

SERVICE AND ENFORCEMENT PLAN

FOOD SAFETY

2023-2024

“MAKING EVERY INSPECTION COUNT”



Summary

This Service Plan:

- Sets out the key activities the service area delivers;
- Reflects on the key service activity and achievements for 2022-2023;
- Sets out the key targets for the service area and the resources allocated to achieve these targets;
- Identifies the main risks and performance measures associated with the delivery of the service;
- Provides a high-level action plan for the service.

Contents

1. Introduction
2. Description of Service
3. Links to the Joint Strategic Plan
4. Resources
5. Service Delivery
6. Enforcement
7. Performance and Review
8. Challenges to service delivery & Risk Management
9. Service Action Plan

1. Introduction

Brexit Arrangements and future Enforcement.

From January 1st 2021 the UK left the European Union. Guidance was supplied to our businesses who currently export to the EU and those businesses who are 'Approved' have had to make changes to their identification marking. We continue to support those businesses who wish to export and assist with the provision of Export Certificates and Attestations when we are authorised to do so. Food Hygiene legislation, as existed before the UK departed the EU, has been 'retained' and currently continues in much the same form as before.

However, the UK Government has announced its intention to end the use of 'retained' legislation with effect from 31 December 2023. The intention is that any controls considered still necessary will be incorporated into national legislation. To give effect to this decision, in September 2022 the Government introduced a Bill to Parliament, the [Retained EU Law \(Revocation and Reform\) Bill](#). At the time of writing the bill is currently on its third reading in the House of Lords. The Bill does however allow for some measures to be continued although only until 23 June 2026. Although present amendments to the bill suggest this 'sunset' clause will be removed.

This will likely have an impact on business and regulators alike as we all come to terms with a new regulatory landscape. The current steer for the Food Standards Agency is available here <https://www.food.gov.uk/board-papers/retained-eu-law-revocation-and-reform-bill-2022> For the moment, the key extracts below suggest that, given the number of laws requiring review, the FSA will request extension until 2026:-

The FSA has identified 113 individual substantive pieces of REUL covering food and feed safety and standards in England and at least a further 39 pieces of REUL that are specific to our remit in Wales on matters to do with food composition and labelling. In addition, individual retained legislative authorisations, which allow animal feed products (c.500 pieces) and GM products (c.200 pieces) to be sold legally in the UK, are also technically individual pieces of REUL. So, in total, the FSA advises ministers on over 800 pieces of REUL that are subject to review under this Bill.

Preserve/Extend: We expect to advise ministers to preserve (or extend the sunset date for) the vast majority of our REUL before the end of 2023. This will ensure we continue to have a system that maintains the safety and standards of food for consumers, and to comply with international trade requirements. This will give us time to carry out reforms in phase 2. We believe this could be done by listing the pieces of REUL to be preserved or extended in one or more statutory instruments.

Covid 19, Ongoing Impacts and Consultation on New Food Hygiene Delivery Models.

The Environmental Health team was heavily involved with the Covid 19 response across both Council areas and responded to many service requests and complaints received by the public. It also was responsible for liaising with business settings undergoing workplace transmission supported by and with partners at the County Council public health teams, Trading Standards and the Police. As a result of the additional workloads on Environmental Health teams nationally, the Food Standards Agency introduced emergency measures to alleviate the requirements for normal food safety interventions. The 'Covid Recovery Plan' covered the period to 31 March 2023 after which time we expected to see a replacement of the current delivery model for all categories of food premises.

However, this new 'Delivery Model' has not yet been delivered and the Food Standards Agency are expecting the implementation of a new Food Hygiene Delivery Model for 2025/2026.

The Councils' officers have, with the assistance of third party contractors funded by Covid funding, continued to inspect all categories of premises so as to maintain 'Business as Normal' wherever possible. As a result of the decisions taken in early 2020, both HPBC and SMDC have maintained a much higher level of food safety inspections when benchmarked with other local authorities.

Year Ending 2023 Figures

HPBC Overall %age PROGRAMMED inspections A-D (228/234)	97.5%
HPBC NEW PREMISES receiving physical inspection by 31 March 23	137
SMDC Overall %age PROGRAMMED inspections A-D	100%
SMDC NEW PREMISES receiving physical inspection by 31 March 23	146

Scope.

The Food and Safety Service Plan is an expression of the Council's continuing commitment to the provision of the Food Safety, Health and Safety and ancillary Services. It covers the key areas of Food Safety and Health and Safety enforcement and the relevant management arrangements and objectives against which High Peak Borough Council and Staffordshire Moorlands District Council will monitor service delivery.

It has been compiled in accordance with the guidance issued by the Food Standards Agency (FSA), including information required by the Framework Agreement on Local Authority Food Law Enforcement:

<https://acss.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

and guidance issued by the Health and Safety Executive (HSE) under the Health and Safety Executive National Local Authority Enforcement Code. LAC 67/2 Rev 12 2023-2024 <https://www.hse.gov.uk/lau/lacs/67-2.htm>

Section 18 (4) of the Health and Safety at Work etc. Act 1974 specifically places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of Health and Safety and the Code sets out what is meant by 'adequate arrangements for enforcement'.

This service plan makes clear what both Councils will put in place to ensure that there are adequate arrangements for food safety and health and safety enforcement and how they will take account of local needs whilst contributing to current FSA and HSE priorities.

The plan also identifies other work undertaken by the Food and Safety team and objectives relating to that work.

2. Description of Service

Specific functions undertaken by this service area.

The Food and Safety team provides a range of regulatory services to the business community and the general public as follows:

- Food Safety. Sustaining and improving the standards of safety and quality of food manufactured, prepared and supplied in the High Peak and the Staffordshire Moorlands through proactive intervention including inspection and sampling.
- Health and Safety. Ensuring that risks in the workplace for both workers and the public are properly and proportionally managed in accordance with LAC 67/2 where the Council is the Enforcing Authority.
- Infectious Diseases. Investigating incidents of infectious diseases to control spread and identify causes.
- Health Promotion and Education. Providing training for food handlers, running campaigns on food safety and hygiene, supporting County Council Initiatives across the Public Health sphere.
- Our business customers rely on the food and safety service to maintain a level regulatory playing field in the markets in which they operate so that non-compliant businesses do not gain a competitive advantage. They expect us to be consistent and fair, providing advice and guidance when it is needed, using enforcement tools when appropriate.
- The public expect us to ensure that they are protected and, increasingly, that they have access to information that allows them to make educated choices about the businesses they engage with. Maintaining the National Food Hygiene Rating Scheme data.

The service area operates in the following way.

The Food and Safety team is comprised of fully qualified Environmental Health Officers who are required to meet and maintain high standards of training and competency.

The members of the team at the time this service plan was written are as follows:

- Head of Environmental Health & Food Lead Officer (Alicia Patterson)
- Principal Environmental Health Officer (David Green)
- Environmental Health Officers (P Forrester, J Weston, H Wilkinson, J Cooper, H Jones) 3.78 FTE across both Councils.
- The service will also draw on contractors for routine food hygiene inspections as and when required to help maintain a successful inspection rate.

The service operates through a combination of programs, interventions and projects endeavouring to ensure that people are encouraged to make healthy choices, have safe food, water and workplaces and that all businesses are supported in creating an environment where this is possible. It supports the stated values of the two Councils, notably, in the following ways:-

- **Our People**

Ensuring that team members are given opportunities to maintain and develop professional competency, have a voice in the wider organisation and are supported in the often challenging work that they do.

- **Our Customers**

Providing active support to businesses so that they can be compliant whilst ensuring consumers and the wider public are protected.

- **Being Open and Honest**

Providing businesses with clear information and that anyone who uses our services or comes into contact with them has an understanding of the basis of our decision and our actions. Responding to requests for information with speed and accuracy.

- **Taking Ownership**

Members of the team make frequent decisions that have a direct impact on businesses and the public in general and are fully prepared to provide justification of those decisions.

- **Being Ambitious**

The overarching purpose of the service is to ensure that High Peak and Staffordshire Moorlands are places where businesses can operate safely, and the public can be confident that they are protected from non-compliant activity. Our ambition is to be part of an integrated business and public protection network coordinated across Derbyshire and Staffordshire.

The team works closely with other organisations, in particular Trading Standards and the Public Health teams, the County Councils, the Food Standards Agency, Health and Safety Executive and Fire and Rescue Teams.

The key outcomes delivered by the service are year on year improvements in the standards of food businesses and the control of locally identified workplace health and safety risk.

3. Links to the Corporate Plans

The Food and Safety service supports the broad visions of the Councils relating to business growth and increased productivity and will continue to contribute to creating an environment in which we support businesses and their growth ambitions, helping them to become more sustainable.

Food Businesses are central to the economy of the two authorities and food safety is important to the wellbeing of residents, visitors and other consumers of food produced in the area. Consequently, one of the fundamental purposes of the Food and Safety service is to sustain and improve standards of safety and quality of food manufactured, prepared and supplied in High Peak and the Staffordshire Moorlands. To achieve this, the service works to support individual food businesses and provides a level regulatory playing field for them through advice, risk-based audits, complaint investigation, training and a programme of sampling as well as through the use of formal enforcement when this proves necessary.

Sampling programmes are principally chosen and driven by National Studies instigated through the activities of the National food safety liaison groups and National priorities identified by data from the Food Standards Agency and the National Food and Water Laboratory services, with whom we have a Service Level Agreement.

The continued use of the publicised National Food Hygiene Rating System (NFHRS) will give well run food businesses the opportunity to demonstrate how good they are in relation to their competitors. Businesses are becoming increasingly aware of the information provided to consumers and reinforces the need to maintain good standards. Furthermore, online platforms such as Just Eat/Uber Eats/Deliveroo and other food 'aggregators' generally require a minimum food rating of Level 3 before a business is allowed to trade on their platforms. This combination continues to drive standards upwards.

Ongoing lobbying from the Food Standards Agency to Central Government is attempting to make the display of Food Hygiene Rating stickers mandatory as is already in force in the devolved regions.

The purpose of the service, with regards to Health and Safety at Work, is to work in partnership with businesses, the Health and Safety Executive, and other local authorities within Derbyshire and Staffordshire to protect people's occupational health, safety and welfare.

To achieve this, the service will endeavour to ensure that risks in the workplace are properly and proportionally managed through:

- Targeted and risk-based interventions in accordance with LAC 67/2.
- Investigation of complaints where appropriate.
- Investigation of accidents and dangerous occurrences in accordance with the HSE Incident Selection Criteria.
- Thorough business support so that businesses are helped to achieve sustainability and resilience by providing safe places to work.

One of the few positive outcomes from Covid 19 is that both teams have now developed stronger links with the County Council Public Health teams and still attend regular ongoing Liaison group meetings on a number of Public Health topics.

4. Resources

Financial.

The service is split 50/50 between both Councils as there are very similar levels of service demand and numbers of relevant business premises in both authorities.

Staffing Allocation.

For 2023/2024 the Food and Safety service establishment across the Alliance is currently:

- 1 x Principal Environmental Health Officer FTE
- 3.78 x Environmental Health Officers. FTE
- Designated Lead Food Officer role is performed by Head of Service

All members of the service team carry out food safety related work.

The Councils are designated as Food Authorities as defined in the Food Safety Act 1990 and are required to prepare and publish an annual service plan. This plan has been prepared in accordance with “The Framework Agreement on Local Authority Food Law Enforcement” published by the Food Standards Agency.

5. Service Delivery

Food Safety – Inspection of Food businesses.

The Councils are committed to carrying out inspections at a frequency that is not less than that determined by the Food Law Code of Practice. At the first of April 2023 the service had an expectation to carry out 1558 routine food safety interventions scheduled for the period of 1st April 2023 to 31st March 2024 of which 1058 of these are expected to be physical on site inspections.

As in previous years, the concentration of activity for qualified officers will be in carrying out all higher risk and 'Approved' premises inspections due as part of the inspection program.

Usually, inspections of food businesses do not need a follow up until the next scheduled date as calculated by the risk scoring matrix detailed in the Food Law Code of Practice. The scoring matrix takes in to account a number of factors including the assessed inherent risks in the type and quantity of food being produced or sold, the structural condition of the premises (including cleanliness) the standard of food handling and the confidence an officer has in the management of the business.

Compliance: Revisits are made if a Food Hygiene Rating Score is Zero, 1 or 2.

A rating of 3 or above is considered Broadly Compliant or Generally Satisfactory and will not normally generate an automatic revisit. A rating of 2 or below is considered non-compliant to the extent that it is not appropriate to leave them until the next scheduled date. Compliance revisits will be made at an interval deemed appropriate by the inspecting officer. This timescale may vary from 1 day to 1 month and is determined by the level of risk and severity of breach witnessed.

A compliance revisit will not necessarily generate a new Food Hygiene Rating Score and businesses therefore may remain displaying a low rating on the NFHRS portal even when improvements have been made, and the business is deemed compliant, because the Food Business Operator fails to apply for a formal Rerating visit (this is different to a Compliance Revisit).

Rerating visits are currently made at no charge to the operator if requested at least 3 months after the initial inspection. If an operator wishes to apply for a rerating before 3 months has elapsed then a fee is required as per the Brand Standard. For operators who have paid the fee and can demonstrate they have addressed the issues found at

inspection then the compliance and rerating visit can be combined to save resource.

In line with the Food Law Code of Practice and most Local Authorities, interventions other than physical inspections have been adopted in respect of certain low risk premises. Such businesses fall under an Alternative Enforcement Strategy. For the lowest risk businesses, a telephone call is made to the business in order to assess where there have been any changes since the last intervention. A low risk questionnaire will be completed by the officer or sent to the business, and the extent of the business and the level of food safety control will be assessed. The Authority's Low Risk Questionnaire/Audit has been modified and fine tuned over the years and is now also available for completion Online as a digital resource. This allows the Authority to deliver a request to the business to complete digitally via email and reduces paper and postage costs. For those businesses without digital access then the postal service is still used.

Unfortunately, due to non-response, some low risk premises may still need to be visited by an officer to gather information regarding food safety. Questionnaire response will sometimes determine that a business has expanded their operation and now falls in to a higher risk bracket, and requires physical inspection.

It is possible to use an officer not qualified, in accordance with the Code of Practice, to do the initial work, thereby maximizing the use of resources.

The breakdown of food safety interventions due in 2023/2024 is as follows for both authorities as at 1st April 2023.

CURRENT RISK RATING	SMDC	HPBC		TOTAL FOOD BUSINESSES REGISTERED ALL CATEGORIES AS AT 22 MAY 2023	
				SMDC	HPBC
CATEGORY A DUE	0	2		CATEGORY A 0	CATEGORY A 3
CATEGORY B DUE	29	21		CATEGORY B 28	CATEGORY B 19
CATEGORY C DUE	88	88 +4 o/s		CATEGORY C 148	CATEGORY C 133
CATEGORY D DUE	199	209+5 o/s		CATEGORY D 346	CATEGORY D 397
CURRENTLY UNRATED PREMISES REQUIRING PHYSICAL INSPECTION	73	40		CATEGORY E 524	CATEGORY E 517
				UNRATED 50	UNRATED 40
				TOTAL 1096	TOTAL 1109
PROJECTED NUMBER OF NEW PREMISES TO BE INSPECTED. NEW BUSINESSES REGISTERING THROUGH THE YEAR	150	150			
EXPECTED TOTAL PHYSICAL ON SITE INSPECTIONS	539	519			
CATEGORY E PREMISES OUTSTANDING AS NOT RESPONDED	101	94			
CATEGORY E PREMISES PROGRAMMED AS DUE 23/24	172	133			
TOTAL INTERVENTIONS DUE 23/24	812	746			

Note. Not all interventions are physical inspections. Category E premises are mostly self audited due to low risk.

There are 2205 registered food premises on the Staffordshire Moorlands and High Peak database at 22nd May 2023, of which 18 are 'Approved' under EC Regulation 853/2004. In addition to food businesses that are based in the two Councils, there are a variety of events and occurrences that involve visiting food businesses where the food and safety team need to spend some time ensuring food safety. These include regular markets, fairs, shows and carnivals.

The risk rating of food businesses determines the frequency of intervention, and includes amongst others, three main factors:

Hygiene.

Is food handled hygienically and under the appropriate conditions?

Structure.

How clean, and how capable of being cleaned is the premises?

Confidence in management.

The level of past compliance and likely future compliance by the operator. A review also of their food safety management systems

The above factors are used to calculate the Food Hygiene Rating for those businesses that are in scope of the scheme. In addition other factors such as the type of food involved, any additional high risk practices, the type and number of consumers at risk and the type of venue all combine to provide an overall numerical based risk score. The higher the number then the higher the Category and thus the more frequent the intervention. Higher risk premises (Cat A or B) do not by default mean they are poor performers but possibly that they have vulnerable groups (Care Homes) or have higher risk processing (Vacuum Packing/Cook Chill Manufacturers)

Food Complaints and complaints about food premises.

Both Councils investigate all complaints it receives relating to food where it is the enforcement authority responsible. Additionally officers will liaise with Home, Primary and Originating Authorities as appropriate. The Food Safety service aims to make a first response to this type of complaint within three working days.

Advice to Businesses.

Officers are committed to building positive working relationships with food business operators (FBOs) and to work with them to help them comply with the law and to improve food safety standards. Increasingly officers will point businesses at web- based resources, particularly those produced by the FSA although, as with the changes relating to allergens, when appropriate, printed or email information is supplied. Both new and existing businesses are encouraged to contact the service for advice and are obliged by law to tell us when significant changes are made.

Training for Food Handlers.

The service does not currently have the capacity to routinely offer food hygiene training courses. Historically, we have officers who have been authorised to deliver CIEH courses but with the prevalence of cheaper courses available online the demand for such in house classroom based offers is no longer either requested or financially viable. We do offer advisory visits to new businesses but these are chargeable and reflected in the fees and charges.

National Food Hygiene Rating System (NFHRS).

The NFHRS is a system operated by the Food Standards Agency (FSA) and subscribed to by English local authorities, who are obliged for consistency and business safeguarding purposes to operate according to the scheme's 'Brand Standard'. The database and online platform is maintained by the FSA, whilst the Local Authority is required to upload to the database at regular intervals. The NFHRS continues to create a positive environment where the majority of business inspected have their rating displayed so that the general public are able to see the hygiene rating:

<https://ratings.food.gov.uk/>

Businesses are able to request a rescore visit from High Peak Borough Council and Staffordshire Moorlands District Council at any time after a rating is given following an inspection and dependant on the time elapsed from that inspection, a fee may be charged for this. There is no limit to the number of rescors a business can request.

Food Inspection and Sampling.

Food samples are taken either in response to complaints or as part of the Councils' proactive surveillance, this ensures that food produced or sold in High Peak or the Staffordshire Moorlands is safe to eat. The Councils also participate in a regional sampling programme, coordinated from the Derbyshire and Staffordshire Food Sampling Liaison groups. The National sampling program comes from Public Health England. Both programs provide intelligence that can help identify the focus of food safety visits.

2023/2024 planned sampling will include adopting National schemes including Study 78

- Study aim: To collect and use microbiological data to assess environmental hygiene and cleaning standards in catering premises.
- Sampling period: 7 months from 1st April 2023-31st October 2023.
- Sample types: Environmental samples including cloths, random area hygiene swabs and random area pathogen swabs.

And Study 77

- Sampling period: 12 months from 1st April 2023 – 31st March 2024
- Sample type: Any Ready To Eat (RTE) salad and salad components.
- Sampling location: Any producer/manufacturer, retail or catering premises providing RTE salad or salad components.
- Microbiological testing: Food samples will be tested for the enumeration of *Listeria*, *Escherichia coli*, coagulase positive *Staphylococcus*, *Bacillus cereus* and the detection of *Salmonella* and STEC. Only samples specified on the form will be tested as part of the study.

Export Health Certificates and Attestations.

Businesses exporting foodstuffs to non-EU countries have often needed the local authority Environmental Health service to certify that the food they are exporting is produced in a safe way. HPBC and SMDC provide this certification or attestation, as a chargeable service. More formal Export Health Certificates which are available as templates on the Animal and Plant Health Agency, are available for completion by Local Authority Food Competent Certifying Officers (FCCO), for fishery products only. FCCO officers are required to undergo specific training and certification by APHA before they are permitted to be issued with individual accreditation. The Alliance has 2 officers currently permitted to use these accreditations.

Health & Safety.

Section 18 (4) of the Health and Safety at Work etc. Act 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the two Councils have responsibility for the regulation of health and safety in the following types of businesses:

- Retail shops
- Wholesale shops, warehouses and fuel storage depots
- Offices
- Catering, restaurants and bars
- Hotels, camp sites and other short-stay accommodation
- Residential care homes
- Leisure and cultural services
- Consumer services
- Other premises (not classified above)

The full scope of businesses that fall to the Councils for enforcement are contained within the Health and Safety (Enforcing Authority) Regulations 1998.

Unlike Food Business registration, the requirement to register other businesses with Environmental Health has not been required since 2009. Accordingly, the Environmental Health team's database for non food businesses has been severely eroded over the years and therefore limits the service's ability to conduct project work and studies effectively. However, liaising with the commercial rates team, has provided some useful datasets which will facilitate this work.

Proactive Health and Safety interventions.

- HSE guidance (LAC67/2) gives local authorities the following overarching principle

regarding planning regulatory interventions:

- Local Authorities should use the full range of interventions available to influence behaviours and the management of risk.

The National local authority Enforcement Code (the Code) advises that local authorities should achieve targeted interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled and do this by:

- Having risk-based intervention plans focused on tackling specific risk;
- Considering the risk that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and
- Using national and local intelligence to inform priorities.

LAC 67/2 Rev 12 states that proactive inspection should only be used:

- a) For high risk premises/activities within the specific LA enforced sectors published by HSE; or
- b) Where intelligence shows that risks are not being effectively managed.

“No inspection without a reason” – reserve proactive inspections for higher risk activities in the sectors specified by HSE (Annex B), or where there is local intelligence showing that risks are not being effectively managed. (LAC 67/2)

Annex A - Summary of national planning priorities 2023 - 2024 This Annex sets out the 2023-24 local authority national planning priorities. Not all national priorities have a proactive inspection component.

1. Construction. Although most construction work is regulated by HSE, LAs should draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM clients, referring them to advice available <https://www.citb.co.uk/media/bwzklrv5/cdm-2015-clientsinteractive.pdf> In addition, there are a number of specific topic areas LAs should address during the course of their visits, as outlined below:

- Duty to manage asbestos
- Falls from height – work on/adjacent to fragile roofs/materials
- Health risks - respirable silica dust
- Health risks - Moving and handling construction materials

2. Visitor attractions to prevent or control ill health arising from animal contact.

3. Inflatable amusement devices.

4. Trampoline Parks – improved information provision and supervision of users.

5. Gas safety in commercial catering premises.

6. Electrical safety in hospitality settings.

7. Spa pools and hot tubs on display.

8. Welfare provision for delivery drivers.

9. Work related road safety.

10. Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins.

11. Promoting worker involvement in safety management systems.

12. Raising awareness of the work related stress and mental health campaign 'Working Minds' with businesses.

Annex B – List of activities/sectors considered suitable for proactive inspection

No	Type	Hazards	Potential Poor Performers within an Industry Sector	High Risk Activities
1	Safety	Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
2	Health	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions ¹	Lack of suitable micro-organism control measures
3	Safety	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution ²	Poorly managed workplace transport
4	Safety	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises ³	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment
5	Health	Occupational deafness	Industrial retail/wholesale premises ³	Exposure to excessive noise (eg steel stockholders).
6	Health	Industrial diseases / occupational lung disease (silicosis)	Industrial retail/wholesale premises ³	Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)
7	Health	Industrial diseases / occupational lung disease (cancer)	Industrial retail/wholesale premises ³	Exposure to all welding fume regardless of type or duration may cause cancer. (e.g. Hot cutting work in steel stockholders) Exposure to be controlled with LEV and or appropriate RPE. ⁴
8	Health	Occupational lung disease (asthma)	In-store bakeries ⁵ and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.

9	Health	Musculoskeletal Disorders (MSDs)	Residential care homes	Lack of effective management of MSD risks arising from moving and handling of persons
10	Safety	Falls from height	High volume Warehousing/Distribution ²	Work at height
11	Health	Manual Handling	High volume Warehousing/Distribution ²	Lack of effective management of manual handling risks
12	Safety	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
13	Health	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Safety	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality ⁶) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign
15	Safety	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators ⁷	Poorly managed fusing of fireworks

1 Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery. 2

Typically larger warehousing/distribution centres with frequent transport movements/work at height activity.

3 Includes businesses such as: steel stockholders; builder's and timber merchants.

4 Specific guidance available re welding fume on HSE's website at <https://www.hse.gov.uk/welding/protect-your-workers/index.htm>

5 For supermarket and other chain bakeries etc check to see if there is a Primary Authority inspection plan with more specific guidance. 6 Pubs, clubs, nightclubs and similar elements of the night-time economy.

7 Specific guidance on the application of the Explosives Regulations 2014 to the activities of professional firework display operators is available on the HSE website - www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf

As is clear from the above, there are significant constraints as to the interventions that Local Authorities are permitted to make and combined with resourcing pressures few proactive inspections are now made. There is scope, however, for identifying any Matters of Evident Concern that are highlighted by officers carrying out food inspections or any other premises that they may visit during the course of their routine activities. Nevertheless, the Health and Safety service at HPBC and SMDC has continued to operate proactively where there is a clearly identifiable need as well as providing an appropriate responsive service.

In 2023/2024 HPBC and SMDC proactive campaigns are intending to focus on:

Annex A Priorities.

- Infection Control within the Consumer Services premises such as tattooists, body piercing and micro blading. (Public Health rather than Health and Safety)
- Infection control where farm type animals are present for members of the public to interact with.
- Gas Safety in Commercial Catering Premises.
- Electrical Safety in Hospitality Settings.
- Work Related work safety for delivery drivers.

Annex B Priorities.

Annex B Activities

- Workplace Transport
- Excessive Noise Exposure
- Exposure to Welding Fumes
- Work at Height
- Manual Handling

In the following Premises

- High volume Warehousing
- Industrial Retail/Wholesale Premises

For our enforcement this will be primarily Steel stockholders/ Timber yards/builders yards/ and potentially woodworking/joinery as well as large distributors in the districts.

Accident Investigation.

The law requires employers to report certain types of work related accidents, diseases or dangerous occurrences. Food and Safety Officers will investigate the most serious of these reported incidents, providing they fall within the Incident Selection Criteria (as determined by the Health and Safety Executive) to establish if health and safety law has been broken, taking any appropriate enforcement action, and also with the aim at preventing similar accidents from re-occurring. Local authorities are required, in accordance with their duty under Section 18 of the health and Safety at Work etc. Act 1974, to allocate sufficient time and resources to investigate accidents, dangerous occurrences and causes of occupational ill health.

Complaints.

Complaints from the public and employees concerning unsafe practices, poor working environment, excessive working hours and poor facilities e.g. toilet provision, are investigated. The Councils have a range of legal powers to ensure the necessary improvements are made although it is our stated aim to work, wherever possible, with all parties concerned to achieve these objectives without having to take formal action.

Advice to Businesses.

Officers are committed to building positive working relationships with business proprietors and work with them to help them comply with the law and to improve health and safety standards. Increasingly officers will point businesses at web-based resources, particularly those produced by the HSE and information is both held on and signposted from the Councils' websites. Both new and existing businesses are encouraged to contact the service for advice.

Safety Advisory Group.

The Safety Advisory Group (SAG) provides a forum where the Councils, along with other agencies, may develop a coordinated approach to crowd and spectator safety. The Food and Safety team, along with the Licensing Team, provide advice on event health and safety to the organisers and promoters of events through the SAG.

Smoke Free.

The Food and Safety team enforce the smoke free legislation which since July 2007 has made it illegal for workplaces and indoor public places to permit smoking. Advice is given to businesses and complaints relating to this law are investigated.

Registration of Regulated Activities.

Businesses that carry out skin piercing activities, including acupuncture, tattooing, cosmetic piercing, semi-permanent skin colouring or electrolysis, are required to register both people (operatives) and premises with the Local Authority. The Food and Safety service inspects these premises and ensures that those operating registered businesses understand what they need to do to prevent the transmission of blood borne diseases prior to a registration being issued. Although the legislation does not allow refusal for registration, officers are able to use general Health and Safety powers and Local By-laws to help ensure that procedures are in place before issuing registration certificates.

Control of Diseases.

The Food and Safety service carries out that statutory responsibility of the two local authorities with regards to infectious diseases. This includes, but is not solely in relation to, food borne illness, so whilst the service will investigate outbreaks of salmonella or E.coli for example, it will also follow up incidents of legionella and hepatitis. The duties include working with UK Health Security Agency (UKHSA) to identify sources of disease, reducing the risk of transmission, gathering data, liaising with people suffering from infectious disease and when necessary taking formal legal action to prevent the spread of disease.

Investigation and control of major outbreaks is undertaken in conjunction with the Consultants in Communicable Disease Control at the UKHSA

Investigation, including the establishment of an Outbreak Control Team and control measures are all implemented in accordance with the agreed Joint Communicable Disease Incident/Outbreak Management Plan.

6. Enforcement

High Peak Borough Council and Staffordshire Moorlands District Council, as the Competent Authorities, ensure that enforcement action taken by their authorised officers is reasonable, proportionate, consistent, risk-based and in accordance with the Regulators Code which was made under section 23 of the Legislative and Regulatory Reform Act 2006.

'The Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.'

Supplementing the above there is also reference to the Food Law Code of Practice, The Food Law Practice Guidance and the HSE's LA Enforcement Guidance for Health and Safety.

The Councils' approach to regulating businesses ensures a commitment to carry out regulatory activities in a balanced and proportionate way but additionally support businesses to achieve compliance and to grow.

Authorised officers must take account of the full range of enforcement options. This includes, but is not limited to:

- Education.
- Specific Verbal and Written advice and Guidance.
- Informal action.
- Written Warnings.
- Formal and Informal Sampling.
- The Detention and Seizure of Food and Articles.
- Improvement Notices/ Remedial Action Notices.
- Prohibition Notices.
- Voluntary Closure.
- Emergency Prohibition Procedures.
- Prosecution procedures.

Where a Primary Authority partnership exists between a regulated business and a Local Authority, Competent Authorities should attempt to resolve non-compliance by liaising with the Primary Authority where appropriate. Except where circumstances indicate a significant risk, officers should operate a graduated and educative approach (the hierarchy of enforcement) starting at the bottom of the pyramid i.e. advice/education and informal action and only move to more formal action where the informal action does not achieve the desired effect or there is an immediate concern for public safety.

In considering whether to initiate enforcement action, the Councils, as the Competent Authorities, will always take into account the following:

The Code for Crown Prosecutors:

When deciding whether to prosecute, the Councils will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, the Councils will consider what evidence can be used in court and is reliable. We must be satisfied that there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

Public Interest Test - is it in the public interest for the case to be brought to court?

The Councils will balance factors for and against prosecution carefully and fairly, considering each case on its merits through the consistent use of the Public Interest Matrix.

- the Competent Authority's Enforcement Policy; and
- the Regulators' Compliance Code.

Primary Authority Principles.

The Regulatory Enforcement and Sanctions Act 2008, as amended by the Enterprise Act 2016 (referred to in this guidance as 'the RES Act'), and secondary legislation made under the RES Act, establish Primary Authority as a statutory scheme in which a local authority can partner with a business, or with a group of businesses, taking on responsibility for providing regulatory advice and guidance to them and for guiding the way in which they are regulated by all local authorities.

<https://www.gov.uk/government/publications/primary-authority-statutory-guidance>

The Food and Safety service of the two Councils supports the Primary Authority Principle. Officers have regard to information that they receive from any liaison with Primary Authorities and Primary Authority advice which has been received or published on the Primary Authority online portal. All officers should have access to the site. The Relevant Authority will be kept informed of the actions taken by both Councils when required. Any published Inspection Plans approved by the issuing Primary authority will be adhered to and feedback to the Primary Authority will be supplied where requested.. Staffordshire Moorlands District Council currently have a Primary Authority Partnership with Parkwood Leisure/Lex Leisure

The Council acknowledges the primary authority system and appropriate adjustments are made to the way in which interventions are made when businesses have entered an arrangement with a Local Authority as a Primary Authority.

The Food and Safety team will, when appropriate, endeavour to add value to the contact they have with businesses and work with our partners at:

- Staffordshire and Derbyshire Food Liaison Groups
- Derbyshire Health and Safety Liaison Group.
- Central England Health and Safety Liaison Group.
- Food Standards Agency Food leads Regional Meetings
- Food Standards Agency Food Hygiene Rating System User Group
- Staffordshire and Derbyshire Event Safety Advisory Group
- Staffordshire and Derbyshire County Councils
- Derbyshire and UKHSA Food Sampling Group

These groups offer the opportunity to share information, organise low cost training for our food and safety officers, help to ensure consistent enforcement and provide an opportunity to influence the development of activity across the County. They also enable our professional officers to have access to regional and national food and health and safety information.

All officers are jointly authorised and warranted to work across High Peak and Staffordshire Moorlands.

7. Performance and Review

The Current performance of the Service is measured and monitored via the Councils' performance management system. The service is also required to submit LAEMS returns to the Food Standards agency on a yearly basis detailing the number of Interventions carried out, likewise returns are made to the Health and Safety Executive.

Monitoring arrangements are in place to assist in the quality assessment of the work being carried out by the team as follows:

- Annual peer review of inspections (shadowing)
- Structured review of a sample of post inspection records
- Regular team meetings
- Individual Performance Review
- Regular FHRS consistency training exercises with the FSA

2022/2023 in numbers.

- Food Safety interventions carried out **924** (447 SMDC) (HPBC 477)
- Number of Food Hygiene Notices Served **0**
- Voluntary Closures **4**
- Food complaints Received **190** (SMDC 92) (HPBC 98)
- Other Food Related Service Requests **185** (HPBC 102) (SMDC 83)
- Accidents Reported through RIDDOR **66** (HPBC 31) (SMDC 35)
- Total Service Requests Received Health & Safety Related **105** (HPBC 36) (SMDC 69)
- Infectious diseases **73** (HPBC 38) (SMDC 35)
- Number of Food Samples taken **38** (HPBC 0) (SMDC 38)

Service Standards.

The Food and Safety service standards set for 2023/2024 are:

Food Hygiene.

- Provide an inspection report at the time of inspection clearly indicating required and recommended actions - 100%
- Respond to requests for advice and information about food safety within 3 days – 100%
- Respond to complaints of poor hygiene and unsatisfactory food within 3 days– 100%

Health and Safety enforcement

- Response to complaints of poor health and safety within 3 days – 100%
- Response to requests for advice and information about health and safety within 3 days – 100%

Infectious diseases – control

- Respond to reports of any notifiable infection where the risk to public health is immediate and significant, including outbreaks, within the same working day – 100%
- Respond to reports of a less serious notifiable infections within 3 days – 100%

8. Challenges to Service Delivery & Risk Management

Challenges to service delivery.

- Brexit. The food law currently enforced by the local authorities is predominately based on European regulations and will require reproducing domestically. 'Retained EU law' is a concept created by the European Union (Withdrawal) Act 2018. This Act took a 'snapshot' of EU law as it applied to the UK at the end of the Brexit transition period on 31 December 2020 and provided for it to continue to apply in domestic law.
- The Retained EU Law (Revocation and Reform) Bill was introduced to Parliament on 22nd September 2022. The Bill will abolish this special status and will enable the Government, via Parliament, to amend more easily, repeal and replace retained EU Law. The Bill originally included a sunset date (now removed) by which all remaining retained EU Law will either be repealed, or assimilated into UK domestic law. The sunset may be extended for specified pieces of retained EU Law until 2026. The Food Standards Agency are currently prioritising legislation.
- FSA 22-12-04 - This paper provides an update to the Board on progress of the UK Government's Retained EU Law (Revocation and Reform) Bill, and the FSA's programme of work until 2026, to support delivery of the Bill and associated reforms.
<https://www.food.gov.uk/board-papers/retained-eu-law-revocation-and-reform-bill-2022>
- The FSA Regulating Our Future (ROF) ABC programme review includes some proposals that may change the focus of the way we currently regulate food businesses. These are quite complex and still under development and consultation. New Food Hygiene Delivery Models are currently under consultation but implementation is expected for 2025/2026

Risk Management/Business Continuity.

The Food and Safety service currently has no significant risks identified on the corporate risk register. Identified service level risks relate to resourcing; having appropriate structural elements in place (service planning, enforcement policy and delegation of authority); and to maintaining the level of skill needed within the team (retention and recruitment).

9. Team Health and Safety

The Food and Safety team has developed a suite of Health and Safety Risk Assessments covering the following:

- On site work, general and site specific hazards
- Lone Working
- Manual handling
- Driving for work using your own vehicle
- Violence at work
- Pregnant Staff
- Infection Control and Covid

10. Service Action Plan 2023/2024

- To undertake a food premises intervention programme in accordance with the requirement of the FSA code of practice to protect the public.
- Continue to engage with the Food Standards Agency on promotion of food safety initiatives.
- Continue to promote and publicise the NFHRS.
- Participation in local and national sampling programs.
- Undertake an intervention program in accordance with the requirements of HSE guidance LAC67/2 and the National Local Authority Code to protect people in the workplace and the public.
- Continue to engage with the HSE and other Derbyshire and Staffordshire local authorities on promotion of health and safety initiatives and interventions.
- Continue to improve support for small and medium sized business in HPBC and SMDC in conjunction with other council services, and external regulatory services.
- To contribute to the Primary Authority scheme.