

East Herts Council Report

Key Decision Taken by the Head of Housing and Health Under Delegated Authority

Date of meeting: 11th June 2024

Report by: Jonathan Geall, Head of Housing and Health

Report title: Environmental Health: Food Safety and Hygiene and Health and Safety Service Plan 2024-2025

Ward(s) affected: All

Summary – This report is to seek approval of the attached service plan. The plan sets out the likely demands on both the 'food hygiene' and 'occupational health and safety' functions undertaken by Environmental Health for 2024/25. The plan details how the team will use the allocated resources (both financial and staffing) to meet these demands.

RECOMMENDATIONS FOR HEAD OF HOUSING AND HEALTH:

a) To agree the 2024/25 Service Plan for the food hygiene and occupational health and safety functions.

1.0 Proposal(s)

1.1 As above

1.0 Background

2.1 The council is required by both the Food Standards Agency (FSA) and Health and Safety Executive (HSE) to produce a regular service plan which details how the council will fulfil its legal obligations with regards to the food hygiene and occupational health and safety functions undertaken by Environmental Health.

- 2.2 Both the FSA and HSE require that the service plan be submitted to the relevant forum for approval to ensure local transparency and accountability.
- 2.3 The service plan attached as 'Appendix A' contains details of the food hygiene and occupational health and safety activities that will be undertaken by Environmental Health during 2024/25.
- 2.4 The projections are based on data from previous years, time recording by officers, known issues and obligations which are likely to arise during 2024/25.

1.0 The Council's Obligations

- 3.1 The council has legal obligations to ensure it has sufficient resources to undertake work in the areas of food hygiene and occupational health and safety. These obligations are set in statute and are supported by codes of practice which the council is obligated to follow.
- 3.2 The codes of practice set out the inspection frequency of businesses, priority areas and the qualifications and competency of inspecting officers. The Service Plan at Appendix A details how these will be met.

1.0 Environmental Health Structure

- 4.1 The work detailed in the service plan is undertaken by Environmental Health Practitioners (EHPs) and Technical Officers (TOs) from within the commercial team of Environmental Health.
- 4.2 While the TOs referenced in this report are generally specialists within their area of work, EHPs within East Herts work on a holistic basis, which means they cover all aspects of the environmental health work. Those areas which are not covered in the service plan include:
 - private water supplies
 - animal licensing (including dangerous wild animals and zoos)
 - infectious diseases investigations
 - skin piercing registrations
 - caravan site licensing
 - smoke-free enforcement
 - statutory nuisances
 - consultation on planning applications
 - contaminated land
 - permits to control emissions to air
 - air quality and monitoring
 - exhumations & public health burials

- private drainage
- housing standards
- HMO licensing
- filthy & verminous properties
- hoarding
- housing grants/loans.

- 4.3 The holistic way of working for EHPs generally provides the council with greater resilience and also allows the officer to provide a more comprehensive service to the customer. However, from time to time significant public health issues will arise in other areas of business which require the EHPs attention. This will result in less time being available for food hygiene or health and safety work. Where this happens, the team will endeavour to focus resources on higher-risk activities or inspections.
- 4.4 Examples of significant public health issues may range from the high-profile COVID-19 pandemic to lower-key issues such as potential legionella outbreaks.

1.0 Staffing Resources

- 5.1 With regards to food safety and hygiene the Environmental Health team has funding for 2.45 FTE posts. Of this 1.10 FTE posts are currently classified as trainees and cannot undertake official controls and 0.55 FTE posts is vacant.
- 5.2 With regards to occupational health and safety the Environmental Health team has funding for 0.80 FTE posts. Of this 0.4 FTE posts are currently classified as trainees and cannot undertake the full range of enforcement activities and 0.1 FTE posts are vacant.

1.0 Projected Demands on the Service

- 6.1 Given potential demands and current work processes, it is estimated that the optimum staffing complement would be 3.8 FTE (full-time equivalent) for food hygiene and 0.83-FTE for occupational health and safety. There are thus pressures on the service.
- 6.2 There is a continuing need to address these service pressures via service redesign in terms of officer deployment, process re-engineering and automation. Also as part of the FSA action plan discussed in section 4.1.2 of the report, the team will be undergoing a structure review this year.

- 6.3 Where possible, impacts resulting from the differences between the optimum staffing complement and current staffing commitment will be limited to lower risk activities and raised with the Head of Housing and Health and Executive Member for Wellbeing.

1.0 Reason(s)

- 7.1 To fulfil the requirement by both the Food Standards Agency (FSA) and Health and Safety Executive (HSE) to produce a regular service plan which details how the council will fulfil its legal obligations with regards to the food hygiene and occupational health and safety functions undertaken by Environmental Health.
- 7.2 To ensure the service plan is submitted to the relevant forum for approval for the purposes of local transparency and accountability.

1.0 Options

- 8.1 **Continue with the current level of service delivery.** This approach will allow the organisation to wait for the outcome of the pending service reviews before making an informed decision about the future configuration of the team.
- 8.2 **Provide additional staffing and/or financial resource to deliver the service plan.** At present, the council is undertaking a council-wide service review, looking at where efficiencies and savings can be made. It would be sensible to establish what efficiencies can be made as part of this review before investing in additional resources.
- 8.3 **Reduce the available staffing and/or financial resource.** At present, we are not delivering the services fully in line with the legislative and/or code of practice requirements due to insufficient resources within the team. To reduce this further would risk action being taken by the FSA and/or HSE (see risks below).

1.0 Risks

- 9.1 The council has legal obligations to ensure it has sufficient resources to undertake work in the areas of food hygiene and occupational health and safety. If the council fails to satisfactorily meet its legal obligations for these areas of work either the Secretary of State or Food Standards Agency may make and enforce an order to direct the council to perform their enforcement functions in a specified manner within a specified period or they may make an order to transfer the enforcement functions of the council to the Health & Safety Executive or Food Standards Agency.

9.2 Following food hygiene interventions, businesses are rated as part of the national food hygiene rating scheme (<https://ratings.food.gov.uk/>). When the council fails to undertake inspections within the timescales set out in the Food Law code of Practice, the integrity of the scheme is undermined. When the council signed up to the national scheme, it also agreed it would inspect businesses in line with the code of practice. Failing to do so could result in the council being removed from the scheme.

1.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

We are aware businesses operating in East Herts will be owned and operated by a range of people with differing protected characteristics, most notably race, including colour, nationality, ethnic or national origin. In order to reduce the potential of inadvertently impacting anyone identifying as having a protected characteristic, the Environmental Health team will routinely:

- avoid inspections during religious occasions where this is felt appropriate
- ensure information produced is accessible to everyone via the internet
- where needed provide translations of important documents such as schedule of works following an inspection
- go to individuals' homes to collect evidence (such as food complaints) if they are unable to bring them to the office
- obtain a translator where formal interviews are required under PACE
- adapt our inspections / investigations to meet the needs of the service user

Environmental Sustainability

No

Financial

No

This report is not seeking additional resources; it is only highlighting the workplan for an established team and established budgets.

As highlighted within the report, there is a recognised staffing shortfall; therefore the work will be focused on higher-risk areas.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

1.0 Background papers, appendices and other relevant material

11.1 National Local Authority Enforcement Code

(<https://www.hse.gov.uk/lau/la-enforcement-code.htm>)

11.2 Setting Priorities and Targeting Interventions

(<https://www.hse.gov.uk/lau/lacs/67-2.htm>)

11.3 FSA – Food Law Code of Practice

(<https://www.food.gov.uk/about-us/food-and-feed-codes-of-practice>)

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