



# **PUBLIC PROTECTION**

## **FOOD SAFETY, FOOD STANDARDS, ANIMAL FEED AND HEALTH & SAFETY SERVICE PLAN 2022-2023**

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# FOREWORD

## Foreword by Councillor Jerry Pearce

As cabinet member for Streetpride, Leisure and Public Spaces at Derby City Council, one of my responsibilities is Food Safety, Food Standards, Animal Feed and Health & Safety. These are a high priority for the Council and play a vital role in supporting the pledges and priority commitments within the Council Plan. These functions are executed across two teams: Food and Safety and the Trading Standards.

This years' Service Plan remains in the context of Covid recovery. Although both Teams returned to their 'business as usual priorities' in July 2021, the Covid-19 pandemic has had a dramatic impact on their proactive work plan priorities since March 2020. In addition, business compliance with delayed inspections, has been significantly poorer and therefore requiring more resource input from the teams.

This plan, covering both Food Safety, Food Standards, Animal Feed and Health & Safety, is normally overtly pro-active with an inspection programme of businesses, whilst still being reactive to consumers enquiries, business advise request and members of the public registering complaints.

We will continue to take a pragmatic approach, realising that it will be impossible to catch up instantly. The developed a plan will:

- continue to assist City businesses recover;
- ensure monitoring and inspection of those businesses who pose the greatest risk; and
- gradually catch up on the backlog inspection programme.

**Councillor Jerry Pearce**  
**13<sup>th</sup> July 2022**

# GLOSSARY OF TERMS

<b>CIEH</b>	Chartered Institute of Environmental Health
<b>EHO</b>	Environmental Health Officer
<b>FAST</b>	Food and Safety Team
<b>FSA</b>	Food Standards Agency
<b>FSEO</b>	Food and Safety Enforcement Officer
<b>HELA</b>	Health & Safety Executive and Local Authority Enforcement Liaison Committee
<b>HSE</b>	Health & Safety Executive
<b>PHE</b>	Public Health England
<b>TS</b>	Trading Standards Team
<b>TSO</b>	Trading Standards Officer

# 1.0 INTRODUCTION

- 1.1 The Food and Safety Team (FAST) and Trading Standards Team (TS) within Public Protection Department are responsible for regulating Food Safety, Food Standards, Feed, Health & Safety and the investigation of certain infectious diseases. It was therefore obvious staff in these Teams were uniquely placed to help deal with the crisis caused by the Covid-19 pandemic. Both FAST and TS have been involved in several workstreams designed to help manage the problems that have arisen and continue to facilitate recovery.
- 1.2 Building consumer confidence in reduced business compliance is an ongoing challenge and we will continue to protect the public through a range of enforcement and advice functions. In doing so we are advocating a proportionate and pragmatic approach to business compliance.
- 1.3 This plan has been prepared to accord with Food Standards Agency (FSA) and Health & Safety Executive (HSE) frameworks on the planning and delivery of our services. These frameworks have been significantly challenged in light of the pandemic, whilst this has altered how we deliver our services, it has not changed our goals and principles.
- 1.4 The plan has three distinct phases; 1 - some of the planned initiatives can be completed quickly within this financial year, 2 - others will need medium or long-term commitment and 3 - some still await the further development of Government guidance.
- 1.5 Our main goals remain broadly the same as in previous years, with a strong emphasis on recovery to help ensure that:
  - we promote and support a risk based, goal setting regulatory regime;
  - higher risk work activities are properly managed and employers are committed to developing healthier workplaces;
  - food is hygienically prepared, safe to eat and is what it says it is; and
  - we regulate in a way that supports businesses to comply and recover whilst not losing sight of the integrity and assurance of safe food for consumers and safe workplaces being at the heart of what we do.

## 2.0 BACKGROUND

### 2.1 LOCAL AUTHORITY PROFILE

- 2.1.1 **Geography** – Derby is a unitary authority, with a clearly defined centre and district neighbourhoods. It has a strong identity, clear boundaries and is surrounded by attractive countryside. With Leicester and Nottingham, it forms part of the ‘three cities’ sub-region of the East Midlands. It is essentially an urban area with green areas of open land that help to maintain separate community identities and boundaries within its 17 electoral wards.
- 2.1.2 **Population** – March 2011, its population was 248,752. At this time, Black, Minority Ethnic (BME) groups accounted for 24.7% of the population. The main ethnic minority population comes from India and Pakistan, with asylum seekers from Eastern Europe being the most recent arrivals. 34,600 Derby residents (or 13.9% of the total population) were born outside the United Kingdom
- 2.1.3 **Deprivation** – Derby suffers from pockets of deprivation and subsequent concentrations of high worklessness. According to the 2007 Index of Multiple Deprivation, Derby is ranked 69<sup>th</sup> out of 354 local authorities in the country placing it just inside the 20% most deprived areas. This compares favourably to other cities in the region, with areas generally becoming less deprived towards the outskirts of the City.
- 2.1.4 **Economy** – the local economy has been growing in recent years, but unemployment remains higher than the national and regional averages. House prices in Derby are generally cheaper than elsewhere in the region and the rest of the country. People who work in the City generally have higher wage levels than those who live in the City. People’s health differs across the City between male and females and different nationalities.
- 2.1.5 **Health** – the health of people in Derby is generally worse than the England average. Life expectancy for both men and women is lower than the England average. Life expectancy is 12.4 years lower for men and 8.9 years lower for women in the most deprived areas of Derby.

## 2.2 CORPORATE OBJECTIVES

- 2.2.1 Derby City Council's Plan 2022-2025 sets out priorities which aim to meet the needs of our citizens and communities.
- 2.2.2 The Council has committed to improving the City and the life experiences of its citizens. In partnership, the intention is to work together to improve outcomes, with the City, for the city in four key areas. These are outlined below.

**GREEN CITY**

For a compact city we have a lot of green spaces. In the face of climate change we will lead communities and partners to make a difference. We must work together as a city to tackle the climate change emergency, promoting more sustainable ways of living.



**CITY OF GROWTH**

Our city is home to some significant employers, and we have a strong history of manufacturing and innovation. We want to diversify and grow. Our ambition is to be a smart, super connected city that has the right skills, jobs and space for the future.



**VIBRANT CITY**

Derby is a historic city and a UNESCO world heritage site. We are putting culture at the heart of the city, reinvigorating our city centre and developing our cultural offer.



**RESILIENT CITY**

There are over 4,000 community and voluntary groups in Derby. Building on our strong sense of pride and community, we're determined to reduce inequalities and improve health and wellbeing across the city; unlocking the potential within our communities.



2.2.3 The table below, show how the services provided by FAST and TS, link into the Corporate Plan priorities.

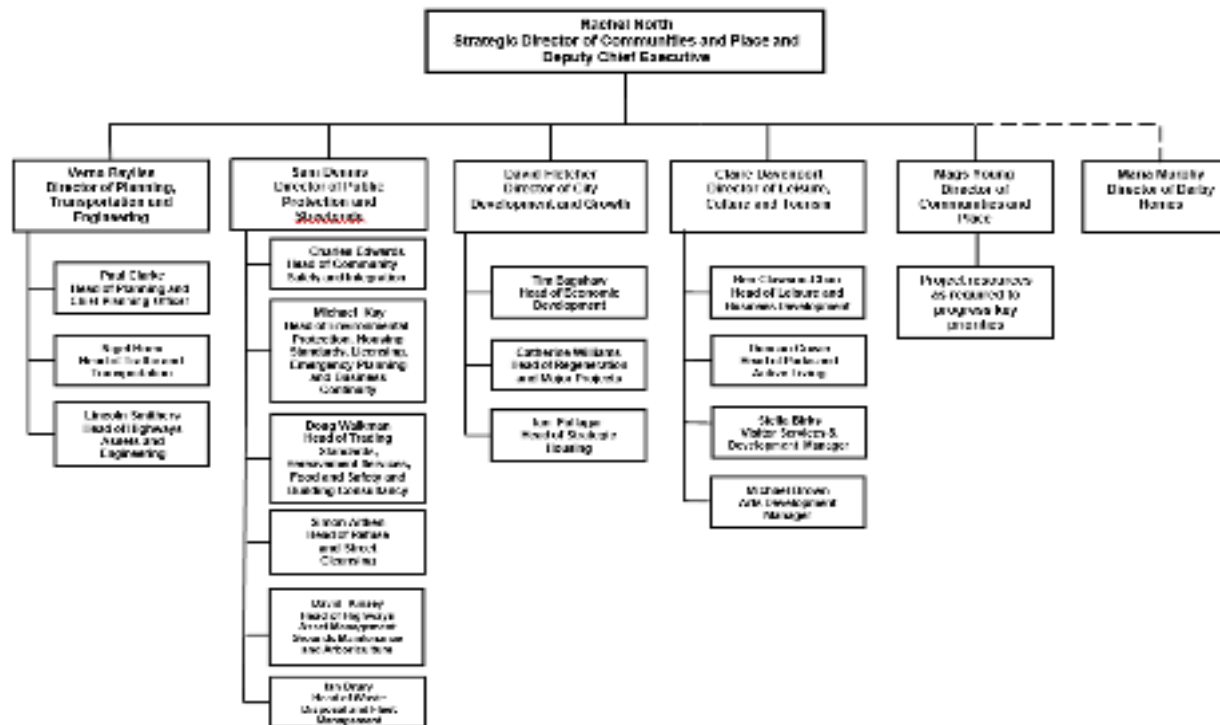
<b>City of Growth</b>	<ul style="list-style-type: none"> <li>• Checking standards of food safety in food premises to reduce the incidence of food poisonings and the impact that has on lost time from sickness.</li> <li>• Operate the national Food Hygiene Rating Scheme for food businesses which helps the public make informed choices about where they eat.</li> <li>• Undertake health and safety checks to help ensure that employees and members of the public are not injured by the work activity at the premises.</li> <li>• Ensuring Food Standards are maintained including allergens, labelling and composition.</li> </ul>
<b>Vibrant City</b>	<ul style="list-style-type: none"> <li>• Checking standards of compliance with food law including cleanliness within food premises and the production of safe food.</li> <li>• Taking samples of food produced in the City to ensure it is safe.</li> <li>• Investigation of infectious diseases.</li> <li>• Dealing with refuse and waste disposal issues associated with premises to prevent pests in an area and problems to neighbouring residents.</li> <li>• Promoting compliance via Home/Primary Authority relationships.</li> </ul>
<b>Resilient City</b>	<ul style="list-style-type: none"> <li>• Checking standards of hygiene in food premises to help prevent food poisoning.</li> <li>• Investigating cases of infectious disease or food related illness to help with control measures and prevent spread of illness in the community.</li> <li>• Undertaking Health &amp; Safety checks to help ensure that employees or members of the public are not injured by the work activity at the premises.</li> <li>• Undertaking accident investigations if a report of an accident at work is made.</li> <li>• Investigating complaints of food fraud and food adulteration.</li> </ul>



## 2.3 ORGANISATIONAL STRUCTURE

- 2.3.1 The Public Protection Department has a wide range of duties covering a broad spectrum, but responsibility for the regulation of Food Safety, Food Standards, Feed and Health & Safety is split between the FAST and TS Teams. These fall under the remit of the Head of Service for Trading Standards, Food Safety, Bereavement Services and Building Consultancy.
- 2.3.2 The diagram below illustrates where they sit within the main Council structure, within the Communities and Place Directorate.

**Derby City Council**  
**Communities and Place Directorate – as April 2022**



## **2.5 PROVISION OF SERVICES**

### **2.5.1 Use of Contractors**

The Council may engage the services of outside contractors to assist in delivery of the work set out in this plan. This will be on an ad-hoc basis, as needed. Using contractors does present additional difficulties, in terms of training, quality checks and coordination of the work programme. It is recognised that an overarching council review of use of contractors is ongoing and the call upon this resource will therefore be scrutinised.

### **2.5.2 Provision of Additional Specialist Services**

Provision is made for external specialist services as below:

#### Food Examiners

Public Health England  
Food, Water and Environmental Microbiology Laboratory  
Block 10 The National Agri-Food Innovation Campus  
Sand Hutton  
York  
YO11 1LZ

#### Consultant in Communicable Disease Control

Consultant in Communicable Disease Control  
Public Health England East Midlands  
Health Protection Team  
Seaton House  
Nottingham  
NG2 4LA

### Public Analyst

The list of appointed Public Analysts and UK official food control laboratories is maintained by the Food Standards Agency and any suitable laboratory from this list can be used however we have collection agreements in place with:

Eurofins Food Testing UK  
Valiant Way  
Wolverhampton  
WV9 5GB

### **2.5.3 Accessing Services**

The Food Safety and Health & Safety services can be contacted in the following ways:

- **Email:** [Foodandsafety.duty@derby.gov.uk](mailto:Foodandsafety.duty@derby.gov.uk)
- **Via the council's website:** <https://www.derby.gov.uk/environment-and-planning/environmental-health/>
- **Telephone:** 01332 640779 (between the hours of 10am and 4pm, Monday to Friday).
- **In person:** at the Council House, Corporation Street, Derby, DE1 2FS (between the hours 10am and 4pm, Monday to Friday).

The Trading Standards and Feed service can be contacted in the following ways:

- Citizens Advice Customer Service (Telephone 03454 040506) take first-time calls for Food Standards issues.
- Business users seeking advice can contact the Team via Derby City's Contact Support Team (01332 641333).

## **2.6 DEALING WITH NON-COMPLIANCE AND ENFORCEMENT**

### **2.6.1 Enforcement Policy**

Has been adopted by the council in respect of enforcement activities to ensure they are proportionate, consistent, transparent and accountable.

A key priority for both Teams is to ensure enforcement decisions are consistent with our Enforcement Policy, the Regulators' Code, and any other enforcement guidance and standards issued by relevant government agencies such as the FSA, HSE and the Home Office.

### **2.6.2 Proportionality and Consistency**

Enforcement action taken by officers will be reasonable, proportionate, risk-based and consistent with good practice and will take account of the full range of enforcement options. This includes educating business operators, giving advice, informal action, sampling, detaining and seizing food, rendering equipment safe, serving improvement notices, prohibition procedures and the instigation of prosecution etc.

Where a Primary Authority partnership exists, officers will attempt to resolve non-compliance by liaising with the Primary Authority where appropriate. Except where circumstances indicate a significant risk.

### **2.6.3 Statutory Returns**

The service is required to make the following statutory/national returns:

- Food Safety and Food Standards service annual returns to the FSA; and
- Health & Safety service annual return to Health & Safety Executive.

## 3.0 SERVICE DEMANDS AND CHALLENGES

### 3.1 USUAL SERVICE DEMANDS AND CHALLENGES

**3.1.1** The ability to maintain the programmed intervention plan (with the resources available) for Food Safety, Food Standards, Animal Feed and Health & Safety for any given year can be severely disrupted by:

- Food poisoning investigations, prosecution cases, national food alerts, major accidents at work investigations, food sampling and other matters; including staff sickness, vacancies, re-allocation to other duties, competency training requirements etc.
- The cultural diversity and language variations of food business operators in Derby enriches the local community but provides additional communication challenges when driving forward regulatory compliance.
- In addition to Derby registered food businesses, there are many food traders who operate at markets and events within the City that may be registered with other Councils. Whilst not part of the statutory inspection plans, some of these businesses will require inspection input to ensure regulatory compliance.
- Freedom of Information Act information requests continue to increase. These are often time consuming to collate and require a time sensitive response.
- Maintaining the FHRS places demands of additional unplanned visits, revisits, appeals, monthly verification checks etc.

- Many food businesses operate outside conventional office hours. The Teams work flexibly to observe these businesses, during trading periods.
- FAST take a risk-based approach to the inspection of food premises trading at temporary events within the City. Whenever practicable organisers and/or food business operators are requested to send details of food activities in advance of an event. Officers assess the information and may make contact to obtain further information in advance to help determine if a visit during the event itself is necessary.
- During the year, the Teams may visit premises for other reasons such as giving advice, obtaining information, in response to a service request or complaints and serving of notices.

## **3.2 SERVICE DEMANDS AND CHALLENGES – COVID-19 AND RECOVERY**

- 3.2.1** At the end of 2019/2020 both FAST and TS Teams performance against their plans (and overcoming challenges outlined in Section 3.1) were in a good position. However, the impact of Covid-19, starting at end of that financial year and throughout the entirety of 2020/21 has resulted in the total transformation of the FAST and TS Teams working models.
- 3.2.2** During 2020/21 FAST and TS services have followed all relevant advice for regulators issued by the FSA and HSE, including pausing inspections, supporting change of business delivery models (takeaways) and moving to non-contact approaches to high risk settings. Resulting in a significant backlog of proactive work for both Teams, where catch up remains ongoing.
- 3.2.3** To try and backfill the routine Food Safety work program, an attempt to use contractors on a 'paid per inspection service' has been utilised, but with other authorities being in similar seeking competent officers, this has been difficult.
- 3.2.4** Some of the current FAST officers, have worked additional hours to support catch up. FAST during 2021/22 have over exceeded all the FSA and HSE deadlines, reflected in achievements, in Section 7.0.

### 3.3 CHALLENGES FOR 2022-2023 AND BEYOND

SECTORS AFFECTED	Food Safety	Food Standards	Animal Feed	Health & Safety
The number of new businesses has significantly increased – a large proportion are home based, the risks associated with them remains largely unknown as initial inspections/intervention have not been undertaken.	✓	✓		✓
Businesses have continued to diversify activities to ongoing changes on the market.	✓	✓		✓
Authority resources have been diverted (March 2020 to July 2021) from delivery of proactive controls during the pandemic to activities related to reducing the spread of Covid-19.	✓	✓	✓	✓
The highest risk establishments may have missed one, two or potentially three planned interventions.	✓			✓
Significant resource being used for non-statutory but important under government priorities such as export certification outside the UK.	✓	✓		
Significant trend of reducing standards in food establishments.	✓	✓		
Popularity of online ordering services such as Just Eat, Deliveroo and Uber Eats, Facebook Market Place etc.	✓	✓		
Officer competency requirement changes and additional training implications.	✓	✓		
Mandatory display of Food Hygiene Ratings in future.	✓			
Food allergens risk as significant issue.	✓	✓		
Significantly out of date database.				✓
None of proactive HSE campaigns have been undertaken including – shop sign safety, inflatable amusement devises, hot tubs, animal contact, trampoline parks etc.				✓

## 4.0 FOOD HYGIENE SERVICE DELIVERY

Food Safety, Food Standards, Animal Feed and Health & Safety services. These are outlined in Appendix 1 and include both proactive and reactive approaches.

### 4.1 FOOD HYGIENE PREMISE PROFILE

- 4.1.1** In accordance with EC Regulation 852/2004 (which the UK has retained since exit from the EU) all businesses that handle food, must be registered with their Local Authority (LA). There are currently 2233 registered food businesses in Derby, many of these businesses frequently change ownership (although the number is expected to remain at a similar number). Identifying these changes in ownership is an ongoing challenge for the Team.
- 4.1.2** In accordance with the Food Standards Agency Food Law Code of Practice, at each intervention, a score is given to each business to determine the frequency of interventions. Category A businesses pose the highest risk and are inspected more frequently. Category E establishments pose the lowest risk. Businesses within the City are categorised as follows:

Risk Category	Minimum Inspection Frequency	Number
A (High Risk)	At least every 6 months	7
B	At least every 12 months	45
C	At least every 18 months	272
D	At least every 24 months	860
E (Low Risk)	At least every 36 Months or alternative enforcement	785
Outside		0
Not yet rated	These mainly new businesses waiting inspection	364
<b>Total</b>		<b>2233</b>



Premises that achieve an average standard are deemed to be 'broadly compliant' with Food Safety requirements. In 2019/20, 96.6% of premises met this standard and at the end of 2020/21 this has reduced to 81.7%. However, at the end of 2021/22 it the figure is improving at 85.1%.

- 4.1.3** Certain food premises involved in the production, handling, and storage of products of animal origin must be approved under EC Regulation 853/2004. This legislation requires compliance with more detailed hygiene requirements than for registered premises. There are 6 approved premises within the City and a further 4 applications pending.

## **4.2 PROACTIVE FOOD HYGIENE WORK PLAN**

- 4.2.1** As stated above, food businesses are risk rated from A (high risk) through to E (low risk) according to the type of the operation being carried out, who the business supplies and the standard of food hygiene at the premises. Businesses that carry out a complicated operation or supply a large number of people (or people in vulnerable groups such as young children or the elderly) or have poor standards of hygiene, are likely to fall in one of the higher risk categories. Smaller simple operations and those where hygiene standards are good are likely to fall in one of the lower risk categories.

Examples of premises in these categories, with the recommended inspection frequencies laid down in the Food Standards Agency's Code of Practice are:

- A – a poorly run restaurant or takeaway.
- B – a residential care home.
- C – a restaurant.
- D – a well-run public house serving occasional meals.
- E – a newsagent selling only pre-packed drinks, crisps and sweets.

As outlined in Section 4.1, there are 2233 registered food businesses, and their risk rating and inspection frequency are detailed in 4.1.2.

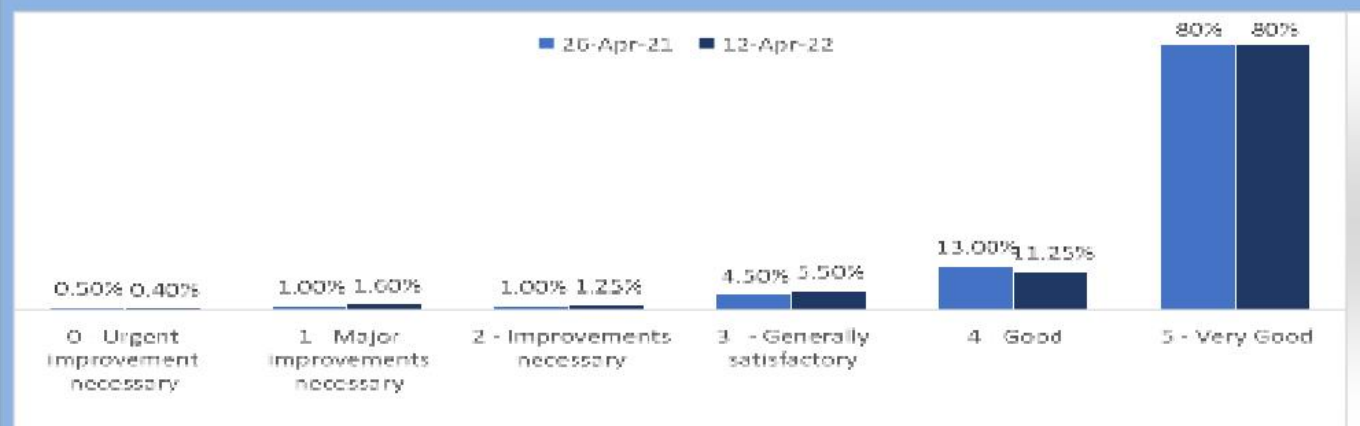
- 4.2.2** Based on the current premises profile, the outlined numbers of backlog and due interventions are summarised in the table overleaf.

Risk Category/Minimum Intervention Frequency	Number of premises (at 1 April 2022)	Interventions outstanding (at 1 April 2022)	Interventions due 2022/23
A – 6 Months	7	0	7 (14 interventions)
B – 12 Months	45	0	45
C – 18 Months	272	13	108
D – 24 Months	860	560	36
E – 36 Months or Alternative Enforcement	785	357	154
Unrated	264	264	299 (estimated)

### 4.3 APPROACHES TO THE PROACTIVE FOOD HYGIENE PLAN

#### Food Hygiene Rating Scheme (FHRS)

This extends to businesses supplying food directly to consumers. This includes restaurants, cafes, retailers, and other places where people eat food outside of the home. The overall aim of the scheme is to reduce the incidence of food borne illness and the associated costs of this to the economy. From a local perspective, the scheme helps consumers to make informed choices about places they wish to eat or shop for food, and through this encourages businesses to improve hygiene standards. Ratings are displayed on FSA website <https://ratings.food.gov.uk>.



**Proportion of Derby City Food Businesses falling in the FHRS Categories 0 to 5\***

\*Based on data from 12 April 2022

	Requests can be made for a re-rating visit and since 2019 charge has been levied for this service. In 2019/20, 33 requests were made, only 1 request was made in 2020/21 and in 2021/22 53 requests were made. In addition, appeals against food hygiene ratings generates some added resource for FAST. Three appeals were lodged in 2021/22.
<b>Alternative Interventions</b>	It is the Council's policy to ensure that food premises inspections are concentrated on high-risk premises and that they are carried out in accordance with the FSA's Code of Practice and Practice Guidance. For low risk food businesses such as newsagents, small retailers, and some home caterers, local authorities can assess compliance with food hygiene legislation by means other than inspection. These businesses are generally exempt from the national Food Hygiene Rating scheme. Over the last few years, we have implemented out an 'Alternative Enforcement Strategy (AES)' for these businesses, involving some degree of self-assessment as well as some validation inspections.
<b>New Business Inspections</b>	There is a high turnover in food businesses in the City; this is a significant issue for the service as it impacts on the ability to complete the planned inspection programme. Most new premises are visited and entered onto the database system within 28 days of registration or opening for trade. In 2019/20, a total of 194 new premises were visited and rated, dropping to 32 in 2020/21. In 2021/22 299 new premises were visited and rated. All Team members are encouraged to identify new premises and report details to the APP system administrators. Intelligence on new premises is also acquired from other colleagues (e.g. Licensing, Planning and Building Control), as well as formal new food business registrations. There is currently a backlog of 264 businesses waiting to be inspected. It is estimated a further additional 299 new businesses will register during 2022/23.
<b>Overdue Inspections</b>	The Team aim to visit premises no later than 28 days of the date they are due for intervention to meet the Food Law Code of Practice. Priority is given to higher risk premises (Category A to C), and requests for service concerning a risk to public health which may impact on lower risk activities. Every effort is made to complete the programme by the end of the work-plan period. The planned intervention programme is monitored at Team meetings to check on progress and if necessary appropriate measures can be put in place to meet the intervention plan. Due to Covid-19, there are still significant overdue inspections (see Sections 7 and 8).
<b>Non – Broadly Compliant Premises</b>	Resources are focused at those food establishments in the City that do not meet the criteria for being 'broadly compliant'. Food businesses that fail to comply with significant statutory requirements will be subject to appropriate enforcement action and follow up visit(s). The timing of the visit is determined by the result of the earlier intervention. A staged enforcement approach which includes revisits, service of legal notices, informal interviews, issuing of simple cautions or prosecutions. All enforcement decisions are made in line with the council's Enforcement Policy (see Section 2.6 above).
<b>Enforcement of E-Coli Contamination Control Requirements</b>	The FSA has issued guidance on the steps that food businesses must have regard of to control the risk of contamination from <i>E.coli</i> O157. Due to the serious consequences of <i>E.coli</i> food poisoning greater focus is placed on ensuring all food businesses have adequate controls in place. Officers use the guidance during Food Safety interventions in all premises to assess compliance. Prompt and decisive action will be taken to ensure that public health is protected, and any potentially contaminated products are removed from the food chain.
<b>Issuing Health Certificates for Export</b>	When businesses want to export food, they may need the product to be accompanied by an appropriate 'Health Certificate' declaring that the food has been produced and or stored hygienically. A fee is charged for these. The number of certificates issued in recent years has increased, particularly now we have left the EU.

## 5.0 FOOD STANDARDS AND FEED DELIVERY

There are many common approaches used in the delivery of the Food Safety, Food Standards, Animal Feed and Health & Safety services. These are outlined in Appendix 1 and include both proactive and reactive approaches.

### **5.1 FOOD STANDARDS AND FEED PROFILE**

**5.1.1** The profile of Food Standards premises is set out below:

Risk	Number of premises
High	20
Upper Medium	82
Lower Medium	1324
Low	616
Unrated	429
Total	<b>2471</b>

*Note:*

- 1. All premises are also inspected concurrently for compliance with other TS legislation, for example, weights and measures, product safety, fair trading, age restricted products etc.*
- 2. Totals are at variance with food hygiene due to several premises that fall under the Trading Standards remit only.*

## 5.2 **PROACTIVE FOOD STANDARDS AND FEED INTERVENTION PLAN**

Food duties are provided alongside a full range of other Trading standards services such as metrology, fair-trading, intellectual property, animal health and welfare, product safety, including the licensing/registration of explosives and petroleum spirit as well as other regulation and enforcement activities.

Interventions at food premises are part of comprehensive trading standards activities. Inspections are carried out in accordance with a risk-rating scheme approved by the National Trading Standards Board (NTS) and the FSA.

### 5.2.1 **Food Standards**

The premises inspection/intervention/project programme for 2022/23 is:

Premises Risk	Number of Interventions	Intervention Type
High Risk	20	Visits
Upper Medium	50	Some visits for Market Surveillance
Lower Medium	212	Some visits for Market Surveillance
Low Risk	203	No planned work in this area
Unrated	429	Visits/alternative enforcement strategies

This year the service will complete 100% of its high-risk premise's interventions. There are many unrated premises and we plan to substantially reduce the number of these. It is important that we make further enquiries into the nature of these businesses to ensure they are not high-risk importers, packers, or manufacturers. The model used to select the appropriate category of interventions at premises is set out below.

Risk Rating	Risk Category	Activity Frequency
High Risk	A	Annually
Upper Medium	B1	Two-yearly
Lower Medium	B2	Five-yearly
Low Risk	C	No recommended frequency
Unrated	X	Assessment Required

### 5.2.2 Animal Feed

As a City Authority, Feed interventions focus on businesses disposing of surplus food into the animal Feed chain. Such interventions play a role in helping to maintain overall quality and safety of animal Feeds and prevention of Feed-borne animal diseases. Nationally, animal Feed work features as a priority for the FS and Trading Standards contributes to this through a programme of planned interventions at Feed premises as outlined below:

Premises Type	Number of Inspections
Supplier of Feed Materials/Surplus Food	27
Supplier of Co-products of food	5
Distributor	4
Pet Food Manufacturer	7
Livestock and Arable Farm	2
<b>Total</b>	<b>45</b>

## 5.3 OTHER FOOD STANDARDS AND FEED PROACTIVE APPROACHES

<b>Primary Authority Scheme</b>	The Council has been primary authority for Manuka DR Honey since July 2019. Their sister company was subsequently added in 2020. The primary authority covers both hygiene and standards, but mainly due to the nature of the product focused on standards. The resources needed to deliver this Primary Authority Agreement is paid for by the company on a cost recovery basis, so this work does not impact on the service's ability to deliver the rest of its food enforcement work. It enables officers to develop skills, expertise, and experience over a wide range of operations which assists with staff retention and competency.
<b>New Premises</b>	The turnover of food businesses in the City is at a level that causes concern that visits to them within 28 days would seriously disrupt the planned activities of the service, to the overall detriment of Food Standards in the City. Many premises that fall within the definition of a new business turn out to be low risk or an actual inspection to the physical premises is already planned. The Trading Standards service will review visits to new premises during the year to establish the most effective approach to dealing with this work.

# 6.0 HEALTH & SAFETY SERVICE DELIVERY

There are many common approaches used in the delivery of the Food Safety, Food Standards, Animal Feed and Health & Safety services. These are outlined in Appendix 1 and include both proactive and reactive approaches.

## **6.1 HEALTH & SAFETY PREMISE PROFILE**

Responsibility for enforcing Health & Safety within the City is split between the HSE and the FAST. The council enforces Health & Safety in mainly non-manufacturing businesses, mainly in the service sector and is responsible for approximately 5508 premises, known about.

Businesses are risk-rated from Category A (high risk), through B1 and B2 (medium risk) to C (low risk). These ratings are not used to determine proactive inspection interventions – the choice of proactive inspections follows the principles within the National Local Authority Enforcement Code (HSE Code) – they do, however, help the Council target other interventions on the basis of risk.

	O Code	S Code	Intervention Priority
A – High Risk	3	0	Not less than once per year
B1 – Priority Medium Risk	7	0	Every 18 Months
B2 – Medium Risk (S Code - B2 and B3)	458	64	Premises will be chosen for intervention based upon the HSE National LA Enforcement Code which lists activities and sectors that local authorities should target for intervention.
C – Low Risk (S Code - B4 and C)	1961	1564	
U	1182	269	
Total	3611	1897	

## **6.2 HEALTH & SAFETY ENFORCEMENT PLAN**

- 6.2.1** Health & Safety law clearly sets out that the primary responsibility for managing risk to workers and the public who might be affected by their work activity lies with the business or organisation that creates the risk in the first place.
- 6.2.2** With regards to Health & Safety, the Council will be directed by the HSE's Code issued under Section 18 (4)(b) of the Health & Safety at Work *etc.* Act 1974. The key elements of the code are:
- ensuring that the authority takes a risk-based approach to regulation;
  - ensuring that the authority applies proportionate decision making in accordance with their Enforcement Policy and Enforcement Management Model; and
  - a requirement for the authority to legally appoint suitably qualified staff to carry out the necessary regulatory duties.
- 6.2.3** The service comprises a range of key functions:
- to carry out interventions in line with Circular 67/2 (rev.11), the National Local Authority Enforcement Code and the Derbyshire and Safety Liaison Group's Workplan;
  - to take the most appropriate action upon inspection of relevant workplaces including the use of advice, informal correspondence, improvement and prohibition notices and the institution of legal proceedings;
  - to educate proprietors of relevant workplaces in health, safety and welfare matters and their legal responsibilities by the provision of advice and information;
  - to investigate specific accident notifications;
  - to advice on the design of relevant workplace premises prior to and during alterations and construction;
  - to liaise and work in partnership with HSE, Public Health England and the Fire Authority regarding the enforcement of the legislation;
  - to comply with the HSE's Code in respect of inspection programmes; and
  - to focus on emerging issues such as modern slavery and migrant workers, through liaison with the police and immigration authorities.



## **6.3 PROACTIVE INTERVENTIONS**

- 6.3.1** Priority planning and intervention targeting work carried out by the FAST is categorised as either proactive or reactive. Proactive work includes the routine inspection of premises and reactive work includes the investigation of accidents at work and complaints from members of the public etc.
- 6.3.2** Health & Safety interventions are delivered by suitably trained and experienced officers in accordance with a competency scheme. The scheme has been designed to meet the requirements of HSE and Local Authority Enforcement Liaison Committee (HELA) Section 18 guidance.
- 6.3.3** The categories according to the inspection profile is outlined below and is used to determine the type of intervention and frequency. As mentioned previously, it is important to note that guidance from HSE to LA's, is these ratings should not be used to determine intervention type or timing. Although there is a significant number of premises not assessed for many years, FAST's proactive intervention plan is determined from the HSE's Code.

Category	Description	Suggested Intervention Type	Backlog up until 31 March 2022	Due 2022/23
A	Highest Risk	Proactive full inspection	1	2
B1	Priority Medium Risk	Other intervention	0	1
B2	Medium Risk	Intervention only where code directs	374	26
C	Lowest Risk	Non inspection interventions	2050	71
U	Undetermined	Intervention based on intelligence	1114	65
Total			<b>3539</b>	<b>165</b>

## **6.4 HSE NATIONAL CODE**

- 6.4.1** For the last seven years the HSE has had a stronger role in directing LA Health & Safety inspection/enforcement activity, in the form of its Code. The Authority has a duty to focus its activities on national priorities and strategies via this code to secure a reduction in accidents and ill health. It is designed to ensure that LA Health & Safety regulators take a more consistent and proportionate approach to enforcement and provides direction to LAs on meeting its requirements and reporting on compliance.

**6.4.2** Below is a list of activities/sectors for 2022/23 proactive inspection by Local Authorities – only these activities falling within these sectors or types of organisation should be subject to proactive inspection.

LIST OF ACTIVITIES/SECTORS CONSIDERED SUITABLE FOR PROACTIVE INSPECTION				
No	Type	Hazards	Potential Poor Performers within Industry Sector	High Risk Activities
1	Safety	<b>Explosion caused by leaking LPG</b>	Communal/amenity buildings on caravan/camping parks with buried LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
2	Health	<b>E.coli/Cryptosporidium infection especially in children</b>	Open Farms/Animal Visitor Attractions <sup>1</sup>	Lack of suitable micro-organism control measures
3	Safety	<b>Fatalities/injuries resulting from being struck by vehicles</b>	High volume Warehousing/Distribution <sup>2</sup>	Poorly managed workplace transport
4	Safety	<b>Fatalities/injuries resulting from falls from height/amputation and crushing injuries</b>	Industrial retail/wholesale premises <sup>3</sup>	Poorly managed workplace transport/work at height/cutting machinery/lifting equipment
5	Health	<b>Occupational deafness</b>	Industrial retail/wholesale premises <sup>3</sup>	Exposure to excessive noise (for example, steel stockholders)
6	Health	<b>Industrial diseases/occupational lung disease (silicosis)</b>	Industrial retail/wholesale premises <sup>3</sup>	Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' for example gravestones or kitchen resin/stone worktops)
7	Health	<b>Industrial diseases/occupational lung disease (cancer)</b>	Industrial retail/wholesale premises <sup>3</sup>	Exposure to all welding fume regardless of type or duration may cause cancer (for example, Hot cutting work in steel stockholders) Exposure to be controlled with LEV and/or appropriate RPE
8	Health	<b>Occupational lung disease (asthma)</b>	In-store bakeries <sup>5</sup> and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur, for example, not baking pre-made products	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur, for example, 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	<b>Musculoskeletal Disorders (MSDs)</b>	Residential care homes	Lack of effective management of MSD risks arising from moving and handling of persons
10	Safety	<b>Falls from height</b>	High volume Warehousing/Distribution <sup>2</sup>	Work at height
11	Health	<b>Manual Handling</b>	High volume Warehousing/Distribution <sup>2</sup>	Lack of effective management of manual handling risks
12	Safety	<b>Crowd management &amp; injuries/fatalities to the public</b>	Large scale public gatherings, for example, cultural events, sports, festivals, and 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	<b>Carbon monoxide poisoning</b>	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Safety	<b>Violence at work</b>	Premises with vulnerable working conditions (lone/night working/cash handling, for example, betting shops/off licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licencing authorities advise there are local factors increasing the risk of violence at work, for example, located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign
15	Safety	<b>Fires and explosions caused by the initiation of explosives, including fireworks</b>	Professional Firework Display Operators	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 centers 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 –

<http://www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf>

**6.4.3** LAC 67/2 (rev.11) also includes several additional national priorities, including:

- raising awareness of work-related stress and mental health 'Working Minds' with businesses;
- electrical safety in hospitality settings;
- duty to manage asbestos;
- falls from height/work on/adjacent to fragile roofs/materials;
- trampoline parks – improved information provision and supervision of users
- gas safety in commercial catering premises; and
- ensuring safety of inflatable amusement devices. Controls include; adequate ground anchorage, measurement of wind conditions, documentation/annual inspection from a competent inspection body.

**6.4.4** Derby City Council FAST will target all category A and B1 premises with a full inspection and proportion of the targeted sectors within risk bands B2/C/unrated premises where there is a relevant high-risk activity proactive intervention.

The priority themes for 2022/23 in Derby are:

- living with COVID-19;
- preventing falls from height;
- duty to manage asbestos;
- prevent ill health arising from animal contact at visitor attractions;.
- preventing injury from the use of inflatable amusement devises and trampolines;
- ensure gas, electrical and solid fuel safety in commercial catering premises;
- during all proactive food inspections provide advice and also undertake a hazard spotting exercise concentrating on matters of evident concern, including electrical safety; and
- inspect targeted premises, where necessary using any issued Primary Authority Inspection plans.

## **6.5 DERBYS APPROACH TO RISK CATEGORY A AND B1 PREMISES**

- 6.5.1** The highest risk (category A) will be subject to a proactive inspection on a risk priority basis – each will receive a full detailed inspection, which will include any national and local programmes as appropriate to the work activities of the business. For 2022-23 the following interventions are scheduled:

<b>Risk Rating</b>	<b>A</b>
<b>Number of interventions scheduled</b>	3
<b>Performance Aim</b>	Carry out 100% of proactive inspections
<b>Performance Indicator</b>	100% of inspections achieved

Inspectors will also take note of any of the following in their inspection:

- hazards proven significant risk to that industry;
- significant risks identified during the inspection;
- issues raised by employers, employees and representatives;
- complaints or reportable accidents related to the premises or duty holder; and
- an assessment of compliance with smoke-free legislation.

- 6.5.2** Although category B1 premises are of medium risk, HSE guidance clearly states they are unsuitable for pro-active inspection. However, a proportion of these businesses will fall within the sectors/activities specified in the HSE National Code and therefore may be subject to a pro-active inspection and the others have been identified as poor performers for local intelligence matters. For 2022-23 the following interventions are scheduled:

<b>Risk Rating</b>	<b>B1</b>
<b>Number of interventions scheduled</b>	1
<b>Performance Aim</b>	Carry out 100% of proactive inspections
<b>Performance Indicator</b>	100% of interventions

- 6.5.3** All risk category B2, C and unrated premises that do not fall within the scope of the HSE's national code will only receive an intervention if notification of complaints are received on a risk priority basis. As part of the authority's recovery and ongoing regulation of COVID-19 secure requirements, a proportion of businesses will receive an intervention to verify the adequacy of their controls and implementation.

## **6.6 OTHER APPROACHES TO THE HEALTH & SAFETY PLAN**

<b>Accident Investigations</b>	Where the council is the enforcing authority for Health & Safety, incidents and accidents will be assessed using the HSE's investigation criteria (LAC 22/13). This determines which accidents are significant and may warrant further investigation.
<b>Skin Piercing Registrations</b>	The Council has adopted bye laws which require registration of skin piercing activities. This includes acupuncture, tattooing, cosmetic skin piercing, electrolysis, and semi-permanent skin colouring. The purpose of the bye laws is to ensure procedures are in place to prevent the spread of blood borne infections. Registrations are required for both the premises and the person. This area of work is undertaken by the Council's Licensing Team.
<b>Smoke Free</b>	FAST enforce smoke free legislation in commercial premises. Compliance checks are included in all visits, request for service or complaints against premises.
<b>Accurate Database</b>	<p>Keeping the database of premises up to date is an onerous task, especially when premises are not being proactively inspected. In addition, new businesses have no legal responsibility (as applies with food law) to register. We will, where possible, use the following methods to update our database:</p> <ul style="list-style-type: none"> <li>• food business registrations;</li> <li>• planning applications;</li> <li>• officer observations of sites to be subject to a high turnover in the City;</li> <li>• premise licences;</li> <li>• official notifications e.g. accidents, asbestos removal and defective lift reports etc.;</li> <li>• HSE referrals;</li> <li>• advice enquiries; and</li> <li>• intelligence received from complaints.</li> </ul>
<b>Health &amp; Safety Advice</b>	The council provides information and advice upon request. We largely sign post users to the use the HSE's website.
<b>Statutory Notifications</b>	The authority receives notifications of certain unsafe equipment and must respond and investigate these.

## 7.0 REVIEW OF 2021/22 PERFORMANCE

The targets and performance standards in the Plan are monitored on a quarterly basis. Each year the Plan is reviewed and any planned improvements are incorporated into the next year's Plan. Elements of the review have been included in the various Sections above. Information on our targets and progress towards meeting these will be published and publicised as part of the Council's DORIS Performance Plan.

### 7.1 FOOD HYGIENE

Programmed	Target	Achieved 2019/20	Achieved 2020/21	Achieved 2021/22	Comments
Number of interventions achieved	90%	92%	17%	41.3%	Targets not achieved mainly due to catch up from the regulatory response to Covid-19.
Number of High Risk (A-C rated) Interventions Achieved	95%	97%	27.8%	93.2%	Significant catch up on high-risk program achieved in 2021/22.
Broadly Compliant Premises	95%	97.96%	81.79%	85.1%	Some conditions in premises poor due to lack of interventions during Covid-19.
Premises rated 4 or 5 under the FHRS	90%	93.1%	93.3%	92.5%	Further detail in Sections 3, on page 13 and Appendix 1.
New Business Inspections	-	194	32	299	Further detail in Sections 3, on page 13 and Appendix 1.
Number of Service Requests	-	63 (96.8% responded to within target time)	2238* (98.1% responded to within target time)	1396* (97.2% responded to within target time)	*This includes requests for Food Safety and Health & Safety.

Closure of Food Premises	-	6	7	12	Some conditions in premises poor due to lack of interventions during Covid-19.
FHRS Rescore Inspections	-	33	1	53	
Infectious Disease Notifications	-	222	125*	165*	*Suspect significant reduction due to extra Covid-19 controls, e.g. masks, stay at home, social distancing etc.

## **7.2 FOOD STANDARDS AND ANIMAL FEED**

Item	Food Standards Achieved 2021/22
Number of High-Risk Inspections	25
Number of complaints received	54
Number of Written Warnings	3
Simple Cautions	0
<b>Number of Food Standards Interventions</b>	<b>420</b>

Premises Type	Number of Feed Inspections 2021/22
Supplier of Feed Materials/Surplus Food	5
Supplier of co-products of food	3
Distributor	2
Pet Food Manufacturer	2
Livestock and Arable Farm	1
<b>Total</b>	<b>13</b>



### **7.3 HEALTH & SAFETY**

	Target	Achieved 2019/20	Achieved 2020/21	Achieved 2021/22	Comments
Number of Interventions Achieved	-	147	1166	840	Significant catch up on high-risk program achieved in 2021/22. Discussed in further detail in Section 3 on page 13 and in Appendix 1.
Number of High Risk (A and B1) Interventions Achieved	100%	100%	14.3%	88.8%	
Number of Service Requests	-	663 (96.8% responded to within target time)	2238* (98.1% responded to within target time)	1396* (97.2% responded to within target time)	*This includes requests for Food Safety and Health & Safety.
Number of Accident Investigations	-	94	267	110	The team's role continues to gradually move from a focus on Covid-19, in line with Government direction. Discussed in further detail in Section 3 on page 13 and in Appendix 1.
Covid-19 Interventions	-	-	3472	551	

\*A further summary of LAE1 data return is summarised in Appendix 3.

### **7.4 VARIATIONS FROM THE PLAN 2020/21**

As can be seen above last year's performance, (compared to 2020/21) has significantly changed to a focus on the high risk program, in all three service areas. This follows governmental direction on living with Covid-19. There is, however, now an expectation by the FSA/HSE that both FAST and TS refocus on delivery the full range of interventions in 2022/23. This will be on a catch up on a risk priority basis and will be subject to a further discussion/monitoring in terms of priorities and resources.

## 8.0 SERVICE DELIVERY 2022-23

- 8.1** The impact of Covid-19 and the need for having a recovery plan to manage the backlog of outstanding interventions remains essential for FAST and TS teams. The impact of redeployment of resources to support the regulatory response to Covid-19 has been fully recognised and essential in the wider strategy to control the pandemic.
- 8.2** The ongoing recovery plan for FAST and TS Teams is essential recovery to ensure:
- diverted resources remain returned to the Food Safety, Food Standards, Feed and Health & Safety services;
  - backlog and due interventions will be executed on a risk priority basis, in line with guidance from the FSA and HSE, priority being those businesses posing greatest risk to public health/consumer protection;
  - the need to improve hygiene, safety and standards compliance and reduce risk by focusing activity where non-compliance is identified undertaking appropriate follow up/enforcement action; and
  - ensure the full operation of FHRS scheme and where new businesses are rated to allow trading online delivery platforms, hence supporting economic recovery of the City.
- 8.3** The FSA timeline of suggested recovery proposal for Food Safety and standards is summarised in Appendix 2. This has been used as a basis for all for Food Safety, Food Standards, Animal Feed and Health & Safety Plans for 2022/23. Work on this recovery commenced on 1<sup>st</sup> July 2021.

## 8.4 FOOD SAFETY WORK PLAN 2022/23

Work Area	Proactive/ Reactive	Reason/s	Output/Outcomes
<b>#Food Hygiene Intervention Programme</b> 748 programmed interventions partially based on FSA recovery guidance to be undertaken by 31 March 2023, in accordance with the inspection rating scheme.  <b><i>NOTE – will still leave a backlog of 547 interventions carried over into 2023/24.</i></b>	P	Statutory Code of Practice requirement identified by the FSA.	<ul style="list-style-type: none"> <li>• 748 completed inspections.</li> <li>• Increased compliance with food hygiene legislation.</li> <li>• Greater awareness of food hygiene legislation amongst food business operators and food handlers.</li> </ul>
<b>Re-visits to Food Businesses following a Programmed Inspection</b> Estimated 230 revisits to check upon compliance, including follow up to statutory notices	R	Statutory Code of Practice identified by the FSA.	<ul style="list-style-type: none"> <li>• 230 completed revisits.</li> <li>• Ensuring that written warnings and statutory Notices are complied with to improve food hygiene standards at businesses.</li> </ul>
<b>Food, Water and Environmental Sampling</b> Implementing a sampling programme, and taking additional reactive samples as necessary, of approximately 50 samples.	P	Statutory Code of Practice requirement identified by the FSA. This work has been scaled back, but intention is to conduct sampling to support business safety.	<ul style="list-style-type: none"> <li>• 50 food, water and environmental samples.</li> <li>• Greater awareness of food hygiene legislation amongst food business operators and food handlers.</li> </ul>
<b>#Unplanned Inspections of New Food Businesses</b> Undertaking approximately 563 unplanned inspections of newly registered businesses, or where there are changes to the food business operator at existing businesses.	R	Statutory Code of Practice requirement identified by the FSA. To ensure that new food businesses register with the Council and are inspected as soon as possible afterwards.	<ul style="list-style-type: none"> <li>• 563 completed inspections.</li> <li>• Increased compliance with food hygiene legislation.</li> <li>• Greater awareness of food hygiene legislation amongst food business operators and food handlers.</li> <li>• Ensuring that written warnings and statutory Notices are complied with to improve food hygiene at business.</li> </ul>

			<ul style="list-style-type: none"> <li>Ensuring that the Food Hygiene Rating Scheme is as up to date as possible.</li> </ul>
<b>Complaints and Service Requests including Infectious Disease Notifications</b> Investigating 698 approximately complaints/service requests (including requests for revisits under the FHRS and appeals against ratings) and responding to approximately 200 infectious disease notifications.	R	Statutory Code of Practice requirement identified by the FSA. Investigations in response to information received from a complaint or other service request, suggesting poor duty holder performance, potentially significant breaches of law and/or existence of an infectious disease.	<ul style="list-style-type: none"> <li>698 service requests and 200 infectious diseases responded to.</li> <li>Positive response to service request raised by the business, food handler/other staff or member of the public.</li> <li>Improved business compliance and greater food hygiene awareness.</li> </ul>
<b>National Food Hygiene Rating Scheme</b> Approximately 60 rescore visits. In addition, administration of the FHRS to ensure that it remains as up to date as possible and make changes to the scheme as required by the FSA.	P	Implementation of the Food Standards Agency's 'The Food Hygiene Rating Scheme': Guidance for local authorities on implementation and operation – the "Brand Standard".	<ul style="list-style-type: none"> <li>60 rescore visits.</li> <li>Ensuring that the FHRS website is as up to date as possible.</li> <li>Ensuring that the Council fulfils its obligations under the FHRS Brand Standard Agreement with the FSA.</li> <li>Ensuring businesses are rated fairly in accordance with the FHRS Brand Standard Agreement.</li> </ul>
<b>Statutory Returns to the FSA</b> Compliance and submission of the annual Local Authority Enforcement Monitoring System return and any other returns as requested by the FSA	P	Statutory Code of Practice requirement identified by the FSA.	<ul style="list-style-type: none"> <li>Ensuring that the Council fulfils its obligations to respond to requests for information from the FSA.</li> </ul>
<b>FSA Food Alerts</b> Responding to food alerts for action, or other emergency requests, issued by the FSA regarding the withdrawal or recall of contaminated and/or illegal food.	R	Statutory Code of Practice requirement identified by the FSA.	<ul style="list-style-type: none"> <li>Ensuring that food alerts for action are responded to in a timely fashion to remove contaminated and/or illegal products from the market to protect public health.</li> </ul>

<b>Food Health Certificates</b> Issuing approximately 20 food health certificates to allow businesses to export food consignments to third countries.	P	To allow export of food.	<ul style="list-style-type: none"> <li>Approximately 20 health certificates issued raising up to approximately £1800 of income.</li> </ul>
<b>Enforcement Action in Food Premises</b>	R	Formal/voluntary business closures and Improvement Notices.  Legal Proceedings.	<ul style="list-style-type: none"> <li>Increased compliance with food hygiene legislation.</li> <li>Ensuring legal notices are complied with to improve food hygiene at businesses.</li> </ul>

#The data and resource needs are summarised fully in Appendix 4 and 5.

## **8.5 FOOD STANDARDS AND FEED WORK PLAN 2022/23**

### **Food Standards**

No.	Activity	Brief Description	Outcome	Timing (Quarter or dates)
<b>F1</b>	High Risk Inspections.	Carry out comprehensive visits and inspections to all Food Standards High Risk premises.	Compliance, advice, and support to Derby businesses.	Quarters 3,4
<b>F2</b>	Inspections to identified Food premises with Upper Medium, Lower Medium and Low food standards risk. To include identified overdue premises.	Carry out food standards inspections at identified/tagged food premises. To include other TS areas e.g. metrology, safety as appropriate. To pull in visits to those premises that have been identified as overdue for inspection.	Increased compliance, advice, and support to Derby businesses.	Quarters 1,2,3,4
<b>F3</b>	Inspections to new food businesses and un-risk rated food businesses.	Carry out food standards inspections and/or alternative enforcement activities and provide advice on consumer and regulatory matters to identified new or 'un-rated' businesses.	Increased compliance, advice and support to new Derby businesses.	Quarters 1,2,3,4

<b>F4</b>	Allergens visits/inspections/interventions.	Carry out food standards interventions and advise traders in relation to allergen information provision to consumers.  To respond to complaints and referrals, e.g. from EHOs.	Increased compliance, advice, and support to Derby businesses.	Quarters 1,2,3,4
<b>F5</b>	Investigate Food Standards complaints.	Investigate consumer complaints where food standards breaches are alleged.	Increased compliance. Enforcement. Intelligence.	Quarters 1,2,3,4
<b>F6</b>	Respond to requests for business advice.	Provide business/traders with help and advice on compliance with Food Safety Law.	Increased compliance. Enforcement. Intelligence.	Quarters 1,2,3,4
<b>F7</b>	Precautionary Allergen Labelling	Scoping of anticipated enforcement and business support activity needed in response to introduction of precautionary allergen labelling Advice and interventions as needed, including response to complaints and referrals	Increased compliance. Enforcement. Intelligence.	Quarters 2,3
<b>F8</b>	Calorie Labelling for loose, ready to eat foods	Scoping of anticipated enforcement and business support activity needed in response to introduction of food labelling changes for ready to eat loose foods Advice and interventions as needed. Including response to complaints and referrals.	Compliance with new legislation.	Quarters 2,3
<b>F9</b>	Allergen information and control at soft play centres.	Carry out visits and interventions at soft-play type businesses and similar that cater for children's groups. Advise and take appropriate enforcement action to help business provide accurate allergen information to consumers.	Compliance.	Quarters 2,3,4
<b>F10</b>	Imported Foods Project.	Continuation of inspections and sampling undertaken last year. Funded by the FSA, this is to look at labelling and composition of food (	Market surveillance  Increased compliance. Enforcement. Intelligence.	Quarters 1,2,3,4

<b>F11</b>	Unlabelled Food Project.	Interventions and food controls at premises in Derby where food items are bought in bulk and repackaged in smaller amounts	Market surveillance. Enforcement. Intelligence.	TBC
<b>F12</b>	Participation in TSEM Food Standards best practice group (and allergen BP subgroup)	Contribute to TSEM food group.	Information, intelligence, and knowledge share.	Quarters 1,2,3,4
<b>F13</b>	Maintenance of Food/Feed Quality System	Keep Quality system reviewed, updated and current.	Improved processes. Compliance with Statutory Code of Practice and Guidance	Quarters 1,2,3,4
<b>F14</b>	Undertake appropriate level of CPD hours	20 hours CPD (10hrs Food) per officer. (See also Feed below).	Maintenance of competence and authorisations.	Quarters 1,2,3,4
<b>F15</b>	FSA Authorisations and Competencies	Review, restrict and authorise Food Standards Officers. Introduction of new Competency Framework for officers	Requirement of FSA code of practice.	Quarters 1,2,3,4
<b>F16</b>	Produce Food Law Enforcement Plan	Update Annual Plan with FAST team.	Requirement of FSA code of practice.	Quarters 1,2
<b>F17</b>	Sampling Plan	Produce sampling plan taking into consideration of National, Regional and Local priorities.	Requirement of FSA code of practice.	Quarters 2,3,4
<b>1.18</b>	Participation in Derbyshire Food Liaison Group	Contribute to Group – liaison with district authorities	Information, intelligence and knowledge share	Quarters 1,2,3,4

## Animal Feed

No.	Activity	Brief Description	Outcome	Timing (Quarter or dates)
<b>Fe1</b>	Inspections at identified feed premises	Carry out feed visits at identified premises to contribute to regional feed activity for 2022/23.	Visits carried out, compliance and advice.	Quarter 1,2,3,4
<b>Fe2</b>	Investigate Feed complaints	Investigate and respond to animal feed complaints to service standards.	Enforcement, advice, compliance.	Quarters 1,2,3,4

<b>Fe3</b>	Business advice requests	Respond to requests for advice and support on animal feed matters from traders.	Advice delivered.	Quarters 1,2,3,4
<b>Fe4</b>	Participate in TSEM Feed group	Contribute to TSEM Feed best practice group.	Intelligence, information and knowledge share. Contribute to regional and national feed enforcement strategy.	Quarters 1,2,3,4

## **8.6 HEALTH & SAFETY WORK PLAN 2022/23**

Work Area	Proactive/ Reactive	Reason/s	Output/Outcomes
<b>Health &amp; Safety Intervention Programme</b> 3 A rated and 1 B1 rated programmed intervention to be undertaken by 31 March 2022, in accordance with HSE guidance.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	<ul style="list-style-type: none"> <li>• 4 completed high risk inspections.</li> <li>• Increased compliance with Health &amp; Safety legislation,</li> <li>• Greater awareness of Health &amp; Safety legislation among business owners and employees.</li> </ul>
<b>Coronavirus</b> Advise/support business on Government's guidance on Living with Covid-19.	P	Local identified initiative to support Derby City's Public Health Team.	<ul style="list-style-type: none"> <li>• Raises awareness during any business intervention.</li> <li>• Encourage vaccination/booster update.</li> <li>• Business contingencies should Government Covid-19 guidance/restrictions change.</li> <li>• Increased public confidence.</li> </ul>
<b>Visitor Attractions to Control Ill Health Arising from Animal Contact</b> E.coli Cryptosporidium infection especially in children is one of the areas in the HSE's National Code. To visit the animal petting farm in the City and check arrangements for managing the risks of infection from animal handling.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	<ul style="list-style-type: none"> <li>• 1 inspection.</li> <li>• Ensure compliance with the legislation and HSE Codes of Practice.</li> </ul>



<b>Duty to Manage Asbestos</b> In premises likely to contain asbestos (i.e. built before 2000) Health & Safety regulators should draw duty holders' attention to their duty to manage asbestos.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	<ul style="list-style-type: none"> <li>Approximately 600 interventions – as part of Food and other H&amp;S programs.</li> <li>Increased compliance with Health &amp; Safety legislation.</li> <li>Greater awareness of Health &amp; Safety duties among business owners and employees.</li> </ul>
<b>Falls from Height / Fragile Roofs</b> Work on/adjacent to fragile roofs etc. Where they are identified during visits, to raise awareness of an associated risk to ensure repair and maintenance works are undertaken with the safety precautions needed.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	See Duty to Manager Asbestos Section above.
<b>Inflatable Amusement Devices</b> There have been several serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. Inflatables can be found at many premises. We will raise awareness of the general risks associated with the operation of such devices.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	See Duty to Manager Asbestos Section above.
<b>Trampoline Parks</b> Increased number of accidents occurring at parks, involving both children and adults, resulting in major injuries, as well as a small number of life-changing injuries.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	<ul style="list-style-type: none"> <li>2 completed inspections.</li> <li>Increased compliance with Health &amp; Safety legislation.</li> <li>Greater awareness of Health &amp; Safety legislation among business owners and employees.</li> </ul>
<b>Gas, Electric and Solid Fuel Safety in Commercial Catering Premises</b> The proper installation and maintenance of equipment are of essential to ensure that staff and customers at commercial catering premises are protected. We will raise awareness, with their local duty holders of the risks of in commercial kitchens.	P	Requirement by HSE's LAC 67/2 (Rev 11) and LA National Code.	See Duty to Manager Asbestos Section above.
<b>Statutory Returns to HSE</b> Compilation and submission of the annual LAE return to the HSE.	P	For the compilation of national statistics.	Ensuring the Council fulfils its obligation to respond to requests for information from the HSE.

<b>Shisha Premises</b> Visit approximately 10 new/existing premises within the City to ensure compliance with smoking legislation.	P	Local identified initiative as these premises have not received an intervention since prior to Covid-19.	<ul style="list-style-type: none"> <li>Approximately 10 inspections.</li> <li>Increased compliance with smoking legislation.</li> <li>Greater awareness of duties among business owners and employees.</li> </ul>
<b>Safety Advisory Group Work</b> To participate in the group for major public events held throughout the year, with a focus on crowd safety.	P	To provide safety advice as needed on Event Safety Plans and undertake visits during the year to ensure standards are being implemented.	Attendance at meetings and inspections as needed.
<b>Investigation of Incident Notifications</b> Investigate approximately 50 incidents of injury or ill health that meet the criteria for investigation.	R	Investigations in response to reports or other accident notifications, suggesting poor duty holder performance and/or potential significant breaches of law.	<ul style="list-style-type: none"> <li>50 investigations.</li> <li>Minimise the risk of similar incident occurring at the business.</li> <li>Promote sensible risk management.</li> </ul>
<b>Complaints and other Service Requests</b> Investigate approximately 698 complaints and responding to other service requests about workplace Health & Safety.	R	Investigations in response to information received from a complaint or other service request, suggesting poor duty holder performance and/ or potential significant breaches of law.	<ul style="list-style-type: none"> <li>698 investigations.</li> <li>Promote sensible risk management.</li> <li>Improved business compliance and greater Health &amp; Safety awareness.</li> </ul>
<b>Adverse Engineering Reports</b> Investigate approximately 10 adverse engineering reports, primarily notifications of defective lifting equipment.	R	Investigations in response to information received from an adverse engineering report, suggesting poor duty holder performance and/ or potential significant breaches of law.	<ul style="list-style-type: none"> <li>10 investigations.</li> <li>To ensure that duty holders take timely action to suspend use of defective equipment and undertake necessary work prior to re-use.</li> </ul>
<b>Enforcement Action in Health &amp; Safety Premises</b>	R	Prohibition and Improvement Notices.  Legal Proceedings.	<ul style="list-style-type: none"> <li>Increased compliance with Health &amp; Safety legislation.</li> <li>Ensuring legal notices are complied with to improve Health &amp; Safety at businesses.</li> </ul>

## **8.7 GENERAL WORK PLANS**

In addition, all services covered by this plan will:

- where appropriate, further develop the commercial side of the services, e.g., officers are used to offering advice to businesses on how they should comply with the law or improve their rating. We are determining in what circumstances this advice should be chargeable. There is a demand for carrying out advisory visits to new businesses that register with us, which is a non-statutory service that has not been provided for several years;
- look at developing our succession and workforce plan and explore mechanisms designed to support this process;
- further develop IT and information management systems and capabilities and improve our online service offer. Build on lessons learned during the lockdown phase such as exploring ways to use technology to make the process of carrying out inspection and other enforcement work easier, for example by using tablets to log inspections whilst on site, and using more of the functionality contained within our premises and inspection database to aid efficiency, consistency and workflow;
- reduce the administrative and reporting burdens that we place on our front-line professionals, while improving for the longer term the information and intelligence we gather to aid our operational planning; and
- assess how we communicate with businesses and review, to ensure information is simple, understood, so businesses understand their statutory obligations and comply.

# 9.0 RESOURCES, QUALITY ASSESSMENT AND OFFICER DEVELOPMENT

## 9.1 FINANCIAL ALLOCATION

### **9.1.1 Food Safety, Infectious Disease and Health & Safety**

A total budget of £415,943 has been allocated to this service area. This compares to £405,981 in 2021/22.

### **9.1.2 Food Standards and Animal Feed**

A total budget<sup>#</sup> of £639,865 has been allocated to this service area. This compares to £623,548 in 2021/22.

*# the budget also includes funding for Weights & Measures, Fair Trading, Product Safety, Animal Health & Welfare, Explosive & Fireworks, Petroleum, 2<sup>nd</sup> Tier Consumer Advice, Scams and Age Restricted Sales*

## **9.2 STAFFING ALLOCATION – FOOD SAFETY, INFECTIOUS DISEASE AND HEALTH & SAFETY**

<b>Number of Posts</b>	<b>FAST Officers</b>	<b>Food and Infectious Disease Control</b>	<b>Health &amp; Safety</b>	<b>Total FTE</b>
1	Service Manager	0.5	0.5	1
2	Senior Environmental Health Officers	0.8	0.8	1.6
5	Environmental Health Officers	2.15	2.15	4.3
2	Food and Safety Enforcement Officers	0.8	0.8	1.6
<b>TOTAL</b>		4.25	4.25	8.5*
* There is also 1 additional FTE (temporary) to offer administrative support to FAST (they have no direct Food Safety, Infectious Disease or Health & Safety role)				

- 9.2.1** For 2022/23 4.25 FTE is allocated for Food Safety work and 4.25 for Health & Safety work. Although these are the allocated FTEs for each function, demands during the year may mean this ratio may change.
- 9.2.2** If necessary, the shortfall in FTE may be made up by external contractors (on a paid per inspection basis) if needed, subject to a budget enabling this, to be sourced.
- 9.2.3** The work plans are the minimum recovery intervention plans, stipulated by the FSA and HSE. There will still be a significant number of due interventions in lower risk premises not being fulfilled. As can be seen from calculations in Appendix 5, there is still a shortfall of 0.28 FTE to meet the minimum recovery plans. Options are being explored as stated in 9.2.2 above.
- 9.2.4** The lead officer function required by the Food Law Code of Practice is undertaken by the Food and Safety Service Manager.

### **9.3 STAFFING ALLOCATION – FOOD STANDARDS AND FEED**

The following FTEs will carry out Food Standards, Feed and animal health duties alongside other trading standards duties in 2022/23.

Principal TSO	0.5	Management/Operational
TSOs	3.2	Operational
Fair Trading Officers	0.5	Operational

*Note: Trading Standards operates a multi-disciplinary Team and all officers now have a wider role in delivering the Trading Standards service and none of those listed above will carry out food work exclusively.*

### **9.4 QUALITY ASSESSMENT**

**9.4.1** Both FAST and TS services have established monitoring arrangements to ensure the quality of the services provided and to ensure the expected standards are maintained. These are listed below.

- Daily support provided by Service Managers and Senior Officers.
- Allocation of premises requiring inspection according to risk, from the EH Civica APP system.
- Documentation audits.
- Service Manager review and approve recommendation for legal proceedings.
- Senior Officer/Service Manager to review and approve the service of notices.
- Use of standard phrases for Schedules of Contraventions.
- Ongoing appraisal and regular 1 to 1 meetings.
- Procedures for investigating complaints against the service.
- Subscription to RIAMS (Regulating Information Management System).
- Group meetings to discuss matters of professional and technical interest.
- Accompanied inspections.
- Participation in national, local and regional consistency exercises.

- 9.4.2** Any formal complaints made against the service are investigated and monitored in accordance with the Council's Complaint Policy.
- 9.4.3** External verification of quality is actively pursued with a commitment to promote consistency of enforcement through auditing and benchmarking with the Derbyshire Health & Safety, Food Safety and Food Group sampling groups.
- 9.4.4** Internal monitoring procedures have been set up to verify the service operates in conformance with relevant legislation, the Food Law Codes of Practice (England), Section 18 of the Health & Safety at Work etc. Act 1974 and our internal procedures.

## **9.5 STAFF DEVELOPMENT AND COMPETENCY MAINTENANCE**

- 9.5.1** The Council is committed to ensuring that officers undertaking FAST and TS responsibilities have the required qualifications, skills, experience and competencies commensurate with their work requirements.

<b>Food and Food Standards</b>	<b>Feed</b>	<b>Health &amp; Safety</b>
The Food Law Code of Practice contains specific competency requirements for officers carrying out food safety official controls. Officers are assessed to address gaps that may prevent them from effectively delivering official controls by ongoing monitoring.	The Feed Law Code of Practice contains specific competency requirements for officers carrying out food safety official controls. Officers are assessed to address gaps that may prevent them from effectively delivering official controls by ongoing monitoring.	The Health & Safety Executive's Section 18 Standard on Enforcement requires officers to be trained and competent.

- 9.5.2** Staff are supported by a system of performance appraisal (Great Performance Conversations) and regular 1:1 meetings, Team meetings, staff events and internal online training. The appraisal process aims to support and develop staff to continuously improve and build a work force that is fit for purpose.

- 9.5.3** The prescriptive competency and Continual Professional Development (CPD) training requirements specified in the table above will be annually reviewed. If it is determined the authorised officer does not meet the competency requirements an action plan will be devised to ensure their development needs are addressed and they are deemed competent to perform their duties.
- 9.5.4** The FSA has made changes to its competency/qualification requirements. A comprehensive review will need to be executed by all FAST and TS members by the end of March 2023. In addition, 10 hours Health & Safety related training and 20 hours Food Safety related training/professional study are required by each qualified FAST member.



# APPENDIX 1 – OTHER PROACTIVE / REACTIVE APPROACHES

	Food Safety	Food Standards	Feed	Health & Safety
<p><u>Revisits</u> Following inspection/intervention it may be necessary to carry out a revisit after an appropriate time to check that matters have been attended to or check compliance with any enforcement notices.</p> <p>Reasons for revisits include:</p> <ul style="list-style-type: none"> <li>the nature of the contravention is deemed so serious that if it was not addressed, formal action would need to be taken; and</li> <li>the number of minor contraventions is excessive and indicative of poor management and/or little confidence in the management addressing the matters.</li> </ul> <p>This is separate to requests for a food hygiene rating rescore.</p>	✓	✓	✓	✓
<p><u>Service Requests/Complaints</u> We aim to respond to all complaints/requests for service as soon as possible, but in any case, requests will be acknowledged within three working days. Complainants will be advised of the outcome of all complaints.</p> <p>We prioritise complaints that pose a high risk to public health. Anonymous complaints will not usually be investigated unless there is concern about the nature of the complaint and/or premises history.</p>	✓	✓	✓	✓

<p><u>Food Safety Incidents</u> Food Safety alerts notify the public and food authorities of incidents concerning food which do not meet Food Safety or composition standards. They are transmitted electronically via the FSA.</p>	✓	✓		
<p><u>Business Advice</u> We acknowledge that most businesses want to comply with the law and FAST and TS Teams will provide advice and encourage best practice. Free basic advice is provided to assist businesses in complying with the law.</p> <p>A package of support aimed at both new business start-ups and existing businesses who want to improve their food hygiene rating was introduced alongside the Council's statutory functions.</p> <p>Visits to premises for advice are only undertaken in exceptional circumstances. A service based on cost recovery is being explored.</p> <p>Experience shows that many organisations do not contact us. Some may be fearful of contact, which deters them from seeking advice. We will make a special effort to explore new ways to establish and maintain an effective communication that they all take their responsibilities seriously.</p>	✓	✓	✓	✓
<p><u>Microbiological Sampling</u> Microbiological sampling is undertaken at food businesses to detect micro-organisms that can cause food poisoning. By taking these samples, we are seeking to detect contaminated food and correct any problems with regard to manufacture, handling or storage before any illness is caused.</p> <p>Due to the reduction in staff resources, microbiological sampling is not undertaken on a proactive basis. Samples will be taken as part of investigations into incidents, food poisoning outbreaks or where local intelligence suggests that there is a risk to public health. These samples are examined by the Public Health Laboratory at York, details listed in 2.5.2 previously.</p>	✓			

<p><u>Food Standards and Feed Sampling</u> During the year food/feed samples will be taken for composition and labelling. These will be taken as part of:</p> <ul style="list-style-type: none"> <li>planned project work;</li> <li>inspections;</li> <li>Home Authority sampling;</li> <li>food sampled from local producers within the City;</li> <li>regional or national initiatives; and</li> <li>samples requiring testing as a result of complaints.</li> </ul> <p>Food complaints items are submitted to the Public Analyst, where compositional or quality issues are examined, the details are stated in 2.5.2 previously.</p>		✓	✓	
<p><u>Primary Authority</u> Where a LA has set up a primary authority arrangement, with a business group.</p> <p>Inspecting authorities are required to take agreed plans into account when planning interventions for such companies and to consult with the LA before taking enforcement action. Several the larger business chains in Derby have LA agreements in place and FAST and TS must have regard to their agreed inspection plans in order to plan more efficient and targeted interventions for these businesses.</p>	✓	✓	✓	✓
<p><u>Referrals to other organisations</u> Referrals are made where relevant information identifies that there is a wider regulatory interest. Relevant agencies to which referrals may be made include: FSA, HSE, other LA's, PHE, Derbyshire Fire and Rescue Services, Derbyshire Police, Ofsted, Care Quality Commission, Severn Trent Water Authority, RSPCA and the UK Border Agency.</p>	✓	✓	✓	✓
<p><u>Internal Consultations</u> The Teams are statutory consultees on licence applications under the Licensing At 2003 and for temporary event notices. They also consult with other Sections within the Council; and on building control and planning applications relating to food premises.</p>	✓	✓		✓
<p><u>Promotional Activities</u> Education and awareness are key methods of encouraging high standards in businesses across the district and informing the public.</p>	✓	✓	✓	✓

<p>We support FSA media campaigns promoting messages through press releases, our website, social media and newsletters, where resources allow.</p> <p>We continue to provide information to assist businesses to comply with legislation and ensure the Council's website is maintained with relevant information.</p> <p>Press releases are issued following successful prosecutions to act as a deterrent to others and inform the public.</p>				
<p><u>Imported Food</u></p> <p>Imported food responsibilities are included as part of routine inspections and our sampling programme. A check for imported food is made during all planned food premises interventions. Any issues found are then investigated further to ensure food is legally imported.</p> <p>On occasion the Teams may be notified of imported food arriving in the City as its first destination after import from a third country. Checks, including sampling maybe be undertaken to ensure that the food is legally imported and it does not present a serious direct or indirect risk to health. With the UK's exit from the EU additional inland checks may be necessary on imported food. The full extent of the impact is not yet known.</p>	✓	✓		
<p><u>Investigation and Control of Outbreak</u></p> <p>FAST investigate any outbreaks or suspected outbreaks of food related infectious disease. This is undertaken in accordance with national guidance and on the advice of the Council's Proper Officer for Medical Advice who is the Consultant in Communicable Disease Control (CCDC) from PHE. Actions are in line with procedures developed in conjunction with Public Health England and Derbyshire Food Liaison Group.</p> <p>In the event of a major outbreak, the resources required will be significantly higher due to the intensive demands created. In such circumstances, it may be necessary to meet these demands by the disruption of other priority work, secondment of employees from other work areas within the council or the provision of funding for temporary support.</p>	✓			
<p><u>Investigation and Control of Food Related Illness</u></p> <p>Notifications of confirmed food related illness suffered by residents of the City are reported by PHE. A response matrix developed by PHE and the Derbyshire Food Liaison Group is used to identify who may be contacted for further information or for an investigation to be undertaken. Arrangements are in place for PHE to contact us directly if they become aware of specific types of infections of public health significance that require a more immediate response, such as</p>	✓			

<p>suspected outbreaks or a person which falls within a high risk category as defined in national guidance.</p> <p><u>Liaison with Other Organisations</u></p> <p>In addition to working with other Teams officers from FAST and TS liaise with other local authorities, agencies and organisations to facilitate consistent enforcement, share good practice and reduce duplication of effort. These are listed below.</p> <ul style="list-style-type: none"> <li>• Derbyshire Chief Officers Health and Safety Group</li> <li>• Derbyshire Chief Officers Food Liaison Group</li> <li>• Derbyshire Food Sampling Group</li> <li>• Food Standards Agency</li> <li>• Health &amp; Safety Executive</li> <li>• Public Health England</li> <li>• Severn Trent Water</li> <li>• DEFRA</li> <li>• D2N2 (Derby, Derbyshire, Nottingham, Nottinghamshire Local Enterprise Partnership)</li> <li>• Animal Health (APHA)</li> <li>• Trading Standards East Midlands</li> <li>• Unitary Benchmarking Group</li> <li>• OFSTED</li> <li>• OPSS</li> <li>• CTSI</li> <li>• Derbyshire Police</li> </ul>				
	✓	✓	✓	✓

# APPENDIX 2 – FSA LOCAL AUTHORITY RECOVERY PLAN

The key elements of the plan are summarised below:



### **Principles Underpinning the Recovery Plan**

The following principles underpin both phases of the recovery plan:

- when intelligence suggests risks have increased – and irrespective of the risk category – interventions should be undertaken to assess and address those risks;
- when an onsite intervention is undertaken, subsequent interventions should be programmed as per the Codes of Practice requirements;
- new food hygiene ratings should be given where appropriate interventions are undertaken; and
- where non-compliance is found at any intervention, appropriate enforcement action should be taken.

### **Phase 1**

During Phase 1, LAs must continue to deliver the following core activities (priority work):

- food/Feed import controls at points of entry;
- official control monitoring relating to shellfish harvesting areas;
- conditional and full approval visits;
- inspection of fishing vessels;
- management of food incidents and hazards (including outbreaks of foodborne illness);
- investigation and management of complaints;
- enforcement action in case of non-compliance; and
- ongoing proactive surveillance to obtain an accurate picture of the local business landscape and identify: open/closed/recently re-opened/new businesses; as well as businesses where there has been a change of operation, activities or FBO.

We also propose that LAs focus on the following:

- a) managing the expected increase in necessary reactive work resulting from the lifting of restrictions in the hospitality sector, which will include carrying out some of the overdue planned interventions;
- b) assessment of new businesses and those with change in operation, activities or FBOs so that onsite visits can be undertaken where there are concerns around public health/consumer protection and, for others, the initial inspection can be prioritised and undertaken in accordance with the Codes of Practice; and

- c) planning for resumption of planned intervention programmes for high risk category and non-compliant establishments in Phase 2

### **Phase 2**

During Phase 2, it is proposed that LAs continue to deliver the core activities outlined above for Phase 1 and focus on:

- a) implementing planned intervention programmes for high risk category and non-compliant establishments; and
- b) implementing an intelligence-based approach for low risk category establishments.

This is detailed in the previous illustration.



# APPENDIX 3 – SUMMARY OF DATA FOR LAE1 RETURN 2021/2022

**Table 2: Summary of LA Health & Safety Activity 1 April 2021 – 31 March 2022**

**Only include information where Health & Safety was targeted as a priority for intervention. For guidance on targeting and recording interventions for this return see:**

- National LA Enforcement Code.
- List of higher risk activities in specific sectors suitable for proactive inspection (the 'List').
- Supplementary Guidance.
- Guidance on Combining H&S and Food Inspections.

Intervention type		Number of Inspections Interventions/Visits (each intervention must be counted only once)		Guidance
Proactive inspections	Proactive inspection	Targeted using <u>National</u> Intelligence	Targeted using <u>Local</u> Intelligence	
		7	11	Proactive inspections <b>are</b> planned interventions where:  a) The use of warranted powers under Health & Safety legislation would, if necessary, be used to gain entry or otherwise regulate part or all of a business activity, <b>and</b> b) The reason for the inspection was to specifically target occupational Health & Safety issues at these premises.

				<p>Proactive inspections <b>are not</b> - Inspections undertaken primarily for reasons beyond occupational Health &amp; Safety e.g. food hygiene, <b>even if</b> 'matters of evident concern' related to health safety happen to be identified and addressed during that inspection.</p> <p>Proactive inspection should only be used for the activities in the sectors contained in the list which accompanies the National Code, or where there is local intelligence of failure to manage risk.</p>
Non-inspection interventions	Other visits/face to face contacts	245	0	Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days and advisory support visits.
	Other contact/ interventions	26	0	Any other targeted contact (not face to face) to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. raising H&S awareness by providing information packs. Do not include non-targeted general newsletters, service magazines or the number of website hits.
Reactive visits	Visit to investigate health & safety related incidents	2		Record the number of actual visits made under the relevant category. HSE has developed a risk-based approach to <a href="#">complaint handling</a> and incident selection criteria ( <a href="#">LAC 22/13</a> ) which LAs should adopt to help target interventions and make best use of resources.
	Visits to investigate H&S complaints	13		
	Visits following requests for H&S service from businesses	96		
Revisits following earlier intervention		70		Visits following an earlier intervention to confirm action previously required has been completed e.g. Notice compliance check.

Table 3: Number of enforcement actions 1 April 2021 – 31 March 2022

(a) Improvement notices	(b) Deferred prohibition notices	(c) Immediate prohibition notices	(d) Simple cautions
2	0	0	0

(d) Number of simple cautions (non-statutory procedure) to secure compliance of Health & Safety in England and Wales.  
You do not need to submit the number of cases submitted to the Scottish Procurator Fiscal (PF), we will get this directly from the PF.

**Table 4: Peer review of your LA's Health & Safety regulatory activities 1 April 2021 – 31 March 2022**

Name of the peer-review group for your Local Authority? (e.g. name of Regional Liaison Group or 'buddy' Local Authorities)

Derbyshire Health & Safety Liaison Group

Did the above group successfully peer-review your Health & Safety regulatory services during the work year ?

No – due to ongoing regulatory response to Covid-19 and regulatory catch up

**Table 5: Comments (voluntary – not part of the LAE1 return)**

If you wish to provide brief comments to give further background/explanation of your reported data please include this here. Issues other LAs have comment on in the past have included:

- Anomalies or other local issues that impacted on this years' work delivery
- Local intelligence lead projects
- New and emerging issues
- The MECs that have generated the most significant amounts of activity
- Primary Authority Work relating to occupational Health & Safety

During the year 2021/22 at Derby City Council, of the premises we went out to visit:

- 46 premises visited had ceased trading.
- 551 full Covid-19 assessment visits.
- 1 matter of evident concern were noted during visits as part of food inspections – these largely related to local intelligence matters.
- It is hoped to continue to progress more peer review work through our local Health & Safety Liaison Group when we recover from the impact on our services as a result of the ongoing regulatory response to Covid-19.

HSE, as a public body, must act in accordance with the Freedom of Information Act, which also covers information provided to HSE by third parties. For more information:

[www.hse.gov.uk/foi/disclosure-third-partyinfo.pdf](http://www.hse.gov.uk/foi/disclosure-third-partyinfo.pdf).

# APPENDIX 4 – COMMITMENT TO FOOD SAFETY INTERVENTION PLAN

PROGRAMMED INTERVENTION PLAN				
Risk Category	FSA Recovery Requirements	Backlog	Programmed	Commitment 2022/23
<b>A</b>	*	0	7	7 (x14 inspections) = 14
<b>B</b>	*	0	45	45
<b>Compliant C</b>	End of Phase 2 March 2023	13	95	121
<b>Non-Compliant C</b>	*	0	13	13
<b>Compliant D</b>	No interventions will be required unless intelligence suggests that risks have increased	559	35	Anticipate 50% based on intelligence risk = 297
<b>Non-Compliant D</b>	*	1	1	2
<b>E</b>	No interventions will be required unless intelligence suggests that risks have increased	357	154	Anticipate 50% based on intelligence risk = 256
<b>Total Due</b>		930	350	748 Interventions (will leave a backlog of 532 carried over until 2023/24)
NEW BUSINESS INTERVENTION PLAN				
<b>New Businesses</b>	*	264	Estimate 299 new registrations for 2022/2023	563
<b>Total Due</b>		1843 (COMMITMENT of 1304)		

\* Must be Completed within +/- 28 days of due date

# APPENDIX 5 – RESOURCES NEEDED FOR FULFILLING 2022/23 PLAN

	TIME NEEDED TO COMPLETE ACTIVITY *#	COMMITMENT IN PLAN	TIME IDENTIFIED TO COMPLETE WORK PLAN
<b>FOOD SAFETY</b>			
<b><u>Programmed Inspections</u></b>			
A and NC Premises	6 hours	28 inspections	168 hours
B, C	4 hours	166 inspections	664 hours
D	3 hours	298 inspections (only 50%)	885 hours
E	2 hours	256 interventions (only 50%)	512 hours
Unrated	3 hours	563 inspections	1689 hours
			<b>3918 HOURS</b>
<b><u>Reactive Work Activities</u></b>			
Revisits	1.5 hours	230 revisits	345 hours
Rescore Visits	3 hours	60 rescore visits	180 hours
Service Requests	1.5 hours	698 service requests	1047 hours
Infectious Disease Investigations	1 hour	200 investigations	200 hours
Food Sampling	2 hours	50 samples	100 hours
Other Activities (e.g. Food Alerts, Enforcement Action etc.)	-	700 hours approximately	700 hours
			<b>2572 HOURS</b>

	TIME NEEDED TO COMPLETE ACTIVITY *#	COMMITMENT IN PLAN	TIME IDENTIFIED TO COMPLETE WORK PLAN
<b>HEALTH AND SAFETY</b>			
<b><u>Programmed Inspections</u></b> A and B1 Premises Initiative Visits Shisha Visits	6 hours 2 hours 4 hours	4 inspections 603 interventions 10 inspections	24 hours 1206 hours 40 hours  <b>1270 HOURS</b>
<b><u>Reactive Work Activities</u></b> Revisits Service Requests Accident Investigations Other Activities (e.g. Adverse Reports, Enforcement Action)	1.5 hour 1.5 hours 5 hours -	70 revisits 698 service requests 50 investigations 500 hours approximately	105 hours 1047 hours 250 hours 500 hours  <b>1902 HOURS</b>
<b>TOTAL HOURS = 9662 HOURS (6490 FOOD and 3172 HEALTH AND SAFETY)</b>			

\* includes visit time, office admin and database updating

# calculated based on time recording exercise November 2021 – March 2022

**Estimation of Food and Safety Officer FTE Productive Hours**

<b>1 year</b>	<b>365 days</b>
Annual Leave	28 days
Training / Team Meetings	20 days
Competency Food and H&S Based Training	5 day
Bank Holidays	9 days
Sick Leave / Special Leave etc.	14 days
Weekends	104 days
Downtime – Research / Reading / Development etc.	25 days
Number of Working Days	160 days
<b>1 FTE</b>	<b>160 days (1158.4 hours – PER FTE)</b>
FAST FTE Hours = 7.5 (excludes Service Manager) x 1158.4 hours	8688 hours

### **Estimation of Resource Gap**

- To meet the minimum requirement stipulated by the FSA and HSE = 0.84 FTE Shortage (anticipated this gap will be fulfilled for 2022/23 by use of a paid for per inspection service and/or existing officer extra time-for-time paid hours).
- To meet the minimum requirements stipulated by the FSA and HSE **AND** catch up on backlog D and E rated premises = 2.04 FTE Shortage.
- To meet the minimum requirements stipulated by the FSA and HSE **AND** catch up on backlog D and E rated premises **AND** implement a significantly wider health and safety enforcement plan incorporating all aspects of the HSE code = 3.14 FTE Shortage.