement officers meet the relevant qualification/competency criteria for their areas of work as specified in the FSA CoP (section 1.2.9 refers).

4.3 **Staff Development Plan**

4.3.1 The structure to ensure competency comprises:
- the employment of enforcement officers capable of food law enforcement
- evidence of formal qualification (copy of original qualification certificates prior to commencement of work)
- assessment of training needs so as to meet competency requirements, as part of annual employee reviews

4.3.2 Great importance is attached to the maintenance and development of professional and technical knowledge. In addition to an extensive, fully indexed technical library of more than 300 items currently (all made freely available to view to local businesses), the Council also subscribes to the following:
- EHCNet
- A professional on-line information service

4.3.3 The highly technical and continually changing nature of food safety work means that officers need to attend courses, seminars and training sessions on specialist food safety issues. The Council will ensure that officers in the food safety service are appropriately qualified and receive regular training to maintain and develop their competency. During 2011/2012 all officers will have access to the equivalent of at least 10 hours update training on food-related topics, in accordance with the qualification requirement contained in the FSA CoP.
SECTION 5: QUALITY ASSESSMENT

5.1 Quality Assessment of Food Safety Work

The following monitoring arrangements are in place and subject to periodic review, to assist in the quality assessment of the work carried out:

- inspection feedback questionnaire sent out to businesses after an inspection
- a quality procedure for accompanied inspections and review of post-inspection paperwork by the team leader
- peer review of risk ratings
- regular team meetings
- annual employee reviews, supplemented by regular 1:1 meetings
- commitment to participate in benchmarking activity

SECTION 6: PERFORMANCE REVIEW

6.1 Review of Service Plan - Introduction

Information relating to the main planned performance of the food safety service is reported on a monthly basis to the Cabinet Member for Regeneration and Public Protection. Performance against national and local indicators is reported to the Environment Scrutiny Panel and published on the Council’s website/Intranet. Any variance from meeting the requirements of the service plan is identified, together with explanations or proposals to address the variance.

6.2 Areas of Improvement

6.2.1 Any specific service or activity issues identified by routine monitoring for improvement will be recorded as necessary and addressed in an appropriate forum (one-to-one meetings with officer, Team meetings or Management Team meetings).

6.2.2 The table below shows the areas of improvement that were planned during 2010/2011, together with their status:
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Action</th>
<th>Planned Outcome</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>Complete the revision and updating of all food safety procedures and policies.</td>
<td>Full compliance with FSA Framework Agreement. High standards of service quality and consistency delivered to businesses and consumers alike.</td>
<td>Almost completed.</td>
</tr>
<tr>
<td>F2</td>
<td>Consider the introduction of alternative interventions, as detailed in the FSA CoP, Section 4 - ‘Interventions’.</td>
<td>Application of a more flexible and proportionate level of regulatory and enforcement activities to food businesses.</td>
<td>Planning to introduce any changes after review and updating of procedures.</td>
</tr>
<tr>
<td>F3</td>
<td>Consider the introduction of online access to hygiene ratings of food businesses – ‘Scores on the Doors’ – in accordance with the recommended FSA national scheme(s), when established.</td>
<td>Empowerment of consumers. Additional tool to encourage higher levels of compliance by food business proprietors. Improvement in the level of ‘broad compliance’ by food businesses in the borough (NI 184)</td>
<td>Two main schemes now available and now under more detailed consideration.</td>
</tr>
<tr>
<td>F4</td>
<td>Achieve compliance with EU Services directive</td>
<td>Online access to information and the facility to submit applications for licensing etc of relevant business activities.</td>
<td>Completed</td>
</tr>
<tr>
<td>F5</td>
<td>Development of an integrated Business Support Service for Small &amp; Medium Sized Enterprises (SMEs) (supported by a specialist Technical Officer)</td>
<td>Improved advice and support for smaller businesses covering all regulatory services</td>
<td>No progress but officer appointed into post in April 2011.</td>
</tr>
</tbody>
</table>
### 6.2.3 The key programmes for 2011/12 will be as follows.

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Action</th>
<th>Planned Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>Complete the revision and updating of all food safety procedures and policies.</td>
<td>Full compliance with FSA Framework Agreement. High standards of service quality and consistency delivered to businesses and consumers alike.</td>
</tr>
<tr>
<td>F2</td>
<td>Consider the introduction of alternative interventions, such as those detailed in the FSA CoP, Section 4 - 'Interventions'.</td>
<td>Application of a more flexible and proportionate level of regulatory and enforcement activities to food businesses.</td>
</tr>
<tr>
<td>F3</td>
<td>Conclude assessment of options for online access to hygiene ratings of food businesses.</td>
<td>Empowerment of consumers. Additional tool to encourage higher levels of compliance by food business proprietors. Improvement in the level of 'broad compliance' indicator by food businesses in the borough</td>
</tr>
<tr>
<td>F4</td>
<td>Development of Business Support activities for Small &amp; Medium Sized Enterprises.</td>
<td>Improved advice and support for smaller businesses covering relevant regulatory services</td>
</tr>
<tr>
<td>F5</td>
<td>Undertake an interventions project to work with caterers and butchers on action to prevent cross contamination with E. coli O157. To consider incorporating sampling visits as part of the project.</td>
<td>Promote/ensure compliance with new/updated FSA guidance on E. coli O157.</td>
</tr>
</tbody>
</table>

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Other language information temporarily removed due to size of file