

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: Regulatory

1. DECISION TAKEN

- 1.1 To update the Council's Food Law Enforcement Service Plan
- 1.2 To introduce a charge for re-score visits requested by food businesses under the Food Hygiene Rating Scheme
- 1.3 To agree the proposal to develop a focussed business support and advice service for food businesses, including a charge to cover the cost of providing the service

2. DECISION TAKER

- 2.1 Ian Fullstone – Service Director, Regulatory

3. DATE DECISION TAKEN:

- 3.1 12 September 2019

4. REASON FOR DECISION

- 4.1 There is a requirement from the Food Standards Agency for food authorities to prepare a service plan and to review it from time to time. The Council's current Plan was last updated in September 2014.
- 4.2 At the time the Council adopted the Food Hygiene Rating Scheme, re-score inspections had to be undertaken without charging. The Food Standards Agency has now advised that as these are discretionary inspections, a charge may be made. Charging for non-statutory services is part of the Council's commercialisation approach and it also ensures that resources can continue to be targeted towards statutory public health priorities. Therefore, it is now considered appropriate to introduce a charge for re-score visits.
- 4.3 The focussed business and support service is intended to help food businesses develop and thrive in the district, as well as raising hygiene standards in food businesses. As with the Food Hygiene Rating Scheme re-score inspections, this is a discretionary service and a charge will be made. It is believed that food businesses will be willing to pay a reasonable charge to receive quality advice on complying with food safety requirements.
- 4.4 Environmental Health teams generally are suffering recruitment and retention issues; currently the Council is carrying a number of vacancies. As such, it is important that any discretionary service is as far as possible self-financing to

enable the additional finance to be used to support the service as managers feel appropriate.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 With regard to the Service Plan, there is no alternative option, for the reason set out in paragraph 4.1.
- 5.2 With regard to the charging for re-score inspections, the Council could continue to undertake these without charging but the reasons for doing so are set out in 4.2 and 4.4 above.
- 5.3 With regard to the business support and advice service, the only alternative option would be not to offer this service, but this benefits of the proposed approach, as set out in paragraph 4.3 and 4.4 would be lost.

6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)

- 6.1 The Executive Member for Housing and Environmental Health has been consulted during the update of the service plan and preparation of this report.

7. FORWARD PLAN

- 7.1 This decision is not a Key Executive Decision and has therefore not been referred to in the Forward Plan.

8. BACKGROUND/ RELEVANT CONSIDERATIONS

- 8.1 Responsibility for food law enforcement is shared between central and local government and other agencies. Local authorities are the primary authority for enforcement of regulations on food standards, safety and hygiene.
- 8.2 The Food Standards Agency (FSA) was set up in 2000 as an independent Government Department to provide a strategic and policy lead on all food related matters on behalf of the Government. It is an enforcement authority in its own right but is also responsible for enforcement support, advice and audit of enforcement activity with respect to local authority food safety and standards controls.
- 8.3 After the establishment of the FSA, a Framework Agreement was developed by the Agency in partnership with the Local Authorities Coordinators of Regulatory Services (LACORS) and the Local Government Association. The Agreement provides a mechanism for the Agency to fulfil its duties and responsibilities and as well as providing local authorities with a basis for fulfilling their duties. The Framework is reviewed from time to time and was last updated in 2010.
- 8.4 The Framework consists of four main elements:
 - Food Law Enforcement Standard
 - Service Planning Guidance
 - Monitoring Scheme
 - Audit Scheme

- 8.5 The purpose of a Food Law Enforcement Service Plan is to provide a basis for the effective delivery and monitoring of the enforcement service. It might better be considered as a strategy setting out how the Authority will fulfil the nationally set duties and requirements for Food Authorities taking on board local circumstances and priorities. The context of the food law enforcement service plan is used in developing the Environmental Health Commercial Team's annual team plan and inputting into the Regulatory Services Service Plan.
- 8.6 The Framework Agreement provides a recommended format for food law enforcement service plans as follows:
- Service aims and objectives
 - Background
 - Service delivery
 - Resources
 - Quality assessment
 - Review
- 8.7 The proposed Service Plan for North Hertfordshire, which is attached at Appendix 1, follows this structure. The Plan is largely an update of the previously adopted plan.
- 8.8 Section 2 sets out the service aims and objectives and links this with the vision for the district and the Council's three current priorities. The progress of the proposed Council Plan 2020-2025 and associated Council objectives will be monitored and, once approved by Full Council, this Service Plan will be amended. The aim of the Service is "to ensure that all food and drink manufactured, prepared, stored, sold or consumed within the District is in all respects fit and suitable for human consumption and without risk to the consumer".
- 8.9 Section 3 gives a short profile of the district and the organisational structure of the Council. A profile of the type of food premises in the district is provided.
- 8.10 Section 4 deals with service delivery. It sets out the risk rating methodology for food businesses set out in the Food Law Code of Practice, which Food Authorities are required to follow. It sets out the Commercial Team's approach to prioritising food safety interventions and other responsibilities required by the Food Law Code of Practice, having regard to the staffing resources available. This includes inspections, handling of complaints, food sampling, and food hygiene training.
- 8.11 Section 4 also confirms the Council's commitment to the Food Hygiene Rating scheme. However, it now sets out the intention to start charging for re-score visits.
- 8.12 Section 4 highlights the work that has been undertaken to consider the implications for food safety enforcement regarding Brexit and highlights that this could have a significant impact on services depending on the terms of the United Kingdom's withdrawal from the European Union.
- 8.13 Section 5 deals with resources. The Commercial Team establishment is made up of four full time environmental health officer posts, including the Team

Manager, and a half time Technical Officer post. The food safety enforcement function amounts to approximately 55-60% of the Team's output.

- 8.14 Section 6 sets out the approach to quality assessment. There is a quality management system, which sets out how the inspection regime is monitored to ensure consistency. The Team is committed to the principle of inter-authority benchmarking and auditing.
- 8.15 Section 7 sets out the review process. It proposes that there should be an annual report to the Executive Member for Housing and Environmental Health reporting on performance against the Service Plan. The Plan will be formally reviewed every five years or sooner if there are any significant changes required.

9. LEGAL IMPLICATIONS

- 9.1. Section 14.6.11(b)(iv) of the Council's Constitution sets out that the Service Director Regulatory's functions include responsibility for food safety and hygiene.
- 9.2. Section 14.6.4 General Authorisations of the Council's Constitution sets out that Service Directors are delegated the function of setting fees and charges in accordance with the Council's Financial Regulations and relevant policies, in consultation with the Executive Member.
- 9.3. The Food Law Code of Practice (England) is issued under Section 40 (1) Food Safety Act 1990 and associated secondary legislation.

10. FINANCIAL IMPLICATIONS

- 10.1. The costs of food safety and hygiene duties undertaken by the Council are included within existing budget estimates. No additional expenditure budget is required from the recommendations in this report.
- 10.2. Section 15 of the Council's Financial Regulations states that Service Directors are responsible for designing the systems for income collection. Acceptance of the second and third recommendations of this report is expected to result in a small amount (less than £10k) of additional income to the Council. It is however very difficult at this stage to estimate what the actual income might be. Any corresponding change to the income expectation within budget estimates will therefore be deferred until the level of demand becomes clearer.

11. RISK IMPLICATIONS

- 11.1 There is a requirement for the Council to have an up to date food law service plan and the Council could be censured for not having such a plan.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no additional equality implications associated with the recommendations in this report..

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" policy do not apply to this decision.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no direct human resource implications arising from the recommendations in this report but delivery of the Council's food safety functions is dependent on maintaining a full staffing establishment. The Environmental Health Commercial Team currently has one vacancy which it has not been possible to fill on a permanent basis at the time of writing, although steps are being taken to cover this role on a temporary basis.

15. BACKGROUND PAPERS

15.1 None.

15. APPENDICES

15.1 Appendix 1 – Draft Food Law Enforcement Service Plan

16. NOTIFICATION DATE

16.1 Published in MIS on 13 September 2019

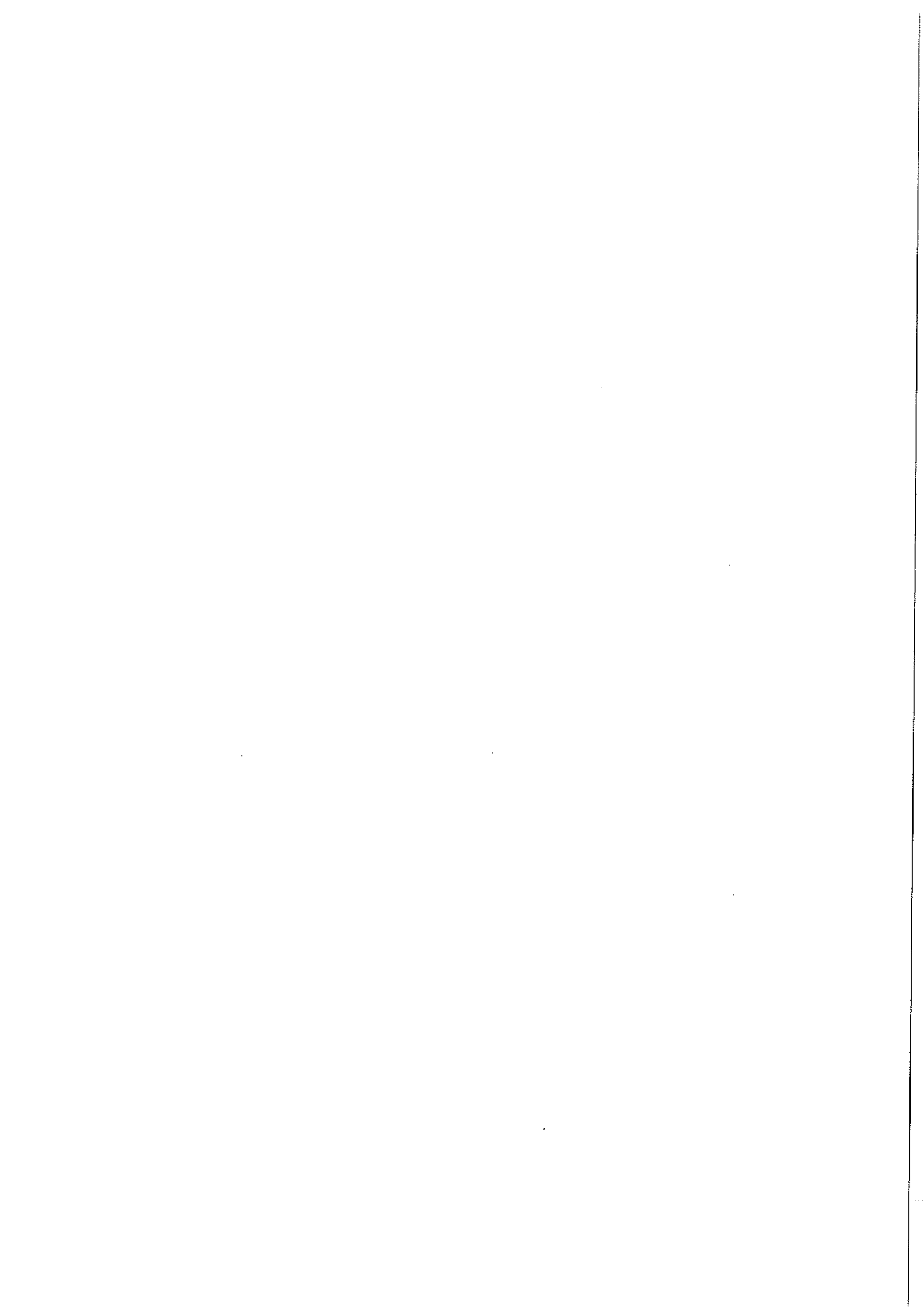
Signature of Executive Member Consulted
Cllr Gary Grindal, Executive member for Housing and Environmental Health

Date 12-9-19

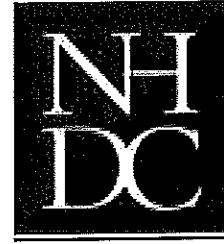
Signature of Decision Taker
Ian Fullstone, Service Director Regulatory

Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS



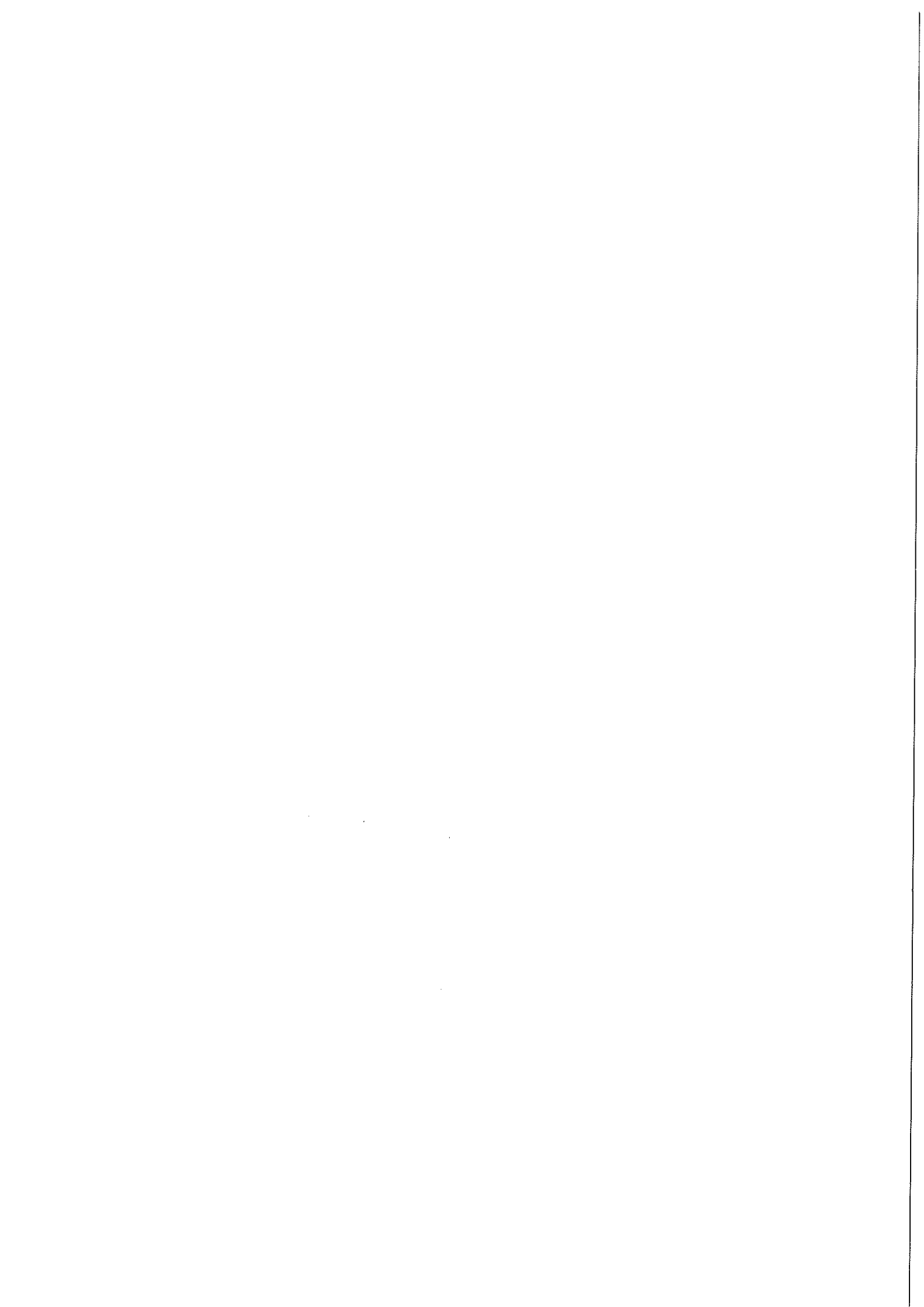
APPENDIX 1



NORTH HERTFORDSHIRE DISTRICT COUNCIL

FOOD LAW ENFORCEMENT SERVICE PLAN

2019 - 2024



Contents

Item	Page
1. <u>Introduction</u>	3
2. <u>Service Aims and Objectives</u>	4
3. <u>Background</u>	7
4. <u>Service Delivery</u>	8
5. <u>Resources</u>	12
6. <u>Quality Assessment</u>	13
7. <u>Review</u>	14
Appendices	15

1.0 Introduction

- 1.1 North Hertfordshire District Council (NHDC) is a designated Food Authority under the Food Safety Act 1990 and as such has a statutory duty to enforce the Act and Regulations made thereunder.
- 1.2 Officers of the Commercial Team, working within the Environmental Health Service, have delegated authority to enforce the legislation.
- 1.3 This Service Plan has been developed in response to the 'Framework Agreement on Official Feed and Food Controls by Local Authorities', which has been agreed between the Food Standards Agency (FSA), local authorities and professional bodies. The Plan demonstrates NHDC's commitment to fulfilling its duties and responsibilities in relation to food safety legislation in line with guidance from the FSA and other relevant governmental bodies. It deals with the following:
 - a) the aims and objectives of the Service in order to meet the Council's statutory responsibilities;
 - b) the current work programmes within the Team;
 - c) the Authority's policies and procedures, including those for the inspection of premises, for food safety enforcement, for dealing with complaints about food and food premises, for food sampling, for infectious disease control and for food safety incidents.
- 1.4 This Food Law Enforcement Service Plan forms part of the Commercial Team service plan which is reviewed annually in the light of the political vision and priorities of the Council. Any areas for improvement identified as a result of the annual review will be incorporated in the service plan for the following year.
- 1.5 The Commercial Team service plan sets out the Service's contribution towards the Council's Corporate Plan, which sets out the Council's ambitions and aspirations for the district from 2019 to 2024.

2.0 Service Aims and Objectives

Aim

- 2.1 The Council has a clear vision for the area, which is making North Hertfordshire a vibrant place for people to live, work and prosper. This is not just the Council's vision. It belongs to and it was created by all of the partners in the North Hertfordshire Partnership. It is clear that the Council must work with its partners, businesses, and urban and rural communities to achieve this vision.
- 2.2 As stated above, the Council's Corporate Plan sets out the Council's ambitions and aspirations for the district from 2019 to 2024. The Plan includes three high level objectives for the Council for 2019-2024, which are:
- **Attractive and Thriving**
To work with our partners to provide an attractive and safe environment for our residents, where diversity is welcomed and the disadvantaged are supported
 - **Prosper and Protect**
To promote sustainable growth both within and wherever it affects our district to ensure economic and social opportunities exist for our communities, whilst remaining mindful of our cultural and physical heritage
 - **Responsive and Efficient**
To ensure that the Council delivers cost effective and necessary services to our residents that are responsive to developing need and financial constraints
- 2.2 The aim of the food safety service is to ensure that all food and drink manufactured, prepared, stored, sold or consumed within the District is in all respects fit and suitable for human consumption and without risk to the consumer. This aim has links to all three current corporate objectives.
- 2.3 This time period for this Food Law Service Plan mirrors that for the Council's Corporate Plan. It sets the approach that the Council will take to fulfilling its regulatory responsibilities over the 2019-2024 period. Appendix 1 includes performance data specific to the 2019-2020 financial year and will be updated annually.

Objectives

- 2.4 The objectives for the service are:

- a) To ensure that all food premises are inspected on a risk basis in accordance with the principles set out in the Food Law Code of Practice (England).
- b) To take enforcement action in accordance with the Council's corporate enforcement policy
- c) To ensure that all enforcement officers are suitably qualified and competent to carry out the duties that they are required to perform.
- d) To respond to all complaints about food premises within 3 working days of receipt.
- e) To respond to all requests from business for advice on food safety matters within 3 working days of receipt.
- f) To respond to all food complaints within 3 working days of receipt.
- g) To respond to all Food Alerts on the day of receipt.
- h) To respond to all notifications of food borne illness within 1 working day of receipt in accordance with the NHDC Food Poisoning Procedure.
- i) To maintain a food sampling programme.
- j) To give due consideration to imported food issues in order to protect public health.
- k) To provide advice and education to enable food business operators to achieve and maintain a good standard of food hygiene

Performance Indicators

- 2.4 There is no longer a national performance indicator relevant to food regulation but 'broad compliance' of all food businesses is still monitored through the Local Authority Enforcement Monitoring System (LAEMS) returns that local authorities are required to make to the Food Standards Agency and gives a reasonable indication of the overall standard of food premises in a locality. The table below sets out broad compliance data in North Hertfordshire and England, Northern Ireland and Wales over the last five years.

% of premises broadly compliant with food hygiene standards (exc. unrated premises and premises outside the programme)		
Year	North Hertfordshire	England, Northern Ireland & Wales
2014/15	87.3	93.0
2015/16	92.1	93.5
2016/17	88.9	89.0
2017/18	90.3	90.2
2018/19	91.9	90.7

- 2.5 The Council has a local performance indicator, LPI34, which reports on the number of actual inspections undertaken against the target of the number of inspections that the Environmental Health Service believes it can at the start of the year. The table below sets out the inspection performance over the last five years.

Local performance indicator 34: percentage of programmed inspection completed			
Year	Inspections due	Inspections completed	Percentage completed
2014/15	268	268	100%
2015/16	242	242	100%
2016/17	267	267	100%
2017/18	289	288	99.7%
2018/19	271	271	100%

3.0. Background

- 3.1 The district of North Hertfordshire covers approximately 375 km² and is situated approximately 40 miles north of London. It is an area of mixed urban and rural communities taking in the towns of Hitchin, Letchworth, Baldock and Royston with over 30 villages set in the countryside of the Eastern Chilterns. The district has a population of approximately 133,300¹.
- 3.2 The organisational structure of the Council is available on the Council's website here: <https://www.north-herts.gov.uk/home/council-and-democracy/council-departments>
- 3.3. The Environmental Health Service sits in the Regulatory Directorate and officers enforcing food safety are placed in the Commercial Team under the supervision of the Commercial Team Manager.
- 3.4 The Council Constitution provides delegated authority through the Service Director: Regulatory to environmental health staff and appoints the Consultant(s) in Communicable Disease Control working for Public Health England as the "Proper Officer" for communicable disease control.
- 3.5 Specialist services are provided by external agencies such as the Food Examiner and the Public Analyst.
- 3.6 The Commercial Team maintains a number of internal procedures detailing how the various responsibilities under food safety legislation and the requirements of the Food Law Code of Practice will be delivered.
- 3.7 The Commercial Team are responsible for food hygiene inspections and compliance visits, food hygiene enforcement, food sampling, food hygiene training, food complaint investigations, food premises complaint investigations and coaching visits to food businesses.
- 3.8 The Commercial Team is also responsible for the enforcement of health and safety in food premises, infectious disease control and also assist with health promotion activities; where appropriate, food safety and health and safety inspections are combined for greater efficiency and customer service.
- 3.9 In addition to their food role, Commercial Team officers also cover other aspects of Environmental Health such as the assessment and sampling of private water supplies, registration of skin piercers, consultations for public events and licensing applications and carrying out welfare burials.

¹ Office for National Statistics mid-year population estimates for 2017.

- 3.10 On the 1st April 2019, there were 1198 registered food premises in North Hertfordshire. The profile was as follows:

Business category	Number
Primary producers	0
Manufacturers and Packers	25
Importers/Exporters	1
Distributors/Transporters	11
Retailers	236
Restaurants and Caterers	925

- 3.11 At 1st April 2019 there were four premises subject to approval under food safety legislation. These were approved for meat products (biltong and droewors manufacture), diary (goat cheese manufacture), egg packing and a cold store. The meat products and diary premises are unusual but are not particularly complex processes for the purpose of inspection.
- 3.12 There are a number of festivals held within the district each summer that can result in additional work load with a mobile food premises coming into the area, some of which require intervention.
- 3.13 The food safety enforcement officers are based in the District Council Offices, Gernon Road, Letchworth Garden City; these offices are open from 9.00a.m to 5.00p.m Monday to Friday. An emergency service is available outside of office hours through the Council's Careline service.
- 3.14 The Commercial Team follows the Corporate Enforcement Policy which was approved by the Council's Cabinet 18th December 2019. Appendix B point 2 is specific to the enforcement of food safety.

4.0 Service Delivery

General

- 4.1 In developing this service plan, regard has been given to relevant guidance, standards, codes of practice etc, particularly from Central Government and its agencies.
- 4.2 All Governments in recent years have had a commitment to 'better regulation', minimising regulatory burdens on business, and avoiding 'gold plating'. The Department for Business, Energy and Industrial Strategy (BEIS) updated its general guidance in 2018 with the publication of a Better Regulation Framework .
- 4.3 The Regulators' Code is a statutory code that provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.
- 4.4 Of particular relevance is the Food Law Code of Practice (England) (FLCOP) and its associated guidance.
- 4.5 NHDC, as a lower tier authority, is only responsible for enforcing food hygiene elements of the FLCOP. Food standards enforcement is undertaken by Hertfordshire County Council. Although NHDC registers primary producers, the hygiene inspection of these premises are also carried out by Hertfordshire County Council.
- 4.6 Since 2008, local authorities have faced significant financial challenges as central government funding has been reduced. Staffing resources in the Commercial Team have previously been maintained in this time but currently remain short of that ideally required to properly deliver all required duties and functions. Given the likely ongoing budgetary pressures on local authorities, the Team has been investigating alternative delivery approaches to improve the sustainable delivery of the food safety function going forward. A pilot project has been developed and will be taken forward in 2019/20, which will aim to expand chargeable services at the same time as improving support to businesses. The approach is based on a model developed by Cornwall Council, called 'Safer Food Direct'.

Interventions and the Delivery of Official Controls

- 4.7 Interventions are key to improving compliance with food law by food business operators. The range of possible interventions allows authorised officers to use their professional judgement to apply a proportionate level of regulatory and enforcement activities to each food business. Interventions should be applied on a risk-based manner so that more intensive regulation is directed at those food businesses that present the greatest risk to public health.

- 4.8 Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to, "official controls".
- 4.9 "Official controls" are defined at EU level in Article 2(1) of Regulation 882/2004. They are any form of control for the verification of compliance with food law.
- 4.10 Methods and techniques for carrying out tasks related to these official controls are specified in Article 10 of Regulation 882/2004. These include monitoring, surveillance, verification, audit, inspection, and sampling and analysis.
- 4.11 In addition to official controls, interventions also include other activities that are effective in supporting food businesses to achieve compliance with food law, such as the provision of targeted education and advice that takes place at food establishments, or information and intelligence gathering.
- 4.12 Food hygiene inspections are the key element of a local authority's fulfilment of its routine duties under food safety legislation. Food businesses are assessed according to seven criteria laid down in the FLCOP and are then assigned a risk rating, which in turn establishes how frequently they should be subject to a routine inspection.

Category	Score	Minimum intervention frequency
A	92 or higher	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 24 months
E	0 to 30	A programme of alternative enforcement strategies or interventions every three years

- 4.13 The staffing level within the Commercial Team has never been sufficient to fully deliver all interventions required by the FLCOP. Our approach has been to prioritise category A, B and C rated businesses, plus new or unrated businesses that handle high risk food. However, it is likely that there will continue to be a backlog of inspections of Category D businesses. In 2018/19, 100% of category A, B and C businesses were inspected. There were 637 completed interventions

with 67 due interventions outstanding. There were less than 20 new businesses awaiting an initial inspection at 31 March 2019.

- 4.14 Interventions that are due in the financial year 2019/20 are set out in Appendix A.
- 4.15 The Council has a local performance indicator for environmental health regulatory inspections, including food safety inspections. The food safety component of this indicator is based on the due interventions required under the FLCOP so that Members receive direct information on this aspect of the Commercial Team's food safety responsibilities.
- 4.16 In addition to the interventions described above, it is accepted that there will be a number of revisits carried out to premises that do not meet the requirements of food hygiene legislation. It is difficult to estimate how many revisits will be carried out but businesses receiving a score of 15 or above for hygiene or structural compliance will receive a revisit, as will any premises scoring 20 or more for confidence in management. Other premises may get a revisit at the officer's discretion. 129 revisits were carried out in 2018/19.
- 4.17 As part of an Alternative Enforcement Strategy, lower risk premises are subject to a self assessment questionnaire. This is reviewed by a qualified officer to check the information received is the same as that gathered at the last intervention. If this is the case, the premises is given the same rating and will be due for the next intervention in three years. Where the information provided shows a change, the premises receives an intervention.
- 4.18 For the last six or seven years, on the back of a FSA initiative to tackle poorly complaint food businesses at the time of the London Olympics, North Hertfordshire developed its own coaching project to offer targeted support to businesses to improve compliance, including additional training and on-site coaching. This approach was successful with the majority of those businesses which engaged with the process and has been integrated into the routine inspection programme activity. It is intended that this will be continued in the future.

Other food safety activities

- 4.19 Complaints. The Team receives regular food safety complaints, which are regarded as an important form of intelligence. They are reviewed in line with the Commercial Team's food complaints procedure and acted upon depending on the details of each case. Many will require a visit to the premises to check compliance with food hygiene legislation and in some cases complaints can result in a business receiving an unprogrammed intervention.
- 4.20 Primary Authority Partnership (PAP). A PAP is an arrangement where a business develops a relationship with a regulating local authority. Advice given by that local authority on a specific issue can then be

relied on by the business in outlets in other local authority areas and those authorities need to accept the advice that has been given by the PAP authority. The Team has previously had a Primary Authority Partnership with a locally based nursery group, although the company chose not to continue it in 2017. The Team remains open to future partnership working with businesses.

- 4.21 Food hygiene training. The team aims to deliver five food level 2 food hygiene courses per year; these are open to all food handlers and are a good method of ensuring compliance and building the relationship between businesses and enforcement officers. In 2018/19 two courses were also delivered to specific businesses and it is anticipated this will continue in future years where requested and subject to staffing resources.
- 4.22 Food Sampling. The Commercial Team takes part in national and local sampling studies and uses the credit allocation issued by Public Health England. The sampling programme is set out in Appendix 1.

Partnership working

- 4.23 The Commercial Team is part of the Herts & Beds Food Group, a very successful and long established partnership and has played a leading role in recent years, with the Council's Commercial Team Manager chairing the Group. The Group meets approximately every two months to discuss topical issues and consider any areas where there is an interest in developing particular initiatives. Successful examples undertaken in recent years are the FHRS inter authority audit undertaken in 2016, the Lead Food Officer Peer Review process that has been established, and the Brexit Food Group.

Food Hygiene Rating Scheme (FHRS)

- 4.24 NHDC resolved to join the FHRS in 2012 and it has proved to be a very successful scheme. More than 75% of the district's food businesses have achieved a rating of '3', '4', or '5', meaning that they are broadly compliant with food safety law. The scheme is a driver to improved food safety standards.
- 4.25 The FHRS allows a business, in the event that it is unhappy with the rating given after an inspection, to make an appeal, to request a re-score visit, or to lodge a 'right to reply' comment on the FHRS website. In 2018/19, the Commercial Team received 45 requests for re-scores, which have to be undertaken 3- 6 months after the request.
- 4.26 These are additional tasks for a local authority and, originally, the FSA advised that charges could not be made for these activities. However, that advice has been reviewed and the FSA now indicates that powers available to local authorities in England under the Localism Act 2011 allow for the recovery of costs of re-inspections/re-visits made at the request of the FBO to re-assess the food hygiene rating. The

Commercial Team is intending to start charging for re-score request made by a Food Business Operator as part of a sustainable delivery project that is in development. Charges will be set on a cost recovery basis.

- 4.27 The FSA has run annual consistency exercises in recent years, which requires all local authorities to consider an inspection scenario and then to submit what they consider the correct rating to be. The Commercial Team has performed exceptionally well in these exercises.

Business support and advice project

- 4.28 The Commercial Team currently provides advice to poorly performing food businesses in the form of coaching at the establishment. The Team also provide advice to new businesses prior to opening. It is acknowledged that this business support can reduce officer time spent on future inspections and improves business relationships. However, such 'one to one' support is costly to the council and officers find some food business operators don't always attend appointments.
- 4.29 Using the experiences gained by other Local Authorities, the Commercial Team is intending to offer a more focussed business support and advice service for food businesses in the district. The service will include a visit to the premises and a report outlining the areas that need improvement and the advice discussed. This will be part of a sustainable delivery project that is being developed in collaboration with Watford and Stevenage Councils. The service will be a chargeable one, with charges set on a cost recovery basis.

Brexit

- 4.30 In 2019, a Hertfordshire Brexit Food Group was established to consider food safety enforcement issues regarding Brexit. The Group reports into the County's Local Resilience Forum which has established a Strategic Co-ordinating Group to consider and prepare for all Brexit scenarios. The implications of Brexit could have a significant impact on the services delivered by the Commercial Team in 2019/20 in particular, depending on the terms of the UK's withdrawal from the European Union. The Service Plan will be reviewed, if necessary, as Brexit plays out nationally.

5.0. Resources

- 5.1 The overall level of expenditure for the Commercial Team function for 2018/19 was approximately £243,000, which is made up almost entirely of staffing costs. The budgetary arrangements do not allow for the breakdown of non-fixed costs into separate work areas.
- 5.2 There are five officers (4.5FTEs) in the Commercial Team, four fulltime Environmental Health Officers posts including the Commercial Team Manager post and one half time Technical Officer post. The food safety

function amounts to approximately 55% of the Team's output. The Team receives administrative support from the Council's corporate administration team, the Management Support Unit, equating to approximately 0.25FTE on food safety work.

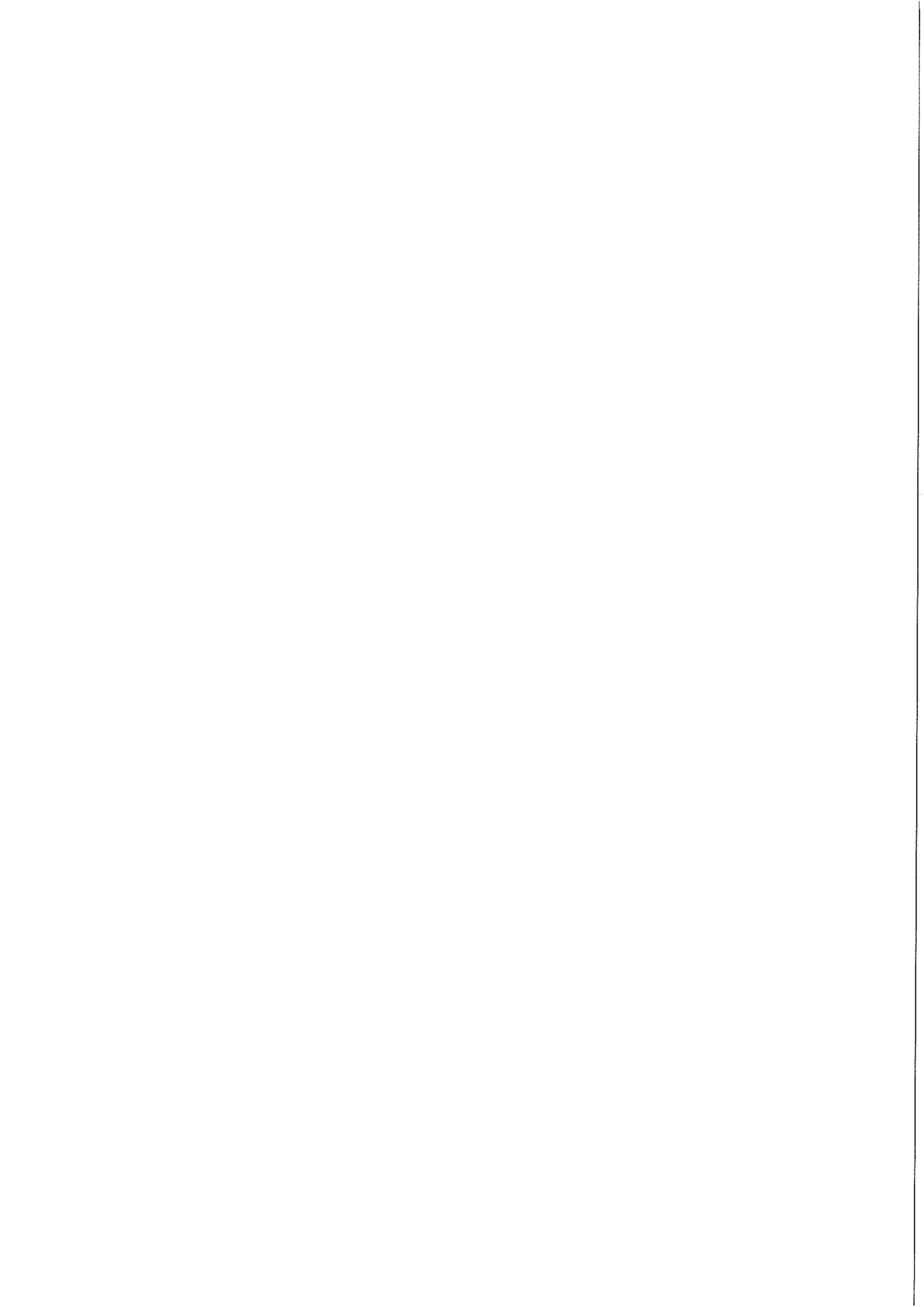
- 5.3 All Environmental Health Officers engaged in food safety work are competent to inspect all categories of food premises and are authorised to serve Improvement Notices. Prohibition Notices may only be served by duly authorised Officers who have two years post qualification experience in food safety matters.
- 5.4 The Environmental Health Officers must complete a minimum of 20 hours training a year as part of the Continued Professional Development requirement of the Chartered Institute of Environmental Health (30 hours for Chartered Members). Under the Food Law Code of Practice (England), authorised officers are required to complete a minimum of 10 hours a year training in food safety matters and further training in legal matters at appropriate intervals.

6.0 Quality Assessment

- 6.1 The Commercial Team has a Quality Management System procedure for monitoring the quality of inspections undertaken by officers to ensure that they are carried out to a uniform standard. The documented system also ensures that the interpretation and action taken by officers following an inspection is consistent.
- 6.2 The Team is committed to the principle of inter-authority auditing through the Herts and Beds Environmental Health Food Group. In 2016, an inter-authority audit exercise was undertaken with financial support from the FSA. In broad terms the outcome of the audit was that NHDC was found to be delivering the FHRS well and in line with the 'Brand Standard', the FSA's rules for how the scheme should work. There were some minor deficiencies, which were known about and were in the process of being addressed.
- 6.3 An annual report is presented to the Executive Member for Housing and Environmental Health on the work of the Commercial Team, in particular the food safety function, setting out the performance of the team in fulfilling its statutory duties.

7.0 Review

- 7.1 This service plan will be formally reviewed every five years or sooner if there are any significant changes required.
- 7.2 An annual report will be prepared for submission to the Executive Member responsible for this area of work, which will include:
- Information on the previous year's performance
 - Relevant national and local performance indicators
 - Any variance from the service plan
 - Proposed areas for improvement



APPENDIX 1 – 2019-20 DATA

A1.1 Interventions due in 2019-20 under the FLCOP

Risk Category	Type of Intervention available	Numbers in the category in 19/20
A	Inspection, partial inspection or audit	4
B	Inspection, partial inspection or audit	49
C	Inspection, partial inspection or audit unless the business is 'broadly compliant' when planned interventions can then alternate between either an inspection, partial inspection, audit or other type of official control.	122
D	Inspection, partial inspection or audit unless the business is 'broadly compliant' when planned interventions can then alternate between either an inspection, partial inspection, audit or other type of official control	233 plus 46 remain from 2018/29
E	Alternative enforcement strategy or intervention	185 plus 214 remain from 2018/19
Unrated	Inspection	20 outstanding at 31/3/19. This figure is constantly changing as businesses register throughout the year. However, there are usually approximately 100 annually. New registrations are prioritised based on risk

