

Licensing and General Purposes Committee

AGENDA

DATE: Thursday 6 September 2012

TIME: 7.30 pm

VENUE: Committee Rooms 1 & 2,
Harrow Civic Centre

MEMBERSHIP (Quorum 4)

Chairman: Councillor Mano Dharmarajah

Councillors:

Mrinal Choudhury	Husain Akhtar
Kairul Kareema Marikar	Ramji Chauhan
Ajay Maru (VC)	Susan Hall
Phillip O'Dell	Manji Kara
Varsha Parmar	Amir Moshenson
William Stoodley	John Nickolay
Krishna Suresh	Anthony Seymour

Reserve Members:

- | | |
|-------------------|---------------------|
| 1. Mrs Rekha Shah | 1. Mrs Camilla Bath |
| 2. Ben Wealthy | 2. Stephen Wright |
| 3. Raj Ray | 3. Kam Chana |
| 4. Ann Gate | 4. Stephen Greek |
| 5. Sue Anderson | 5. Lynda Seymour |
| 6. Krishna James | 6. Yogesh Teli |
| 7. Bill Phillips | 7. Chris Mote |
| 8. Sachin Shah | |

Contact: Manize Talukdar, Democratic & Electoral Services Officer
Tel: 020 8424 1323 E-mail: manize.talukdar@harrow.gov.uk

AGENDA - PART I

1. ATTENDANCE BY RESERVE MEMBERS

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

3. MINUTES (Pages 1 - 4)

That the minutes of the meeting held on 10 July 2012 be taken as read and signed as a correct record.

4. PUBLIC QUESTIONS

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

5. PETITIONS

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

6. DEPUTATIONS

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.

7. COMMERCIAL SAFETY SERVICE PLAN 2012/13 (Pages 5 - 48)

Report of the Divisional Director, Environmental Services.

AGENDA - PART II - NIL

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

10 JULY 2012

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Mrs Camilla Bath (1)	* John Nickolay
* Ramji Chauhan	* Phillip O'Dell
* Mrinal Choudhury	* Varsha Parmar
Manji Kara	* Anthony Seymour
* Kairul Kareema Marikar	* Sachin Shah (8)
* Ajay Maru	* Krishna Suresh
* Amir Moshenson	* Stephen Wright (2)

* Denotes Member present
(1), (2) and (8) Denote category of Reserve Members

75. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Husain Akhtar
Councillor Susan Hall
Councillor William Stoodley

Reserve Member

Councillor Stephen Wright
Councillor Camilla Bath
Councillor Sachin Shah

76. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 4 – Academies: Employer Contribution Rates

Councillor Camilla Bath declared a personal interest in that she was a Local Authority appointed governor at Harrow High School, Bentley Wood High

School, Whitchurch Junior School, St George's Catholic Primary School and Rooks Heath College for Business and Enterprise. She would remain in the room whilst the matter was considered and voted upon.

Councillor Stephen Wright declared a personal interest in that he was a Local Authority appointed governor at Pinner Wood School, a co-opted governor at Canons High School and his wife was Deputy Head at the Sacred Heart Language College. He would remain in the room whilst the matter was considered and voted upon.

Councillor Ramji Chauhan declared a personal interest in that he was a parent governor at Hatch End High School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Anthony Seymour declared a personal interest in that he was a governor at Pinner Park Infant and Nursery School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a personal interest in that his wife was a teaching assistant at a school in Haringey. He would remain in the room whilst the matter was considered and voted upon.

Councillor Krishna Suresh declared a personal interest in that he was a governor at Vaughan Primary School and Roxbourne School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Mrinal Choudhury declared a personal interest in that he was a Local Authority appointed governor at Elmgrove Primary and Nursery School. He would remain in the room whilst the matter was considered and voted upon.

Councillor John Nickolay declared a personal interest in that he was a governor at Welldon Park Infant and Junior School. He would remain in the room whilst the matter was considered and voted upon.

77. Deputations

RESOLVED: To note that no deputations were received at the meeting.

RESOLVED ITEMS

78. Academies - Employer Contribution Rates

The Panel received a report of the Corporate Director Resources which set out Employer Contribution rates for all Harrow Schools converting to Academy status and for newly established Free Schools. The report proposed the adoption of a common approach in setting the Local Government Pension Scheme (LGPS) employer contribution rates for each Academy or Free School.

The Corporate Director Resources stated that this issue had been widely debated at a previous meeting of the Pension Fund Investment Panel and three subsequent Licensing and General Purposes Committee meetings during 2011. Members of L&GP had received extensive information from different sources, including a Department for Education Briefing note, and presentations by Hymans Robertson, the Council's actuaries, which had informed their decision-making.

The Corporate Director Resources added that at its meeting of 17 May 2011, the Committee agreed the following approach and that this be adopted by the Council as a common approach in setting LGPS employer contribution rates for each Academy or Free School:

1. Schools that apply for Academy status will not be pooled with Harrow Council.
2. A separate employer contribution rate for each Academy be established.
3. No stabilisation of contributions to be applied.
4. A deficit recovery period of 20 years to be used to recover the share of deficit allocated to each Academy.
5. The 20 year recovery period to only be applicable for as long as the Academy or DfE did not give notice of exiting its status.
6. On receiving 7 years notice of exiting Academy status, the outstanding deficit be spread over the remainder of the notice period and the contribution rate be recalculated with effect from the start of the following financial year.
7. The Committee to reserve its position regarding the actuarial basis to be used for the recalculation.
8. The share of the deficit to be transferred to the schools be calculated based on the liabilities of current LGPS staff who transfer to the Academy and the estimated liability for deferred and pensioner members formally employed by the former maintained school.
9. The cost of calculating Academy specific contribution rates to be charged to each school (Academy).

The Corporate Director stated that the Committee had revised its initial decision to opt for a deficit recovery period of 7 years, and had instead opted for a deficit recovery period of 20 years, following a formal request from the 7 schools that had converted to Academy status in 2011.

Following questions and comments from Members of the Committee, the Corporate Director advised that:

- following conversion to Academy status, each School would be deemed to be a 'Scheduled body', ie a separate scheme employer and would have individual pension contribution rates. This did not mean that each Academy or Free School would be part of a separate pension fund, but rather their portion of the fund would be ring fenced;
- the 7 schools that had converted to Academy status in 2011 had chosen not to be in a single pool, and that each was paying separate employer contribution rates. However, it would be possible to pool the academies together should they request in the future;
- the overall contribution rate covers the future service rate and an additional amount to cover the past service deficit. The amount apportioned to each school would vary;
- actuarial valuation of the LGPS was carried out every three years. The valuation assessed the scheme's current valuation, liabilities and deficit, which meant that the amount of contribution was subject to change;
- PFIP was responsible for assessing and setting the Council's investment strategy with regard to the LGPS;
- the scheme's assets were shared assets and therefore each entity had its proportionate share of any liabilities;
- the deficit recovery period would not affect the pension rights of individual employees who were in the LGPS;
- new schools, such as Free Schools would not have a past service deficit apportioned to them.

Following further questions from Members of the Committee, an officer clarified that Academy Schools in other parts of the country were part their local LGPS scheme. Any Academy School that was part of a group or in a trust would still be deemed a 'Scheduled Body'.

RESOLVED: That it be agreed that the calculation of employer contribution rates for all Harrow Schools converting to Academy status and newly formed Free Schools follow the approach applied by the Council to the seven High Schools that converted to Academy status on 1 August 2011.

(The meeting, having commenced at 7.30 pm, closed at 8.13 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman

**REPORT FOR: Licensing and General
 Purposes Committee**

Date of Meeting: 6 September 2012

Subject: Commercial Safety Service Plan
 2012/13

Responsible Officer: John Edwards - Divisional Director,
 Environmental Services

Exempt: No

Enclosures: Commercial Safety Service Plan
 2012/13

Section 1 – Summary and Recommendations

By virtue of the Food Safety Act 1999, the Health and Safety Act 1974 and associated statutory guidance, the Council, as statutory enforcement authority, has a duty to budget, plan and deliver the inspection and enforcement of food safety and health and safety services within the borough. The attached Plan, known as the Commercial Services Plan, satisfies these requirements. In accordance with the Constitution, the Health and Safety elements are to be considered and approved by the Licensing and General Purposes Committee.

Recommendations:

That the Commercial Safety Service Plan for 2012/13, in relation to the health and safety aspects, be approved.

Reason: (For recommendation)

By virtue of the requirements contained in Section 18 Health and Safety at Work etc Act 1974 statutory requirements, under guidance of the Health and Safety Executive (HSE), an annual health and safety plan must be produced and approved by the delegated body of the Council.

Failure to do so may result in the HSE revoking the Council's health and safety enforcement powers.

Section 2 – Report

2.1 Introduction & Background

- 2.1.1. Harrow Council is committed through its Commercial Safety Team to ensure that:
- a. Food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the London Borough of Harrow (the ‘Council’) is without risk to the health or safety of the consumer; and
 - b. Protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out;
 - c. Reduce the incidents of infectious disease affecting the community, and prevent spread.
- 2.1.2. The Council has statutory duties under Food Safety and Health and Safety legislation for providing an inspection and enforcement service. The Food Standards Agency (FSA) and Health and Safety Executive monitors the Council’s enforcement activities and requires approval of the service plan by elected members. These functions cannot be delegated to bodies outside of the Council.
- 2.1.3. The Health Protection Regulations place a requirement on the Local Authority to be the Responsible Authority for the reporting, investigation and enforcement of health protection. This responsibility is carried out by the Commercial Safety Team.
- 2.1.4 The plan is drafted in the format required by the FSA and the HSE and in accordance with the guidance contained in the Framework Agreement and Section 18 guidance and includes: the service provided, service standards and performance, targets and a statement of variances against the previous year’s plan.
- 2.1.5 Approval of the health and safety elements of the Plan, as detailed in the Council’s Constitution, rests with the Licensing and General Purposes Committee (LGPC). A joint food safety and health and safety service plan is produced to prevent duplication and because the work is essentially delivered through the same team. A joint plan also provides all parties with details of the Council’s commitment to the regulation of food safety and health & safety within the borough.

3.1 Options considered

- 3.1.1. There is an expectation that the Council will agree to the plan as it is wholly based on requirements contained in the Food Standards Act 1999, the Health and Safety at Work Act 1974 and associated statutory

guidance. The options are to approve the plan or make appropriate changes, whilst still following the National Food Framework Agreement requirements

4.1 Current situation

- 4.1.1 A food service plan has been produced annually since the introduction of the Food Safety Act 1999. Section 18 health and safety guidance issued in 2010 requires a similar plan for health and safety enforcement activities. In 2011 the Council, through Cabinet and LGPC approved a combined plan, the Commercial Safety Service Plan, which meets both the FSA and HSE requirements.

5.1 Resources, costs and risks

- 5.1.1 Failure to have an approved plan presents a risk of failure to Harrow Council. The FSA and the HSE are the national bodies overseeing these activities and the way they are delivered at a local level. The FSA and HSE require Councils to make annual returns of performance and are at liberty to request information and/or audit our arrangements. Failure to have an approved plan in accordance with statutory guidance may attract criticism and/or other sanctions. Ultimately, if our arrangements and performance was considered unsatisfactory, then the Council may face the removal of these duties and the imposition of external management, with the adverse publicity that this would attract.
- 5.1.2 The past 4 years has seen a reduction in the numbers of officers in the Council's Food Safety and Health and Safety Team. In January 2011, the Team Leader (H&S) was granted voluntary severance. To deliver efficiency savings and to improve line management, the two teams merged. Together with other staffing changes, the team is considerably depleted from earlier years whilst additional legislation has increased workload. This continues to put the team under considerable strain to comply with statutory centralised targets and commitment to comply with and deliver local needs.
- 5.1.3 There have been considerable difficulties in recruitment despite several attempts to recruit. There has for many years been a recognised national shortage of Environmental Health professionals. This has affected the team which currently carries a 25% vacancy rate. The statutory requirements placed upon individuals who are able to undertake these duties limits our recruitment options, as we require individuals with specific qualifications.
- 5.1.4 The net effect is that the team struggles to deliver its statutory duties and deliver on the local requirements. In its current set up, the team continues to prioritise statutory inspection targets but remains very exposed in the event of an unusual event, for example, a large scale food poisoning outbreak. Approval was received to re-organise the team to provide better resourcing to meet the demands placed upon it. However, due to economic pressures facing the Council and the impending service transformation programme, the vacancies within this

new structure have been frozen, with no foreseeable date set for a new round of recruitment.

- 5.1.5 Until additional resources are available, high risk areas and statutory duties will be the team's priorities. This approach does run the risk that any short term demand resulting from an emergency situation, for example a large scale food poisoning outbreak, means that the capacity to deliver statutory targets may be adversely affected.

6.1 Staffing and workforce

- 6.1.2 The HSE Section 18 Legal Standard states "The Enforcing Authority must have sufficient managerial, political, legal and administrative capacity to comply with the Section 18 Standard. Such capacity includes the ability to... put in place and maintain levels of resource compliant with the requirement to make adequate arrangements for enforcement, ensure the intervention plan is delivered"
- 6.1.3 As indicated in 6.1.2 above, our inspection targets and service standards are only capable of being met if there is a recognition that this will be at the expense of non statutory local needs. In addition, if there were a short term spike in demand (food poisoning outbreak) the lack of capacity could jeopardise delivery of our statutory duties.
- 6.1.4 The service plan also sets out that the Health & Safety inspection plan is subject to change as 2,500 premises in the borough require re-assessment. This is because these premises have only ever been subject to a "desk top" assessment. Initial indications show that approximately a quarter of these (approximately 600 premises) will need to be visited, which will also impact on staffing and the ability to meet the service plan requirements.

7.1 Equalities Impact considerations

- 7.1.1 A separate equalities impact screening assessment has been completed for this report. The screening assessment followed the screening methodology recommended in the Council's Equalities Impact Assessment. The screening assessment did not conclude any adverse effect on any particular or recognised minority group and did not recommend a full assessment.

8.1 Financial Implications

- 8.1.1 There is no additional financial implication in approving this policy for either the current budget plans or for the Medium Term Budget Strategy.
- 8.1.2 The impending reorganisation of the team is a significant process but is not expected to have significant financial impact in terms of service delivery and will subject to approval by Cabinet. The changes will be

designed to improve the capacity and efficiency of the team. This change is not contingent on an increase in the budget.

9.1 Performance Issues

- 9.1.1 The policy does not impact on any of the Council's National Indicator targets.
- 9.1.2 The commercial safety service is subject to periodic auditing by the FSA and HSE. Failure to demonstrate compliance with the actual requirements, the spirit of the Framework Agreement and Section 18 may result in adverse reporting. An extreme sanction would be for the FSA and or the HSE to remove the Council's statutory enforcement powers.
- 9.1.3 In the event that this policy is not approved, it will mean that the Council will be acting contrary to the Section 18 requirements. The HSE, after consulting with the relevant Government Minister, can direct a Council to comply with the requirements.

10.1 Environmental Impact

- 10.1.1 The policy is not expected to have any significant direct positive or negative effect on the environment, although the amalgamation of Health and Safety enforcement duties will mean that there will be a reduction in business journeys made by officers.
- 10.1.2 Approving this policy does not require an Environmental Impact Assessment.

11.1 Risk Implications

- 11.1.1 This policy is not included in the Directorate's or any other Corporate risk register.

12.1 Corporate Priorities

- 12.1.1. The Council's main priorities are detailed in the Year Ahead Statement 2011/12. The Commercial safety Plan and the Commercial Safety Enforcement Policy links with these:
 - a. Keeping neighbourhoods clean, green and safe: Fundamentally, the plan covers food safety and health & safety of the community, as well as the public health agenda.
 - b. United and Involved Communities: The service plan sets out statutory inspection and enforcement actions, but includes proactive health promotion and training opportunities for the community.

- c. Supporting and protecting people who are most in need: The plan covers all in its intention to protect people, including those that are vulnerable such as the elderly, the young and the sick.
 - d. Supporting our town centre: The plan works towards a level playing field for all in terms of trade and compliance, allowing legally compliant businesses to thrive and benefit.
- 12.1.2 Resources permitting, the team is developing partnerships with the NHS to increase its impact on a number of key and developing Public Health and Wellbeing issues. Notably: to help drive down childhood obesity by providing better understanding around food quality and food labeling and to improve the risks of bacterium infections arising from the community and impacting the acute settings. This work is instrumental in the NHS/Primary Care Trust (PCT) targets to reduce the time patients stay in acute hospitals occupying bed space. Partnership working between the PCT (to be merged into the Council in 2012/13) and the Commercial Safety Team is already in place to take advantage of these changes to the NHS.
- 12.1.3 The Commercial Safety Team will continue to deliver public health goals alongside the PCT, although this will be dependent on current reviews of the Environment Directorate and the capacity to deliver non statutory services.

Section 3 - Statutory Officer Clearance

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 June 2012.		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 26 June 2012		

Section 4 – Performance Officer Clearance

Name: David Harrington



on behalf of the
Divisional Director
Partnership,
Development and
Performance

Date: 1 June 2012

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker



on behalf of the
Divisional Director
(Environmental
Services)

Date: 18 June 2012

Section 6 - Contact Details and Background Papers

Contact for information: Taiq Chowdry Service Manager,
Environmental Health Team: 020 8736 6236, Ext 6236

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COMMERCIAL SAFETY TEAM



Service Plan 2012 /13



COMMUNITY SAFETY SERVICES

FACTS

“Improving health in the workplace is a national enforcement priority due to the high risks posed to individuals, their families, business and the costs to the economy.”

National enforcement priorities for local authority regulatory services (Rogers Review 2007)



Economic Cost of Health & Safety Incidents in Harrow:
£30.2 million



Food Borne Disease in the UK:
850,000 (12,000 hospitalisations, 328 deaths)¹



Estimated cost of accidents in Harrow:
£14.9 million



Cost to the UK of food poisoning:
£1.5 billion (20% of population annually affected)



Days lost due to work related ill health and injury:
36,415 (2,274,000 throughout London)²



Cost of treating infectious diseases in England: **£6 billion³**

¹ Food Standards Agency, www.food.gov.uk

² Health and Safety Executive, Breakdown of London Borough 2009-10

³ Health Protection Agency

“The hygiene of food businesses is a national enforcement priority because of the high impact in terms of numbers of deaths and ill health caused by unhygienic food businesses and the high costs to the economy.”
National enforcement priorities for local authority regulatory services (Rogers Review 2007)

In the context of Harrow Council, the Environmental Health Commercial Safety Team fulfils two strategic legal obligations::

- The protection of the **health, safety and welfare** of people at work, and to safeguard the public and non-employees who may be exposed to risks from the way work is carried out.
- the prevention and investigation of matters related to **food safety and standards** within the Borough

These obligations are set out in the following statute:

- The Health & Safety Executive (HSE) Section 18 Standard, “Making a Difference” (September 2010). setting out “Lead Authority” designations
- The Food Standards Agency (FSA) Food Law Code of Practice (June 2008). setting out “Food Authority” designations.

15

Enforcement is subject to the Better Regulation framework as advocated by Government, the Hampton Agenda, the Rogers Review and the Local Better Regulation Office.

Every Council has a statutory duty under Section 18 of the Health and Safety at Work etc Act 1974 to ensure it makes **adequate provision** for health and safety regulation in its area⁴

Every Council has a statutory duty under the Food Law Code of Practice (issued under the Food Safety Act 1990 as amended and Food Hygiene (England) Regulations 2006 to ensure it makes **adequate provision** for food safety and standards regulation in its area

This Plan is an important part of the process to ensure that national priorities and standards are addressed and delivered in a way that also meets local needs. It demonstrates how the Local Authority will meet its statutory obligations.

⁴ Section 18 Guidance, HSE September 2010

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Environmental Health are recognised by Government and the NHS as public health specialists, playing a fundamental role in the protection of the population. This function is particularly true of the Commercial Safety Team who are the Official Proper Officers in terms of Infection Control Legislation. This includes carrying out the Local Authorities statutory duty in terms of enforcement to protect the public from serious public health risks. Additionally, the team is involved in project leads in health food initiatives and a primary partner of the Primary Care Trust in delivering public health to the local population of Harrow.....	13
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OVERALL COMMERCIAL SAFETY TEAM SERVICE AIM

To contribute to the quality of residents' lives by securing compliance with food and workplace Health & Safety legislation through an effective regime of enforcement and education, and reducing incidents of infectious diseases

Principles: Our services will be delivered in a fair manner. We will deliver quality & value for money. We will treat those who use our services with courtesy and honesty. We will consult & listen to individuals & organisations before making decisions. We will work in partnership with others to achieve priorities. Our staff are valued for the contribution they make to achieving our aims

Food Safety Aim and Objectives: To protect consumers from potential harm caused by poor standards of food safety and standards. To contribute to the wider public health agenda to address inequalities in health caused by unequal access to information relating to food safety, nutrition and standards

- Key Priorities:**
- To secure business compliance with food safety and standards requirements through appropriate intervention
 - To promote high standards of food hygiene and standards in food business operations
 - To improve food hygiene standards in the home
 - To reduce adverse effects to health associated outbreaks of food poisoning and infectious disease
 - To work with partner organisations to overcome health inequalities relating to food safety or nutrition

Health and Safety Aim and Objectives: To protect the health and safety of those who are at work or affected by a work activity by ensuring that health and safety risks are properly managed

- Key Priorities:**
- To manage the risk in high risk, poor performing and/or rogue trader businesses
 - Investigation of major injury incidents, fatalities and other notified accidents in line with policy
 - Target resources on local priority areas
 - Contribute to the delivery of national and regional programmes of disease and accident reduction

Joint Aim and Objectives: To provide customers, internally and externally, an excellent standard of service

- Key Priorities:**
- To provide accurate & up to date information on services & standards
 - To encourage innovative & creative approaches to improving service delivery
 - To obtain customer feedback on service position & reacting appropriately
 - To ensure consistent high quality service standards
 - To ensure that there are adequate arrangements for risk management
 - To target resources and interventions to maximise their impact
 - To work with others to obtain their objectives

Joint Aim and Objectives: To ensure a well-trained, competent and motivated staff

- Key Priorities:**
- To improve communication and encouraging positive working relationships & team spirit
 - To ensure staff receive appropriate training for service delivery & development
 - Maintaining adequate arrangements for staff Health & Safety
 - To provide an inclusive culture that allows staff to grow the service

Government Priorities

“Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy”

National Enforcement Priorities for Local Authority Regulatory Services

“Help People to live healthier lives by preventing ill health and harm and promoting public health”

LBRO, National Enforcement Priorities for Local Authority Regulatory Services

“There can be few areas of public policy where the positive benefits to lives, health and wellbeing are potentially as dramatic as they could be in diet and nutrition”

“Food: an analysis of the issues”, Cabinet Office Study

“Good health and safety is vitally important”

David Cameron, Lord Young Report into Health & Safety

10

Regional Priorities

“To ensure a safe and successful Games and deliver a genuine and lasting legacy”

Government, 2011

“Environmental health officers have essential roles to play in improving and protecting population health and reducing health inequalities”

Healthy Lives, Healthy People, Public Health White Paper

Council Priorities

“Supporting our Town Centre, our local shopping centres and businesses.”

Harrow Council Corporate Priorities 2011-2012

1. BACKGROUND

PROFILE OF HARROW

Harrow is an outer London Borough in northwest London and approximately 10 miles from central London. Covering 50 square kilometres (20 square miles) Harrow is the 12th largest borough in Greater London in terms of area, but 22nd in terms of size of population with 214,600 people. It is one of the most diverse boroughs in the UK, with 53% (reference?) of the population classified as ethnic minority. 20% of the borough is composed of parkland and open spaces.

There are approximately 5,000 commercial premises, of which approximately 3,575 are the responsibility of Officers within the Commercial Safety Team. A further 1,200 commercial premises fall within the Health and Safety Executive inspection regime. Approximately 86% of employment in Harrow is within the Service industry.

CHARACTERISTICS OF LOCAL COMMERCIAL BUSINESSES

20 Small and Medium Enterprises:

The Harrow business sector is made up of mainly small and medium enterprises, with a high proportion of food businesses being owner operated by members of the ethnic minority populations within Harrow, reflecting the vibrant and diverse communities within the area.

National Manufacturers / Businesses:

Harrow Council is the designated Primary, Home and Lead Authority for 16 national businesses, including:

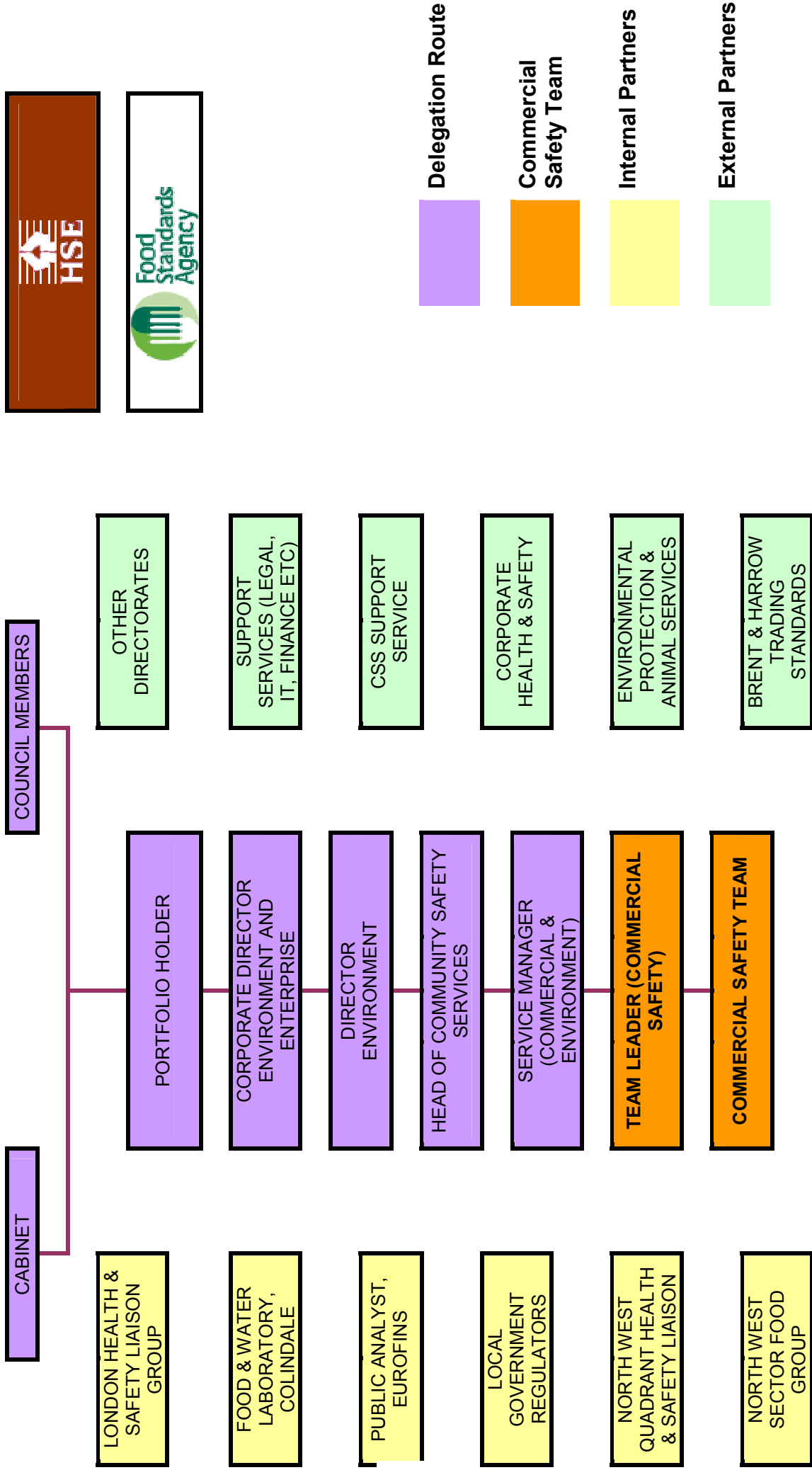


28/08/2012



It's got our name on it.

ORGANISATION STRUCTURE

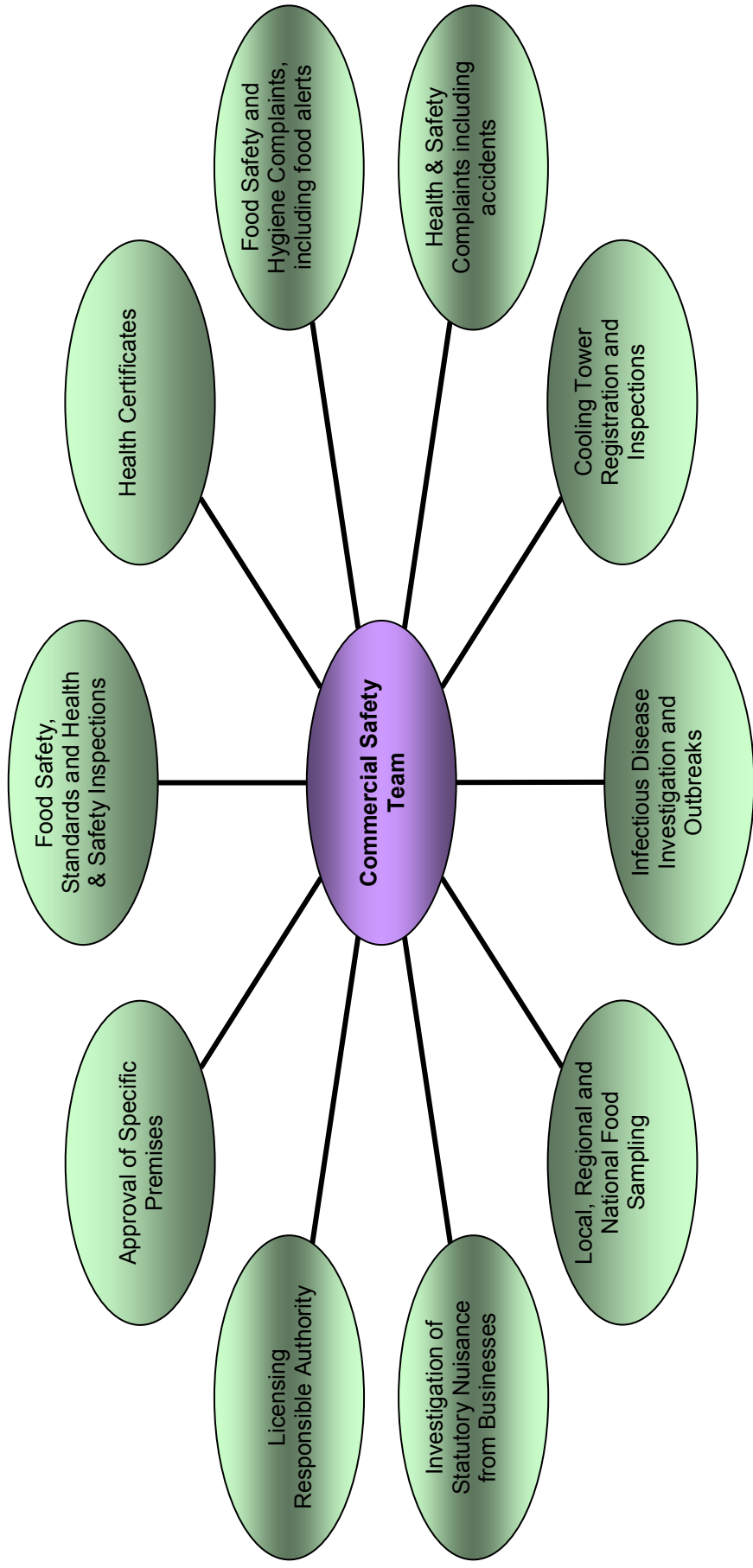


THE SCOPE OF THE COMMERCIAL SAFETY SERVICE

“Dodgy business people are going to be around forever and a day. And the only thing protecting the public against them is environmental health practitioners”

Professor Pennington, Report into the Wales E.Coli Outbreak 2009

The Commercial Safety Service is delivered by a team of professional and technical and staff and carries out the following statutory functions:-



“There are undoubtedly efficiency savings to be achieved by combining both food safety and health & safety roles, and some authorities are already doing this.”

Lord Young, “Common Sense, Common Safety” 2010

In line with good practice, the Commercial Safety Service works on the principle one officer, one premise with the officer carrying out food safety, standards and health and safety enforcement within that premise. Exceptions are when specialists are required due to an identified risk.

Harrow is part of a consortium with the London Borough of Brent for the provision of Trading Standards Services. With the exception of the sampling of alcoholic drinks the Trading Standards Service is not responsible for food standards matters in the borough’s food premises; the Commercial Safety Service principally undertakes these.

DEMANDS ON THE COMMERCIAL SAFETY SERVICE

The biggest demand on the Service is the statutory interventions programme covering approximately 3575 businesses in the Borough, for Food Hygiene, Food Standards and Health & Safety:

23

Food Hygiene Inspections: (1005 Due 2012-13)			Food Standards Inspections: (481 Due 2012-13)			Health & Safety Inspections: (361 Due 2012-13)					
Risk Rating	Number of Premises	Inspection Interval	Inspections 2012-2013	Risk Rating	Number of Premises	Inspection Interval	Inspections 2012-2013	Risk Rating	Number of Premises	Inspection Interval	Inspections 2012-2013
A	12	6 months	24	A	1	12 months	1	A	7	12 months	7
B	79	12 months	79	B	110	24 months	55	B1	132	18 months	110
C	622	18 months	529	C	1099	Alternative Enforcement	250	B2	500	Alternative Intervention	40
D	207	24 months	132	OTHER	126	-	126	C	2902	Alternative Enforcement	-
E	307	Alternative Enforcement	184					OTHER	297	-	297
OTHER	122	-	122								
Grand totals	932		998		1336		432		3838		454

^a These premises will not all require a physical inspection, though at least a 10% sample will be spot checked on return of the alternative enforcement questionnaire to ensure they are complying.

^b These premises will be subject to physical intervention every 5 years

A list of areas covered by the Commercial Safety Team is listed in Appendix 2 for reference.

“Businesses tell us that they value clear advice and support from regulators, rather than fault-finding and criticism which lowers trust.”
Transforming Regulatory Enforcement, BIS

The Commercial Safety Service provides training opportunities for local food businesses in line with the Council priority of supporting local businesses. Accredited through two professional bodies, the team offers an extensive range of training courses to food businesses including courses leading to accredited food hygiene, health, safety and fire safety qualifications.

SERVICE DELIVERY POINTS

Harrow Civic Centre, Station Road Harrow:

- public interface through access harrow
 - open 9am to 5pm
- operates Out of Hours / Emergency contact centre (020 8863 5611)

Unit 1, Central Depot, Forward Drive, Harrow

- Not public facing, but office for the service
- Operates flexible times, but covers core times of 9am to 5pm

Emergency details are also held by the Food Standards Agency and the Health and Safety Executive.

General enquiries can be made out of hours using the Councils website www.harrow.gov.uk

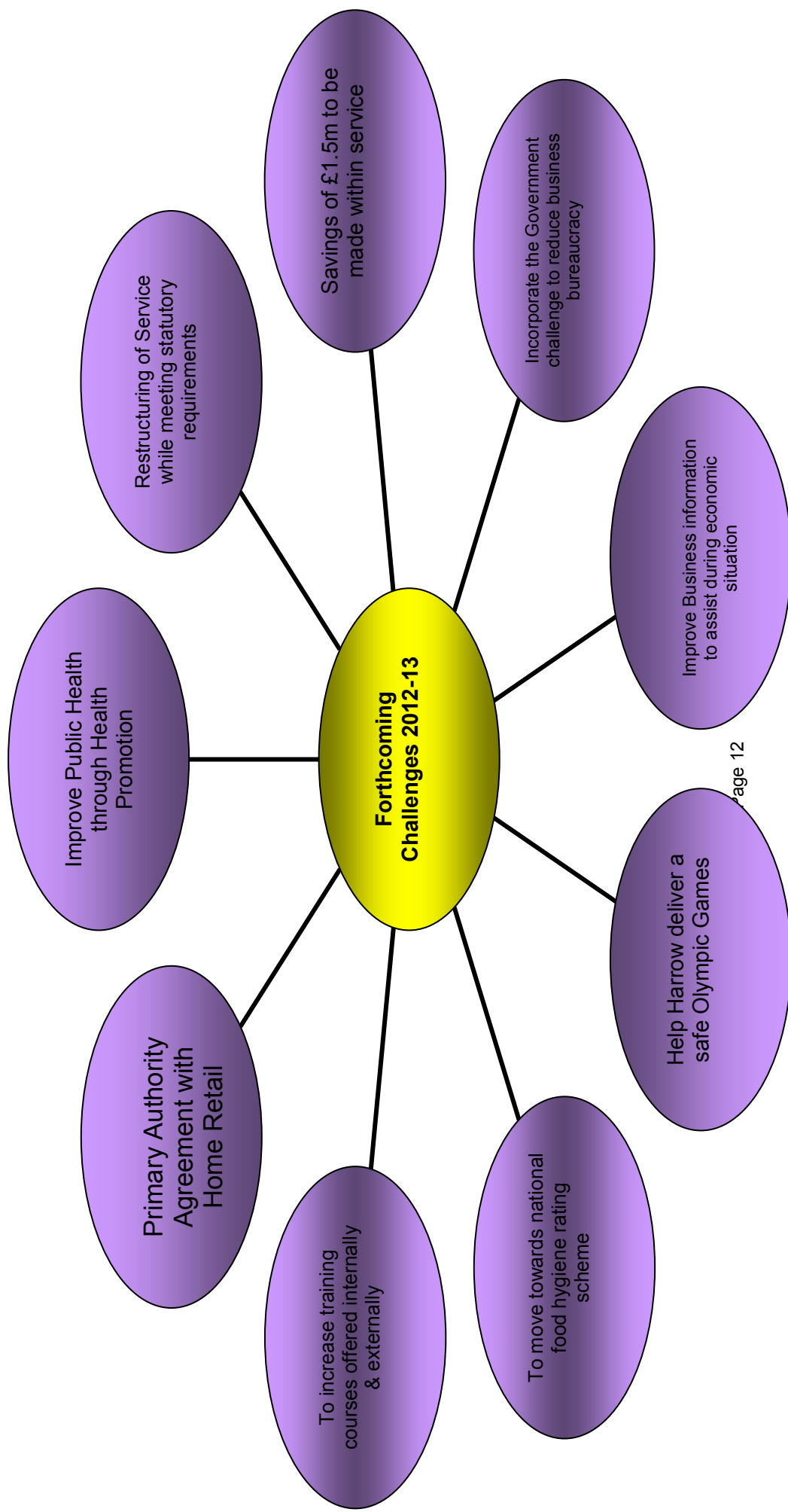
EXTERNAL FACTORS IMPACTING ON THE SERVICE

- Language Barriers, with 41% of the Harrow Population being of ethnic origin
- Large number of importers, especially from outside of the EU, leading to labelling and composition issues
- Increasing Infectious Diseases (e.g. Typhoid and TB Cases)
- Economic Climate, leading to increased non-compliance to food and health & safety

- Decreasing Local Government Resources

FORTHCOMING CHALLENGES 2012 – 2013

This year will again provide a number of challenges, on top of the statutory requirements. The commercial safety service's objectives for the year to April 2012 include:



PUBLIC HEALTH SPECIALISTS

**“Environmental health practitioners have been guardians of public health, safety and standards in local authorities for many decades”
Anne Milton MP, Public Health Minister**

The Environmental Health profession and Environmental Health Officers in particular are recognised by Government and the NHS as the leading public health specialists with the local authority context and play a fundamental role in the protection of the population. This is particularly true of the Commercial Safety Team who are the “Official Proper Officers” in terms of Infection Control Legislation. This includes carrying out the Councils statutory enforcement duties to protect the public from serious public health risks. In addition, the team is involved in projects related to obesity through the Health Food Initiatives and in partnership with Harrow Primary Care Trust in delivering strategic public health objectives to the community.

The Commercial Safety Team is the project lead main delivery arm for following Harrow Council/Harrow PCT projects::

1. **Project Firetrap**

A joint PCT / Local Authority Project that aims to fundamentally improve infection control within the Local Borough, especially high risk premises such as care and residential homes, schools and nurseries and areas where TB is increasing. The PCT / Commercial Safety Team are commissioning services to deliver training and implement cross borough policies and procedures. Funding is through the Primary Care Trust.

2. **Health Catering Commitment**

A London Mayor campaign across London to improve nutrition in take away and catering premises near educational establishments in order to improve child health. The Commercial Safety Team is the lead for this and implemented the scheme, actively encouraging suitable premises to make the changes to gain the HCC award. Due to the clear links to child obesity, this work is listed within the Children’s & Young Person Strategy 2011-2015.

3. **Olympic Work**

The Commercial Safety Team has received a grant from the Food Standards Agency to improve food safety of the high risk / most non-compliant premises within the Borough for the Olympics. This has led to increased visits to high risk premises, increased training and coaching for food premises and better provision of information to premises.

As part of the ongoing public health commitment, partnership working with adult and children services is being actively pursued including two way communication of issues relating to joint inspected premises, especially in terms of safeguarding issues.

ENFORCEMENT POLICY

“It is small food producers/processors in Britain that have the greatest difficulty in achieving and maintaining the safety standards that are required to prevent the contamination of ready-to-eat products with E.coli 0157. There should be no relaxation of regulation for them. The opposite should be the case”

Pennington Inquiry Report, 2009

All enforcement activity undertaken by the Commercial Safety Service, Team, must comply with the requirements of the Regulator’s Compliance Code: being the need for an open, targeted, proportionate and consistent approach to enforcement.

The National Regulators for Food and Health & Safety, through statutory guidance requires the service to have an Enforcement Policy. The policy is required to specific elements set out in statutory guidance, including that contained within Section 18 Guidance.

A combined food safety and health & safety Enforcement Policy has been drafted, and is awaiting approval. This will incorporate statutory requirements as set down by the Compliance Code, the Food Law Code of Practice and Section 18 Guidance.

Recent case law (*Wandsworth-v-Rashid 2009 EWHC*) confirmed that Local Authorities should have regard to their enforcement policies to guide decision makers, promote consistency and equity of treatment, but need not be solely driven by it in its enforcement decisions. Deviations away from the Enforcement Policy therefore may occur, but the reasons for this will be documented and approved by an appropriate manager should it be necessary.

2. RESOURCES

“Providing Environmental Health and Trading Standards Services (is) equivalent to just under 1% of Local Authority Expenditure”

Local Better Regulation Office Report, 2008

FINANCIAL ALLOCATION

Each of the enforcement Sections within Environmental Health Services is separately accounted as an individual business unit. However, some budgets shown are a proportion of the larger management and administration budgets. The principal budgets for the Commercial Safety Team are:

<i>Budgetary Cost Centre</i>	<i>Actual Expenditure 2011/2012</i>	<i>Estimated Expenditure 2012/2013</i>
Staffing cost**	490,900	492,495
Car Allowances and mileage	4,500	4,600
All Other Revenue Costs *	17,500	10,490
Sampling & analysis	5,000	5,100
All Other SSC Costs	151,000	164,680
Total	668,900	677,365
Budgetary Cost Centre	Actual Income 2010/2011	Estimated Income 2011/2012
Income	23,760	23,760

* Travel, subsistence, equipment, legal advice and IT costs are separately accounted for.

** Particular difficulties were experienced through the last two years in maintaining levels of qualified staff. Three full time vacancies have existed in the team, with a consultant providing 2 days a week cover temporarily.

There have been no costs or time attributed to the service in terms of senior management structures and support functions such as administrative support, which is provided by the centralised support team.

Standard Service Charges (charges made by other internal departments) for the service have increased significantly over the course of the year, leading to an uncontrollable bottom line. This displays costs not truly reflective of the service budget.

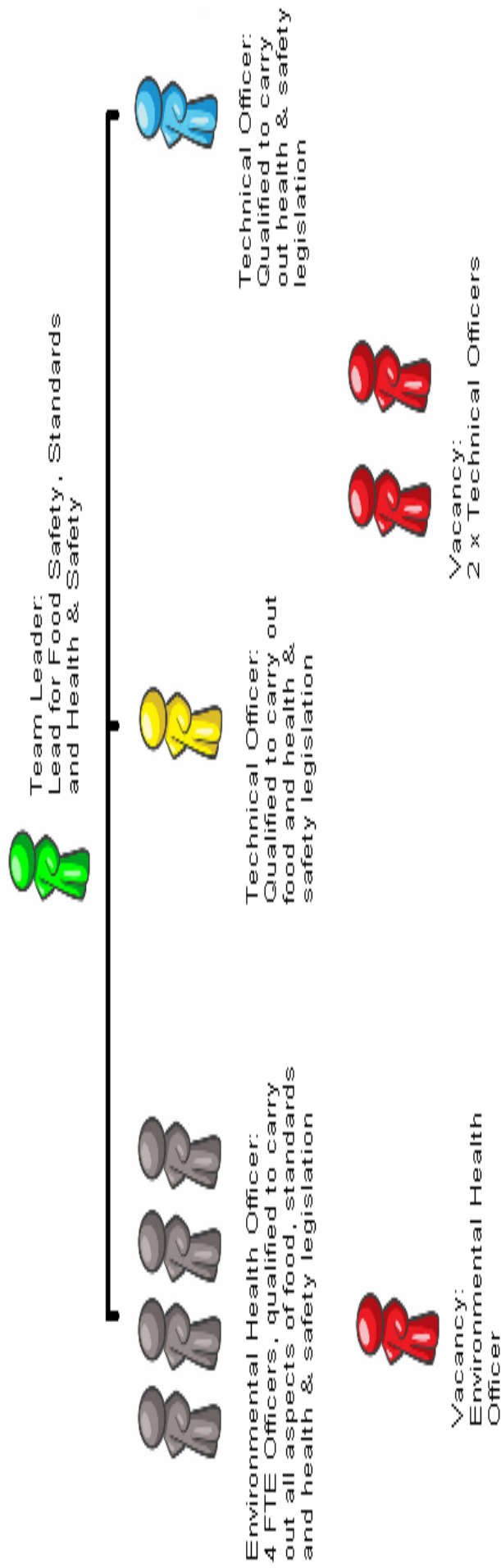
STAFFING ALLOCATION

“The Enforcing Authority must ... put in place and maintain levels of resourcing compliant with the requirement to make adequate arrangements for enforcement, ensure the intervention plan is delivered”

Health & Safety Executive, Section 18 Legal Standard

“The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan”
Food Standards Agency, Framework Agreement on Local Authority Food Law Enforcement

The full time equivalent staffing in the Section is as follows:



The three officer posts have remained vacant, with one being covered on a 40% basis by a contractor. The contractor costs are met from within existing budgets. An Infectious Disease Clerk function sits within support services. The current structure (when all recruited) represents a cut in Officers of 35% cut in the Commercial Safety Team within the last 3 years.

The Councils "One Stop Shop" and "Access Harrow" sections that take calls / meet the public and generate worksheets that are allocated to the Teams. The technical administrative function for the team has been delegated to individual filed officers without the necessary IT support. Increasing field officer time processing administrative tasks is having a detrimental on effect to inspection targets.

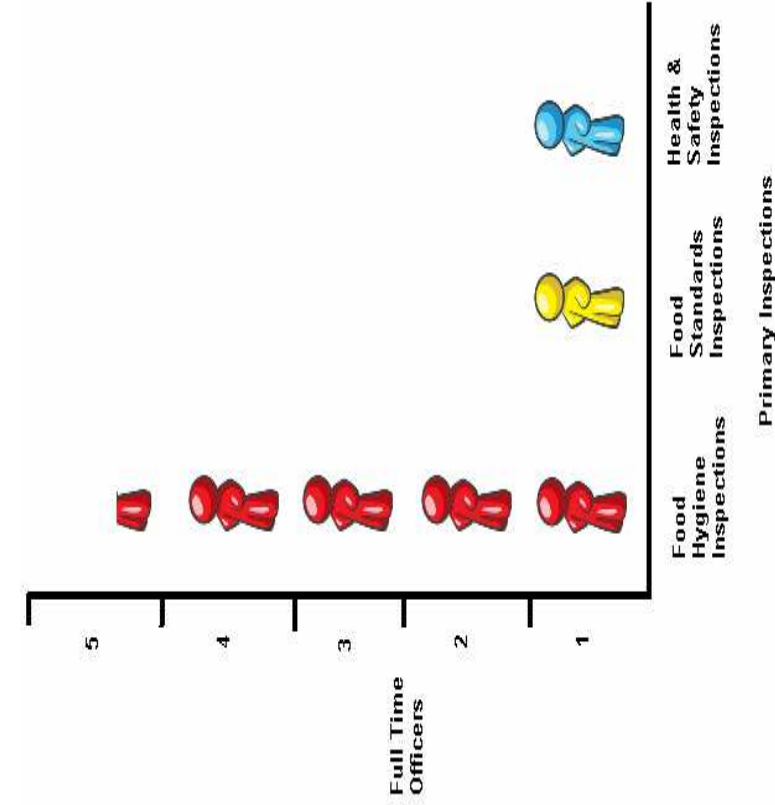
ESTIMATED BREAKDOWN OF HOURS PER SERVICE DELIVERED

Commercial Safety Team :
Current complement:

10 FTE Officers
6 FTE Officers

One FTE Environmental Officer made up of an Officer doing flexible working (25 hours/week), and one EHO has gone flexible retirement to 3 days a week of which one day is seconded to UNISON

FTE Officers required for solely carrying out Inspection programme (based on **APPENDIX 3** calculations):



Field Officers are multi skilled and have been multi tasking for many years. Our approach is "one officer; One Premises. This approach frees up more time and prevents duplication and regulatory burden on small business. Aside from inspection work the team has other duties including the investigation of food poisonings / infectious diseases, investigation of food complaints/food hygiene complaints, delivery of the sampling plan or other reactive aspects of the service or contributions to the Councils activities such as the Public Health Agenda. Additionally 1 FTE accounted for in the above is the Team Leader who has management responsibilities not accounted for in the tasks.

*Our assessment is that the current staffing levels **do not** achieve the expectation in the Framework Agreement on Local Authority Food Law Enforcement or HSE Section 18 Requirements. Based on this, the team must prioritise workload to ensure high risk premises are targeted, and resources allocated appropriately in all other areas as noted elsewhere in this document. This will continue while there is a recruitment freeze on the team.*

STAFF DEVELOPMENT PLAN

“The Authority shall ensure that all authorised officers and appropriate support staff receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved, in accordance with the Code of Practice”
Food Standards Agency, Framework Agreement on Local Authority Food Law

Enforcement

“The Enforcing Authority shall have systems for appointing and authorising suitably qualified inspectors under Section 19 HSWA....and...arrangements to attain and maintain competence”

Health & Safety Executive, Section 18 Legal Standard

The scheme or Individual Personal Development Plan (IPAD) seeks to identify personal development issues for staff and business needs by agreement, formulate an action plan to build upon strengths and address areas for improvement. All commercial safety staff are included in this scheme.

31 The commercial safety team has a competency framework established for the appointment of staff and monitoring of existing staff. All food officers must undertake at least 10 hours continuing professional development (CPD) in line with the Food Law Code of Practice. Additionally, all qualified EHOs must undertake at least 20 hours CPD as required under their Chartered Institute membership (qualification requirement under the Food Law Code of Practice)

Officers carrying out food hygiene, standards and health & safety will also be subject to a monitoring procedure to ensure competence and consistency, where further training may be identified and actioned.

3. QUALITY ASSESSMENT

Food Standards Agency Food Law Code of Practice provides advice on the interpretation, implementation and operational aspects of food law enforcement and to help ensure consistency of enforcement on a national basis. In addition, there are industry guides to good hygiene practice that provide advice on compliance with hygiene regulations. Officers are fully aware that all inspections must be carried out in accordance with the Code of Practice and related guidance and the information is readily available to all enforcement staff.

In 2010, the HSE issued Section 18 requirements that must be met in ensuring the enforcement of health and safety legislative requirements, with emphasis on what the Enforcing Authority (in this case, the London Borough of Harrow) must have in place.

In line with these standards, all commercial safety officers undertake monitoring to ensure consistency of approach as well as assessment to ensure compliance to policies and procedures. The Team Leader co-ordinates and participates to ensure consistency and fairness. These visits are recorded on the internal quality monitoring forms.

The Government introduced National Indicator (NI 184) measuring the percentage of premises within the Borough which are 'Broadly Compliant' and therefore not considered a major has been removed from the official list of national Indicators. However, of 75% is considered sensible and a good indicator of business compliance. Harrow Council, along with others has elected to retain the target for internal performance monitoring purposes. The current data is:

1st April 2011
78.06%

1st April 2012
78.15% (before Corrections)

These results show good consistency taking into account the turnover of premises, level of staff resources, the high number of businesses where English may not be the first language.

EXTERNAL AUDITS

The last Food Standards Audit of Harrow's Food Safety Service took place in 2004 and the audit process is currently being reviewed, with a move towards peer auditing and leading to an increased frequency of audits. The last HSE audit of Harrow's Health & Safety Service took place nearly 10 years ago. Under the new Section 18 Guidance, peer reviews are to take place and Harrow in conjunction with Brent and Barnet are to carry out peer reviews of the health and safety service within the 2011/12 financial year.

4. REVIEW

REVIEW AGAINST THE SERVICE PLAN

The Directorate Service Plan is reviewed annually and is reported to Members of the Council, under non-executive arrangements. This Plan draws together the work carried out in the previous year, the achievement of targets and areas for development for the directorate as a whole and establishes the workload for the coming year. A review of 2011/12 performance delivery objectives is set out in

IDENTIFICATION OF ANY VARIATION FROM THE COMMERCIAL SAFETY SERVICE PLAN

Our review process considers variations from the service plan and performance delivery objective and, where appropriate, the reasons for the variance. A quarterly review of how the Service Plan targets are being met is to be conducted by the Team Leader and reported to the Service Manager. This is to identify early on any major deviance or potential failure to meet targets, and put appropriate actions in place.

AREAS OF IMPROVEMENT

As part of the planning process the Service will identify targets and areas for improvements in the forthcoming year. The action plan for work to be undertaken in 2011/12 is given in **Appendix 1**. These relate to the specific improvement targets for the commercial safety service. The plan sets out how the Service targets fit within National and Local outcomes.

REVIEW OF THE DATABASE

The actions of the Commercial Safety Team are recorded on a computer database, M3 provided by Northgate. Inspections are allocated, assessed and risk rated on this system. It is therefore imperative that the data is as accurate as feasibly possible. Therefore the database will be reviewed quarterly to ensure that all food premises are correctly recorded and have food hygiene, food standards, health & safety and any other relevant components recorded against them. Policies are in place to ensure this.

Through the use of online publications, Officer visits and other sources of information, the database will be checked to ensure its accuracy in recording all commercial premises in the Borough.

5. SERVICE DELIVERY

This section breaks down the main statutory functions of the Commercial Safety Service, setting out last years achievements and the 2012-13 estimated targets. A breakdown of the resource implication in terms of inspections and resulting revisits is given in **APPENDIX 3**.

As part of the governments structural changes to the NHS the Public Health and Wellbeing functions will move to local Councils.. The Commercial Safety Team are being subjected to a Health Impact Assessment as devised by the Public Health Team (currently within the PCT until 2012). The Commercial Safety Team is currently undergoing a joint partnership major project to reduce infectious disease incidence in Harrow with the Public Health Team. This is focusing on care and educational establishments as well as tackling the rise in TB within Harrow.

Due to the need for the Food elements for the service plan to be approved by Cabinet and the Health and Safety elements to be approved by the Licensing and General Purposes Committee, the service delivery section is split between general areas and the two disciplines of food/feed and health and safety.

The Delivery plan details the function and how it ties in with corporate priorities, adopted by the Council It also links them in to Well Being Outcomes, as detailed within the white paper "Our Health, Our Care, Our Say, and Priority Regulatory Outcomes as detailed within the Local Better Regulation Office document "A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services".

ACROSS ALL AREAS

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
Revisits (following primary inspections)	Yes	Revisit to follow up unsatisfactory conditions, enforcement or to ensure actions taken	As per the Team policy, ensuring they will be focused and prioritised to ensure that businesses are not overburdened by visits	Keeping Neighbourhoods clean, green and safe.		Help people to live healthier lives by preventing ill health and harm and promoting public health	194 revisits were made	To carry out revisits to all high risk premises to ensure compliance, and follow up any enforcement work
Liaison with others	Yes	The requirements of the team means constant liaison with other national regulatory, Government and industry bodies.		Supporting our Town Centre, our local shopping centres and businesses	Economic Wellbeing / Improved Health / Improved Quality of Life	Ensure a safe, health and sustainable food chain	No Target	No Target
Promotion of safety and standards	In Part	Advice and Guidance on food safety and health and safety is given, including campaigns and projects	Includes national and Council produced literature, seminars and liaison with other organisations		Improved health / quality of life / making a positive contribution / economic wellbeing / personal dignity	Support Enterprise and Economic growth by ensuring a fair, responsible and competitive trading environment	Production of new leaflets to aid businesses	To continue to be a source of advice and guidance as required in national policies
Accredited and Bespoke Courses	No	The Team is accredited with two national bodies to teach a full range of related courses. Bespoke courses, especially for the voluntary sector, are conducted	All courses are Harrow Council branded and conducted by Officers within the section	Supporting our Town Centre, our local shopping centres and businesses			35 amount of courses held, and 359 people trained	To deliver a minimum 12 accredited training courses

FOOD AND FEED SAFETY AND STANDARDS

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
FOOD AND FEED GENERAL								
Food and Feed Complaint	Yes	The investigations of various complaints concerning food and feeding stuffs that are suspected of being unfit, adulterated, out of condition, contain foreign objects or are incorrectly labelled. Also hygiene conditions of premises	Investigation in line with the Food Law Code of Practice and Local Government Regulation Guidance	Keeping Neighbourhoods clean, green and safe.		Help people to live healthier lives by preventing ill health and promoting public health	116 Complaints about food, feed and premises were investigated	To respond to all complaints within 5 working days
Feed and Food Safety Incidents	Yes	National Food Alerts are sent for information or for action when there are food issues that affects the industry nationally	The Food Standards Agency issue the alerts once notified of the issue(s) by Local Authorities or food companies		Economic Wellbeing / Improved Health / Improved Quality of Life	Ensure a safe, health and sustainable food chain for the benefits of consumers	35 Food Alerts were actioned, up 7 over the previous year	No Target – to action any that are sent
Home / Primary Authority	No / Yes	The principle by which a Local Authority enters a partnership with a national company to co-ordinate food hygiene / standards nationally and deal with other Local Authority queries / investigations	Home Authority is an informal agreement, while a Primary Authority is legally binding. Any enforcement action must be referred to the Authority for approval	Supporting our Town Centre, our local shopping centres and businesses		Support Enterprise and Economic growth by ensuring a fair, responsible and competitive trading environment	7 Home Authority Premises represented by London Borough of Harrow, covering over 2500 food businesses nationally	To continue to support Home Authority Companies

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
FOOD HYGIENE / SAFETY								
Imported Food	Yes	Inspection, sampling and enforcement of imported food, especially that from outside of Europe. Includes labelling.	Conducted as part of normal inspections, especially of importers, projects, complaints and sampling surveys A, B and C rated Premises to be inspected	Keeping Neighbourhoods clean, green and safe. Supporting our Town Centre, our local shopping centres and businesses	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health Ensure a safe, health and sustainable food chain for the benefits of consumers	35 Imported Food Actions were Carried out	No Target
	Yes	Inspections and Interventions to ensure compliance with food hygiene requirements, resulting in a risk rating A(High Risk) to E (Low Risk)	D and E rated Premises to receive alternative enforcement strategy New / Unclassified premises to be inspected				Achieve 100% inspection rate of A and B rated premises, and 70% of C, D and E premises To assess 100% of new / unclassified premises	
Primary Interventions	Yes	Inspection of premises producing products of animal origin, and application of a healthmark	Annual Inspection in line with sampling and revisits				2 Approved Premises in place and inspected	To Inspect and follow up all approved premises
Approved Premises	Can Be	Sampling of food, drink and materials in contact with food for microbiological safety	Pro-active sampling surveys both locally, regionally and nationally. Reactive sampling for complaints and food poisoning cases				36 food safety samples taken and sampled	To implement and complete the sampling programme in line with national, regional and local surveys
Food Sampling								

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
Food Hygiene Rating Scheme (FHRS)	No	The award of a "score" to premises after an inspection to indicate compliance to food hygiene – part of a national scheme	Score based on the rating scores given by Officers, in line with Food Standards Agency guidelines	Supporting our Town Centre, our local shopping centres and businesses	Economic Wellbeing / Improved Health / Improved Quality of Life	Support Enterprise and Economic growth by ensuring a fair, responsible and competitive trading environment	Scores on the Doors scheme in place across all food premises	Implementation of the FHRS scheme across the Borough

FOOD STANDARDS (LABELLING, CHEMICALS ETC)

Primary Interventions	Yes	Inspections and Interventions to ensure compliance with food hygiene requirements, resulting in a risk rating A(High Risk) to C (Low Risk)	A and B rated Premises to be inspected	Keeping Neighbour - hoods clean, green and safe. Supporting our Town Centre, our local shopping centres and businesses	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health Ensure a safe, health and sustainable food chain for the benefits of consumers Support Enterprise and Economic growth by ensuring a fair, responsible and competitive trading environment	100% A premises inspected, 74% Low Risk Premises	Achieve 100% inspection rate of A rated premises, and 70% of B and C premises
			C rated Premises to receive alternative enforcement strategy					To assess 100% of new / unclassified premises
			New / Unclassified premises to be inspected					To implement and complete the sampling programme in line with national, regional and local surveys
Food Sampling	Yes	Sampling of food, drink and materials in contact with food for composition and chemicals	Pro-active sampling surveys both locally, regionally and nationally. Reactive sampling for complaints				21 food standards samples taken and sampled	
Counterfeit and Substitution	Yes	Sampling, complaints and enforcement of counterfeit and substitution of food and drink	Conducted in conjunction with Trading Standards, the Industry and the Public Analyst				C150 Counterfeit Samples seized	To continue to check for counterfeit and substituted samples

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
FEEDINGSTUFFS								
Primary Interventions	Yes	Inspections and Interventions to ensure compliance with feed hygiene requirements	Feeding Stuffs inspections conducted in line with Code of Practice	Keeping Neighbourhoods clean, green and safe.	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health	At present, Harrow has no feeding stuffs producers, but do have 3 head offices of feed manufacturers / distributors that do not require inspection	
Feed Sampling		Sampling of feed for microbiology composition and chemicals	Pro-active sampling surveys both locally, regionally and nationally. Reactive sampling for complaints	Supporting our Town Centre, our local shopping centres and businesses		Ensure a safe, health and sustainable food chain for the benefits of consumers	No feed sampling was required for 2011/12	To implement and complete the sampling programme in line with national, regional and local surveys

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INFECTIOUS DISEASE

INFECTIOUS DISEASE								
Types of Specified Infectious Disease Food Poisoning and Suspected Food Poisoning Cases in Harrow Reported During 2011/12								
Investigation of Food Related Infectious Disease	Yes	All appropriate notified cases and suspected cases of food borne and some non-food borne infectious diseases are investigated to reduce spread and prevent reoccurrence	Investigations in line with internal policies and in conjunction with the Health Protection Agency and Primary Care Trust	Keeping Neighbourhoods clean, green and safe.	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health	A break down of cases is shown below	Urgent Notifications to be responded to within 1 working day. Others within 3 days
Food Poisoning		140	Paratyphoid Fever		2		These are the most frequent and represent index cases. The investigations would require the sampling of all household contacts for at least 2 samples.	
Meningococcal Septicaemia		2	Viral Hepatitis		5			
Typhoid Fever		7	Dysentery		6			

HEALTH AND SAFETY

Function	Statutory Function	Description	Method	Corporate Priority	Well Being Priority	Regulatory Outcome	2011/12 Performance	2012/13 Target
Primary Interventions		Inspections and interventions to ensure compliance with health, safety and welfare requirements in line with the HSE LAC 67/3 Guidance	A and B1 rated premises to be inspected	Keeping Neighbour-hoods clean, green and safe.	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health	90% A and B 1 premises inspected,	Achieve 100% inspection rate for Category A & B1 premises. To implement projects in conjunction with Brent and Barnet covering B2 and C premises in line with HSE guidance
			B2 and C rated premises to undergo focused project work New / Unclassified premises to be inspected Desktop Assessed Premises to undergo alternative interventions					
Complaints		Complaints concerning health, safety and welfare within the workplace, affecting employees, public and contractors	In line with Team Policy, based on the HSE Intervention Policy	Supporting our Town Centre, our local shopping centres and businesses			78 Complaints investigated	To respond to all complaints within 5 working days
Accidents		Investigation of reported work related deaths, major injuries, over 7 day injuries, work related diseases and dangerous occurrences	In line with HSE, LGR and Team Policy. Primary enforcement responsibility rests with the Team when no Police enforced action is perceived.				81 Accidents investigated	To investigate major and fatal accidents within 24 hours, and all others within 7 days

Function	Statutory Function	Description	Method	Well Being Priority	Regulatory Outcome	Performance 2011/12	Target 2012/13
Legionella Investigation and Prevention		Investigation of Legionella within the Borough as well as proactive checks. Includes keeping a mandatory register of cooling towers and evaporative condensers	In line with National Guidance and local policies, with investigations conducted in conjunction with the Health Protection Agency	Keeping Neighbourhoods clean, green and safe. Supporting our Town Centre, our local shopping centres and businesses	Help people to live healthier lives by preventing ill health and harm and promoting public health	All dry cleaners and relevant premises contacted with information. Cooling Tower register kept up to date. All cooking towers inspected to ensure safe. Standard check in health and safety inspections	Continue to keep Cooling Tower Register up to date. Carry out pro-active visits as part of a joint Brent – Barnet – Harrow project covering care homes
Lead Authority Principle		The principle by which a Local Authority enters a partnership with a national company to co-ordinate health and safety nationally and deal with other Local Authority queries / investigations	Lead Authority is an informal agreement, while a Primary Authority is legally binding. Any enforcement action must be referred to the Authority for approval	Economic Wellbeing / Improved Health / Improved Quality of Life	Help people to live healthier lives by preventing ill health and harm and promoting public health Support Enterprise and Economic growth by ensuring a fair, responsible and competitive trading environment	4 Lead Authority Premises represented by London Borough of Harrow, covering over 1500 businesses nationally	To continue to support Lead Authority Companies
Primary Authority Principle		Working on the same basis of a "Lead" authority, but is a formal legal agreement where costs can be recovered				No Primary Authority in place, though agreement to become one for Home Retail	To Become Primary Authority for Home Retail

APPENDIX 1: COMMENTS ON VARIANCES 2011 - 2012

The year saw considerable pressure on the resources of the commercial enforcement service through the combined effects of the high demand for services and the national shortage of qualified staff that possess the statutory competencies for food inspection work.

RESOURCES

- Team operating over 25% staffing capacity, in part due to difficulties in recruitment and in part to current organisational changes.
- One Technical Officer has ongoing medical issues and attendance on a food safety university course which will allow them to do food work
- **No short term solution is perceived at present, and the team will continue to prioritise high risk issues**

ECONOMY AND COMPLIANCE

- Increase prosecution work due to reduced compliance
- Businesses facing harsher economic times are cutting more corners and leading to increased food and health and safety risks
- Overall greater resistance to compliance due to financial implications of carrying out necessary legal works
- Turn over of premises not allowing improvements to be realised before officers are faced with new owners & having to start afresh
- **The team continues to streamline ways of working to allow more focussed enforcement and compliance**

INFECTION

- An increase in typhoid cases in the Borough, leading to resource intensive investigations. For each Typhoid case, the whole household and immediate contacts need to be investigated and a number of samples taken.
- **A unique Primary Care Trust / Environmental Health project has been launched in January to improve infection control in care homes, schools, nurseries and ethnic groups**

PUBLIC SECTOR

- Officers being required to find income streams as well as carry out statutory functions
- Lack of awareness of role of team leading to internal resistance to better working
- **More training courses are being run to raise income, as well as safety awareness.**
- **A Primary Authority agreement with Home Retail, one of the top 10 retail businesses nationally, will bring income into the team**

APPENDIX 2:

COMMERCIAL SERVICE OVERVIEW AND LEGISLATION

The commercial safety team conducts the following **statutory functions**:

- Movement of Animals (Pigs, Cattle and Sheep)
 - Disposal of animal by products
 - Provision of food hygiene and safety advice to residents and businesses
 - Home (National) Authority for number of premises including Spar UK Ltd
 - Approval of Product Specific Food Premises
 - Investigation of Infectious Diseases
 - Microbiological and Chemical Sampling of Food
 - Inspection and Enforcement of Feeding Stuffs within the Borough
 - Inspection of food premises for food hygiene and food standards
 - Investigation of Food Poisonings and Food Poisoning Outbreaks
- Inspection of commercial premises for health and safety
 - Investigation of Legionella cases
 - Lead (National) Authority for number of premises including Homebase and Wickes
 - Investigation of premise complaints for health, safety and welfare issues
 - Provision of health and safety advice to residents and businesses
 - Investigation of Accidents, Incidents and Dangerous Occurrences

The commercial safety team conducts the following non-statutory functions:

- Implementation and Running of the “Scores on the Doors” scheme
- Promotion of health promotion, specifically linked to food and infectious disease
- Running Food Hygiene Training Courses for Residents and Businesses
- Promotion of health, specifically linked to health, safety and welfare
- Provide training and advice on the FSA “Safer Food Better Business” pack

The above are areas specifically linked to food hygiene and safety. The Service is also involved in Duty of Care (Waste), pest control and pollution (noise and odour) issues arising from food premises.

Legislation

The Commercial Safety Team enforces National and European Legislation. Overall, the Service enforces, inspect under and advice on over **1000** food related pieces of legislation and statutory guidance

The main legislation relevant to food enforcement is The Food Safety Act 1990 as amended, The Food Hygiene (England) Regulations 2006, and the Food Labelling Regulations 1996 as amended.

The main legislation relevant to health & safety enforcement is The Health & Safety at Work etc Act 1974, and the “six pack” of related health & safety regulations

APPENDIX 3: ESTIMATED BREAKDOWN OF HOURS PER SERVICE DEMAND

The estimate is based upon an approximate time for completing an inspection, including paperwork and data entry for a given category of premise and travel time. Attempts are made by Officers to group inspections together to reduce travel time.

FOOD HYGIENE INSPECTIONS				Estimate of the total number of hours a FTE post would have in a 12 month period (37hours week/52weeks):
Risk Category	Average Time per Inspection (hrs)	No. of Inspections	Total (hours) (time x No.)	1924.00
A-C	5	579	2895	
D-E	2	304	608	240.00
Revisits (estimated: working on 50%)	2.5	441	1323	59.35
Misc Inspections (new premises etc)	4	122	488	37.00
		TOTAL	5314	1587.64
FOOD STANDARDS INSPECTIONS				
A-B	3	67	201	
C	2	288	576	15
Revisits (estimated: working on 25%)	2	89	178	74
Misc Inspections (new premises etc)	4	126	504	60
		TOTAL	1459	37
HEALTH AND SAFETY INSPECTIONS				
A-B2	5	64	320	74
Revisits (estimated: working on 20%)	2	13	26	16
Misc Inspections (new premises etc)	4	297	1188	74
		TOTAL	1470	350
		Overall Total	8294	Total Hours of 1 FTE 1237.64

APPENDIX 4:
ENFORCEMENT BREAKDOWN

Enforcement	2010-2011	2011-2012	Increase/Decrease
Warning Letters	245	412	↑41%
Improvement Notices	126	143	↑12%
Simple Cautions	3	3	-
Prosecutions	1	3	↑66%
Closures	8	14	↑50%

APPENDIX 5:

SCORES ON THE DOORS RATINGS/ FOOD HYGIENE RATING SCHEME

In 2006, a number of pilot schemes were launched nationally regarding the display of hygiene scores at food premises. The London Borough of Harrow was a founding member of the London Wide pilot scheme, centred on a “5 star” scheme. In 2009, the Food Standards Agency started to examine the implication of a national scheme but has yet to agree its format or its support amongst all Local Authorities. While this continues, London continues to implement the 5 star scheme, based on the risk rating given to the premise by the Inspecting Officer as per the Food Law Code of Practice. As a result, food premises are given one of the following ratings:

There are exceptions, where premises that are rated low risk (E category – minimal food, alternative assessment) are not included in the scheme and nor are those premises subject to prosecution action.

The full list of scores for the Boroughs food premises can be found at www.scoresonthedoors.org.uk

As of the start of the 2012 financial, XXX Harrow food premises were on the website. Harrow will be moving across to the Food Standards Agency Food Hygiene Rating Scheme (FHRS), the principles of which remain similar to the above scheme. It operates on a zero to five (0 – 5) rating scheme. Based on the latest data the scoring profile for Harrow food premises, their current and future scores will be:

SCORES ON THE DOORS SCHEME				FOOD HYGIENE RATING SCHEME			
Star Rating	Standard	Number of Premises	Percentage	Rating	Standard	Number of Premises	Percentage
★ ★ ★ ★ ★	Excellent	32	4%	5	Excellent	169	16%
— ★ ★ ★ ★ —	Very Good	169	16%	4	Very Good	206	20%
— ★ ★ ★ ★ —	Good	345	33%	3	Good	376	36%
— ★ ★ ★ — —	Fair	273	26%	2	Fair	118	11%
— ★ — — —	Poor	173	17%	1	Poor	153	15%
— NO STARS —	Very Poor	42	4%	0	Very Poor	11	2%

APPENDIX 6:

PRIMARY, HOME AND LEAD AUTHORITY PREMISES

Primary Authorities

Home Retail
(Comprises of Homebase, Argos and other sub companies) National Retail Chain

Home Authorities

Bakkavor	Forward Drive, Harrow	National Pizza Producer
Spar	College Road, Harrow	National Retailer
Top-Op Foods	Parr Road, Harrow	International Importer
Anglo-Dal	Harrow	National Producer
HealthAid	Marlborough Hill, Harrow	International Supplier

Other companies are represented on a regional basis.

Lead Authorities

Wickes Station Road, Harrow National DIY Chain