

**CAMBRIDGE CITY COUNCIL
COMMUNITIES
ENVIRONMENTAL HEALTH
COMMERCIAL AND LICENSING TEAM**

**BUSINESS REGULATION PLAN
2023-24**

Drawn up in accordance with the
Food Standards Agency's
Framework Agreement Amendment No. 5 (April 2010)
and the
Health and Safety Executive's
National Local Authorities Enforcement Code

May 2023

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INTRODUCTION

Cambridge City Council has a vision to forge and lead a united city under the principle of “*One Cambridge – Fair for All*”. Under this over-arching objective, there is the intention to facilitate a local economy where class-leading businesses can thrive, and so continue to offer our communities the opportunity to develop and share in the economic diversity and potential prosperity that a successful city can offer. An integral part of delivering this work in practice is the work of our Commercial Environmental Health Team and the close relationship that the team has with our business community.

Cambridge City Council, via the work undertaken by Commercial Environmental Health Team, is responsible for the enforcement of food hygiene and health and safety within the City. As part of this role, the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) require the production of an annual service plan clarifying how we propose to meet this obligation. This plan fulfils this obligation and includes details of how we propose to resource the objectives, and to confirm the abilities of the officers doing so. Whilst to some extent, the FSA and HSE determine the degree of intervention required, it is the task of Commercial Environmental Health Team to implement and deliver the most appropriate intervention regime to ensure that the Council fulfils this objective.

To facilitate these core Cambridge City Council objectives and the above statutory duties, officers strive to work in partnership with the business sector, with the aim of improving working conditions, improving the standards of our businesses and therefore helping to develop employment opportunities in the City. This alignment of statutory functions with the aim of improving the business economy of the City helps to contribute to the Council’s objective of tackling poverty and inequality in the City and to support business economic growth.

The Commercial Environmental Health Team, as with all of Cambridge City Council, looks to ensure that it is capable of offering a service in the most efficient and economical manner practicable. Although the service has a statutory enforcement role it also satisfies its obligation to improve the quality of businesses in the City by offering targeted training and partnership opportunities. This enables officers to work with our business community to help them develop and flourish, and therefore be able to increase job opportunities, whilst enabling an income that offsets this discretionary work; contributing to the cost reductions to benefit the Council as a whole.

There had been significant issues with contractors in 2022, which led to reports being made to the FSA & CIEH, with a knock-on significant resource implication. The Commercial Environmental Health Team with the assistance of new contractors were able to complete all A, B, C rated premises and priority new inspections. Significant progress has been made with the new food inspections which were not determined to be of priority status. The Commercial Environmental Health Team will continue to use contractors to complete some of the backlog of D, E rated premises following 1st April 2023.

2023/24 will be a challenging year, however, despite the above the service is on track to deliver the large majority of this year’s food programme despite the two-year backlog. This plan also continues the previous developments to balance the statutory obligations with the innovative work to promote public health and business improvement throughout the City. Targeting our resources where they add the greatest value in providing safeguards for public health and consumer protections in relation to food. As such, Commercial Environmental Health Team intends to deliver this Business Regulation Plan via partnerships and will continue the on-going improvements in the quality of the business community in Cambridge City.

Councillor Rosy Moore

SECTION 1 : SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

- 1.1.1 Commercial and Licensing Team is primarily an enforcement service with the responsibility to deliver the Council's obligations under the Food Safety Act 1990 (the Food Act), the Health and Safety at Work etc. Act 1974 (HASWA), and the relevant Regulations made under these Acts. Whilst it is mainly through the delivery of this statutory undertaking that the service works with the local businesses, the team also works in partnership with local businesses and organisations to enable improvements through greater co-operative working.
- 1.1.2 Whilst these statutory responsibilities are significant, they cannot be considered in isolation to the other important objectives of Cambridge City Council nor the other statutory duties that Commercial and Licensing Team undertakes. For example, Cambridge City Council has a firm commitment to tackling poverty in the city and by ensuring a level playing field across businesses in terms of applying the relevant legislation this supports the business economy of the City and helps to contribute to the Council's objective of tackling poverty and inequality.
- 1.1.3 Where practicable, the emphasis for service delivery will be to both offer the resources to the business sector to allow them to meet their legal obligations themselves, or for the team to work in partnership towards our overall objectives. It shall only be where this approach is not achievable that the service will rely on our enforcement capabilities to ensure both the safety of our communities and the improvement of our target businesses. The sector will continue to be both monitored and risk rated, as appropriate, in accordance with the intervention regimes required by the national regulators, that is the FSA or HSE. However, this will be undertaken in parallel with the provision of education and assistance to enable our commercial sector to maintain its recognised high standards of safety and legal compliance.
- 1.1.4 The team recognises the need for financial probity and by continuing to develop its trading opportunities, all of which supplement the free advisory and supportive information which is also provided, helps to offset some of the overall costs of the service. By providing formal training or mentoring to the business community, which is still aimed at improving the standards of the commercial sector, this aims to maintain the very high hygiene and safety standards already achieved by our commercial sector.
- 1.1.5 Most of the food businesses in the City are publicly rated under the Food Hygiene Rating Scheme (FHRS). Those rated 3, 4 or 5 are considered to be broadly compliant with food hygiene law, whilst those rated less than this are non-compliant; it is the aim of the service to work with businesses to encourage at least 93% of them to achieve compliance.
- 1.1.6 Both the FSA and HSE impose specific objectives on Cambridge City Council about what statutory work it is required to do, and how this objective is to be met. The City has approximately 4,395¹ commercial operations in total, of which approximately 1,526¹ have food hygiene requirements. The Team is responsible for enforcing the appropriate legislation in all of these. It is the Council's policy to carry out the full programmed interventions in accordance with the current Food Law Code of Practice and in order to meet the requirements of the FSA, during 2023/24 we will need to target over 1,040 food enforcement focused interventions in the commercial sector in

¹ Numbers correct as of May 2023

Cambridge. Section 3.2 breaks these figures into numbers per risk ratings. The FSA Covid-19 recovery plan has ended as of 1st April 2023. The service aims to achieve all of these interventions required by the FSA during the year, carrying them out in accordance with the guidance offered by the national regulators in a timely fashion, and in accordance with the Standard Operating Procedures (SOP) and Team Standards followed by the service.

- 1.1.7 In recent years, the team has followed Government guidance, and has developed a number of targeted partnerships to achieve its objectives, rather than merely using enforcement. To this effect, the service has three Primary Authority Partnerships (PAPs); with Huws Gray, Nando's Chickenland Ltd and Cambridge University Press and Assessment. These partnerships encourage the businesses to develop legally compliant working practices which are then followed throughout their branches and partner businesses, thereby extending the influence of Commercial and Licensing to many businesses far outside the authority. This work is cost neutral to the Council, as all of the work is carried out on a cost recovery basis, thereby allowing the service to develop closer working partnerships, extend its influence and yet enable the team members a greater opportunity to extend their experiences and competencies. The team will work to further develop these partnerships, aiming to increase the compliance standards of the partner businesses where practicable.
- 1.1.8 Cambridge City Council has a firm commitment to tackling poverty in the city. By ensuring a level playing field across businesses in terms of applying the relevant legislation this supports the business economy of the City and helps to contribute to the Council's objective of tackling poverty and inequality. In October 2021 'Natasha's Law' was introduced to protect allergy sufferers. This new law covers labelling requirements for foods that are prepared and packed on the same premises from which they are sold (Prepacked for Direct Sale (PPDS)). The authority has a memorandum of understanding with Cambridgeshire and Peterborough Trading Standards that states that Cambridge City Council will provide information and signposting to Food Business Operators during routine interventions and refer any non-compliance to them for enforcement. This targeted work will continue for 2023/24 to increase awareness and compliance with allergen legislation within commercial operations and thus ensuring consumers who suffer with food allergies or intolerances are equally able to safely enjoy meals out within the City.
- 1.1.9 During any year, Commercial and Licensing Team can expect to receive a high number of demands for reactive work which fall to it to action and investigate. This work includes the need to;
- Inspect and assess new food and non-food businesses to determine their level of risk, and to then determine appropriate interventions for food safety and health and safety in accordance with the requirements directed by the FSA and HSE
 - Carry out infectious disease investigations to try to determine the source and public health implications of the infection, and minimise the risk of spread
 - Respond to complaints and other requests for service of a food safety or health and safety nature as they apply to the commercial sector.
 - To respond to and investigate FSA food safety incidents and Food Alerts.
 - Carry out appropriate food sampling programmes and take appropriate action on non-compliant samples.

Section 3.2 expands on the details of these objectives. The service aims to carry out this work in accordance with its SOP's and Team Standards.

1.1.10 In accordance with the enforcement role of Commercial and Licensing Team , where all other means have failed to achieve legal compliance, enforcement action will be taken. Where such measures are ultimately necessary, the service will act in accordance with statute, the Council's Enforcement Policy² and the stated aims of the Council.

² Cambridge City Council Enforcement Policy <https://www.cambridge.gov.uk/enforcement-policy>

SECTION 2 : BACKGROUND

2.1 Authority Profile

- 2.1.1 Cambridge is a major employment centre with a pronounced emphasis on high technology, research and development, and education. The city hosts the world-famous Cambridge University that has approximately over 20,000³ undergraduate and postgraduate students. The University, and city as a whole, have a wealth of buildings of historic or architectural interest, and help to attract in excess of 5.3 million tourists each year, bringing an approximate £583 million to the local economy annually and accounting for 17% of local employment⁴.
- 2.1.2 According to the 2021 Census, the city has a population of 145,700, an increase of approximately 22,000 people since the 2011 census⁵. However, Cambridge is also undergoing significant growth with plans for 14,000 new homes by 2031 and 2,100 already occupied⁶. Due to the situation of the city, the Council has close working relationships with both the County Council, who are responsible for education, libraries, highways, trading standards and social services, and South Cambridgeshire District Council, whose administration covers most of the smaller communities immediately outside of the city's boundaries.
- 2.1.3 Cambridge City Council is responsible for the enforcement of environmental health law in approximately 4,395¹ businesses in the city, with approximately 1,526¹ falling to Commercial and Licensing Team for the enforcement of food hygiene. Although a high number of businesses are well-established enterprises, there is also a turnover of business with each year and there has been a significant increase during the pandemic with 232 new food businesses registering with Cambridge City Council between 1st April 2022 and March 2023. As there is no legal requirement for non-food businesses to register this figure is less reliable. However, if it is assumed that a similar turnover rate occurs, then an estimated 300 non-food businesses also start in the City each year.
- 2.1.4 There are also areas of extensive urban development taking place within the Council's boundary, and whilst much of this will be residential, an increase in commercial development will also take place, with many of these new businesses falling to the team to enforce. There has been a 17.6% increase in the population in Cambridge according to the 2021 Census in comparison to 2011.

2.2 Organisational Structure

- 2.2.1 Commercial Environmental Health merged with Licensing in January 2017, with the creation of a combined Commercial & Licensing team. This now larger team is one of four teams in Environmental Health (EH), which forms part of Environmental Health Services. EH is managed by Yvonne O'Donnell, Environmental Health Manager (EHM). Following the Senior Management restructure, the EHM will report directly to the currently vacant Communities Director (CD).

³ University of Cambridge
https://www.undergraduate.study.cam.ac.uk/sites/www.undergraduate.study.cam.ac.uk/files/publications/uoc_prospectus_2019.pdf

⁴ Meet Cambridge <https://www.meet-cambridge.com/sector/tourism>

⁵ <https://www.cambridge.gov.uk/2011-census>

⁶ Cambridge City Council <https://www.cambridge.gov.uk/urban-growth>

- 2.2.2 The delegated responsibility for food safety is passed from the Executive Councillor directly to the Director who delegates to the EHM, and this post also holds the authority to instigate legal proceedings with the Head of Legal Services. Due to the necessity to maintain practical competency, the Council's Senior Food Lead Officer is the Commercial & Licensing Team Manager (TMCL), who as well as managing the operation of the Commercial & Licensing Team, is responsible for ensuring the competency of each authorised enforcement officer (EO) in the team. Each EO responsible for carrying out food safety intervention work will have been duly authorised after being initially and periodically assessed as being competent. Authorisation to investigate and instigate health and safety enforcement action is delegated down to competent health and safety enforcement officer directly, as stipulated by the HASWA. Other enforcement duties of the service are also carried out by Officers when assessed as being competent and duly authorised.
- 2.2.3 The TMCL also manages the day-to-day activities of team, which is responsible for the Council's enforcement role in relation to most aspects involving the City's commercial sector including statutory nuisance and licensing ; the TMCL reports to the EHM who reports to the CD.
- 2.2.4 Where staff shortages or long-term vacancies arise, overtime (time off in lieu) or contractors may be used to meet the objectives of the work plan; at present the service has 0.6 FTE vacant post. This vacant post has been turned into an apprenticeship and is in the process of recruitment. The service has allocated resources to employ contractors to reduce the backlog of inspections.
- 2.2.5 The Commercial & Licensing Team within Environmental Health consists of:
- The Team Manager (Commercial & Licensing) (1 F/T)
 - Three Principal Environmental Health Officers (PEHO) (3F/T)
 - Three Environmental Health Officers (EHO) (2F/T) (one of which is newly qualified) and (2 P/T) (1 P/T vacant post)
 - Three Senior Technical Officers (3F/T) officers for some aspects of relevant work)
- 2.2.6 During 2022/23, several staffing changes have occurred, and (at the time of writing this report) are still, taking place. A Team Manager has been recruited into the vacant post. One Environmental Health Officer has been recruited into the vacant F/T post. The part-time EHO post had been converted to an apprenticeship and is currently going through the recruitment process. Contractors have been utilised to backfill some of the work.
- 2.2.7 See section 3.1 for the summary of the work carried out by the team during 2022/23.

2.3 Scope of Commercial and Licensing

2.3.1 The team is primarily responsible for the following work areas:

- The enforcement of all aspects of Food Hygiene and Safety in food businesses in the City;
- The registration and inspection of all new food businesses in the City;
- The enforcement of all aspects Health and Safety in businesses allocated to local authority enforcement;
- The assessment of new non-food businesses allocated to local authority enforcement;
- The investigation of complaints regarding food and food hygiene premises/practices;
- The receiving and resolving of general enquires regarding food premises and legislation.
- To approve and monitor compliance with food law in businesses that manufacture products of animal origin;
- The investigation of food poisonings and infectious diseases under the guidance of Public Health England;
- The receiving and investigation of all relevant FSA Alerts for Action and their updates as appropriate, and to communicate with businesses to disseminate relevant information concerning relevant food risks;
- To operate the National Food Hygiene Rating Scheme (FHRS) in accordance with the national guidance. To process and respond to any appeals against scoring or requests for revisits for the purpose of rescoring. To provide all collected information to the FSA as per the frequency laid down by the guidance;
- The investigation and consideration of matters relating to smoking legislation;
- The delivery of public health promotion to target organisations in the City in conjunction with the local and county Health and Wellbeing Boards, Integrated Care Partnership and other partner organisations both within and external to the Council.
- Investigating commercial statutory nuisance
- Inspections and investigation of complaints in license premises and licensed vehicles

2.3.2 The team is also responsible for these work areas:

- Undertaking a sampling programme associated with food safety in partnership with the other authorities as part of a local, regional and national sampling programme;
- The provision of business focussed training and mentoring, aimed at improving the quality of the businesses in the City (see 2.3.3 below);
- The provision of public health focussed training and advice, aimed at targeting inequalities in health in the more socially deprived wards in the City in partnership with other services and external partner agencies;

- Providing consideration and response to consultation documents;
- Partnership working with other enforcement agencies where appropriate;
- Working with the organisers of outdoor events to ensure that each event is as safe and compliant as practicable;
- Developing and maintaining the existing PAPs the service holds, responding to the needs of the partnerships as they arise.

2.3.3 Due to the need for the service to try to offset some of its costs, the Commercial and Licensing Team will contribute to this during the year. The prime focus of this will continue to be by generating an income by providing additional services for which we will charge. These will include:

- The provision of taught and online food safety training;
- The provision of targeted training developed in house;
- The provision of a mentoring service aimed at assisting both new and existing businesses to become fully compliant with either food safety, health and safety or both series of requirements as they may apply to the business;
- The re-inspection of a business further to their request for a FHRS rescore.
- Working with our Primary Authority Partners to improve standards

2.3.4 In addition to the enforcement and various partner agencies already mentioned, the team works in partnership with a number of local, regional and national organisations covering a number of different functions, as highlighted in table 1, below.

Name of Organisation	Type of Service	Frequency of Use
Care Quality Commission	Consultation	Ad hoc
Comark, Norwich	Temperature probe calibration	Annually
Cambridge Fire and Rescue Services	Consultation and joint enforcement issues	Ad hoc
Public Analyst, Norwich	Analysis of food contaminants	Ad hoc
Medical Entomology Centre, Cambridge	Insect identification	Ad hoc
Novus Environmental (Vetspeed Ltd.), Herts.	Waste meat incineration	Ad hoc
Public Health England, Cambridge or Colindale	Microbiological food sampling Advice on infection and disease control	On-going
Ventress Technical Services Ltd., Cambridge	Food and contaminant examinations and identifications	Ad hoc

Table 1: External Service Providers working with Commercial Environmental Health

2.4 Demands on Commercial and Licensing

2.4.1 The team is, as already stated, the enforcement service for food safety and health and safety for Cambridge City Council. As such, it is responsible for the enforcement of the Food Safety Act 1990 in approximately 1,526¹ and the Health and Safety At Work Act 1974 in certain commercial businesses. The service also works in

partnership with other Council services and external organisations as specified in Table 1 above.

- 2.4.2 The increasingly stringent financial considerations imposed on all parts of the Council are a concern to the service, and to assist in redressing a small part of this, the team will provide the various revenue generating activities mentioned in 2.3.3, above.
- 2.4.3 As mentioned in 2.1 (above), the City is experiencing significant growth and urban development to allow it to better accommodate the demands placed upon it by a growing residential and commercial population. As such, an increase in the number of new businesses has occurred in these new developments. Whilst to date, the impact of this is not fully seen, there has been a notable increase in new operations as a direct result of such development. Additionally, over the next few years, an increasing amount of commercial and educational development will occur, and this will have an increasingly significant impact on the service, although the exact extent will not be entirely known until the development has occurred.
- 2.4.4 The Covid-19 pandemic has had a significant impact on the service ability to carry out the food hygiene intervention programme and has resulted in a significant backlog of work. The service therefore needs to recover the food inspection backlog arising from 2020 – 2022. The Food Standards Agency ceased the programmed inspection of business during most of 2020. The focus of work was reactive, responding to complaints and remote assessments were used to monitor those businesses that had been non-compliant at previous interventions.
- 2.4.5 The pandemic resulted in many businesses having to close for a significant period. On reopening business, the on-site interventions recommenced and from July 2021 food safety standards have significantly dropped in some premises. Between 1st April 2022 and 31st March 2023 there were two Voluntary Closures and two prosecutions. This increased officer resource due to the input need of officers putting case files together and improving the standards. Four Hygiene Improvement Notice were also served in 2022/23.
- 2.4.6 The Council migrated to a new Management Information System (MIS), from Northgate M3 to Idox Tascomi. Significant officer time is still needed to ensure the data and reports generated on the system is accurate.

2.4.7 Food Hygiene Safety Enforcement Profile

- 2.4.7.1 Cambridge City Council is responsible for the enforcement of Food Hygiene Safety in approximately 1,526¹ food businesses in the city and in accordance with the requirements as laid down by the FSA. The distribution of these, based on risk is as follows (see table 2 below):

Food Hygiene Safety Risk Rating	Number of Businesses ¹
Category A	2
Category B	55
Category C	222
Category D	719
Category E	483
Approved Premises	1

Not yet risk rated	45
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Table 2: Distribution of Food Businesses in Cambridge based on Food Hygiene Risk Rating

- 2.4.7.2 All food businesses are subject to a programmed food hygiene inspection, as defined by food law, which is supplemented by formal guidance. This also defines the inspection interval, ranging from 6 month to 3 year intervals, and the type of intervention permitted, from a full or partial inspection, an audit or alternative intervention, as defined in the guidance.
- 2.4.7.3 New food businesses register with this authority each year, and these too must be inspected and subsequently risk rated. Although the precise number of new businesses registering each year cannot be forecast, approximately 200 are received annually. With 112 received during 2020/21, 178 received during 2021/22 and 232 received during 2022/23, this reflects a continued high level of new businesses registering. Whilst some will replace existing businesses, which close or change hands, they all need to be fully inspected, which imposes an additional burden on the service.
- 2.4.7.4 The FSA also has a number of roles that can directly influence the operation of the team. As well as developing and implementing the national guidance and codes of practice for all food authorities, they may also identify and direct reactive work. Such unplanned reactive work may also impact on the work of the team.
- 2.4.7.5 Cambridge is a diverse city and therefore there are many other languages identified among food handlers and proprietors within the city. These languages include Thai, Cantonese, Bengali and Turkish. However, the majority of these proprietors are able to speak English or have someone present at the premises who can translate.
- The service provides arrangements for translators and will provide Food hygiene Training Courses in other languages than English where there is a sufficiently high demand.

2.4.8 Food Hygiene Rating Scheme

- 2.4.8.1 Cambridge City Council supports the FSA's Food Hygiene Rating Scheme (FHRS). This scheme allows for the publication and promotion of the food business rating score, from 0 (urgent improvements necessary) to 5 (very good). The scheme also identifies those qualifying food businesses that are broadly meeting their legal obligations (rated 3 to 5), and those failing to do so (rated 0 to 2); this threshold is known as Broadly Compliant. The team will use this information to target the non-compliant businesses to assist them to improve their rating, and thus aim to increase the overall percentage of broadly compliant businesses within the City.
- 2.4.8.2 Under the FHRS, although subject to a number of specified conditions, food businesses may request re-rating visits in the hope of raising their public FHRS rating. Although this facility helps in trying to achieve the objective identified in 2.4.8.3 (below), it does impact on the quantity of reactive work required of the Commercial Environmental Health Service. Therefore there is a fee charged for this service.
- 2.4.8.3 The service objective for the target of achieving broadly compliant food businesses for the year 2022/23 was set at 93%, although as of 1 April 2023 the figure was 97.06%⁷. It is acknowledged that this figure is successfully above the objective. The

objective for the percentage of broadly compliant businesses in the City will thus remain 93% at the time of the initial rating.

2.4.8.4 Whilst display of the FHRs sticker is not legally required, we do encourage businesses to display their stickers. Additionally, all FHRs scores we produce are uploaded to help populate the national FHRs website; which makes each qualifying business rating score available to the public.

2.4.9 Health and Safety Enforcement

2.4.9.1 Cambridge City Council is responsible for the enforcement of Health and Safety in certain types of businesses in the city. It is unknown how many businesses the team are responsible for, as there is no requirement for commercial businesses to register with the City Council for the purposes of Health and Safety at Work Act .

2.4.9.2 The team is required under the HASWA to have some degree of involvement with all of the businesses that Cambridge City Council is responsible to enforce; the frequency and type of the intervention is based upon the risks posed by the business. Supplementary health and safety guidance followed by the service dictates the nature of the intervention, and this can range from full inspections of everything associated with the business to a confirmation that the business is still trading, and that risks identified in a previous visit remains unchanged. Section 3.2.4 specifies the health and safety intervention programme for 2023/24 to accommodate the requirements of this guidance.

2.4.9.3 The HSE has a number of roles, including defining the nature of the statutory intervention it and local authorities may undertake; this directly influences the operation of the team's health and safety intervention strategy.

2.4.10 Public Health Promotion

2.4.10.1 Responsibility for the local promotion of public health rests with Cambridgeshire County Council who is then able to commission local interventions through partnership working, including with local authorities to deliver the local plans.

From 2022-2022 a number of health promotion initiatives were ceased due to the pandemic and there was a very strong partnership developed between the County Council and the Districts to lead on the Covid outbreak management plan and then the recovery plan.

2.4.11 Additional Services

2.4.11.1 The team is also responsible for undertaking a number of additional roles aimed at protecting the public. This role combines statutory enforcement with education, and often entails partnership working with a number of other organisations. These additional services include;

- The investigation of Infectious Diseases, working with both Public Health England and the Health Protection Agency to investigate the approximately 60 food or infectious disease related notifications each year.
- The provision of food hygiene and health and safety guidance to ensure the numerous city-wide outdoor events operates as safely as practicable.
- The enforcement of the Health Act 2006, thus ensuring that the indoor smoking ban is applied throughout the City. Linked to this, the service also signposts people wishing to stop smoking to CamQuit when requested.
- In the event of a health related incident sufficiently serious, such as avian or swine flu to trigger the emergency plan, it has been recognised that Environmental

Health Officers would be required, with the team likely to be involved in this work. Fortunately, the need for such interventions is rare, but it is important that the service is able to support the Council in being able to deliver this role.

- The issuing of Pavement Licenses under the Business and Planning Act 2020
- In addition to any of the work identified above, if the team becomes aware of other additional significant issues, they too will be considered, and if required to be acted upon, will be implemented as necessary within the city.
- The investigation of commercial statutory noise and nuisance complaints.
- The inspection of special treatment licence premises
- Enforcement of Licensing functions , including premises and taxi licensing

2.5 Service Provision

- 2.5.1 The Commercial and Licensing Team is based at Mandela House, although enforcement obligations require interventions to be carried out throughout the city. In some circumstances, this requirement may extend into the areas of other local authorities, albeit with the prior notification of the relevant local authority. In addition, due to the Primary Authority Partnerships (see section 3.2), it may be necessary for the service to either work with or occasionally challenge other local authorities where our partner businesses operate.
- 2.5.2 The team operates a normal service during office hours on Monday to Friday. Where businesses operate outside of normal hours, inspections are carried out during these additional times to ensure that all businesses are inspected during the period when they operate and are likely to pose the greatest risks to their staff or the public.
- 2.5.3 The legislation enforced by the team permits its Officers to carry out inspections and visits without the need to give prior notification in most cases, and as such, most inspections to assess compliance are carried out in this manner. It is only where businesses operate from residential premises that prior appointments are made, unless prior notification may adversely impact on the purpose of the visit.

2.6 Enforcement Policy

- 2.6.1 Cambridge City Council has adopted an Enforcement Policy which has been updated in accordance with the Regulator’s Code. The Environmental Health Service as a whole, including the Commercial and Licensing Team endorses the principles laid down in this Policy and also has regard to the Code for Crown Prosecutors’ guidelines when making enforcement decisions. This policy requires all enforcement services to consider a graduated approach, ranging from giving advice or education to formal action including the service of enforcement notices and prosecution for non-compliance with legislation.
- 2.6.2 As part of the implementation of these policies, when considering any enforcement action, the team undertakes a specific enforcement consideration assessment to determine the most appropriate course of action; for health and safety purposes, this is by using the HSE’s Enforcement Management Model, and although there is no similar recognised procedure for enforcing the other legislation, the principles are still applied. Additional relevant codes or guidance are also taken in account, such as the FSA’s Code of Practice.

SECTION 3 : SERVICE DELIVERY

3.1 Review of the Commercial and Licensing Team Intervention Programme 2022/23

- 3.1.1 During 2022/23 the service had 1 vacant Team Manager post, 1 vacant F/T EHO post and 1 P/T EHO post.
- 3.1.2 The Covid pandemic had a significant impact on the delivery of the service over the last 3 years. As a result the work has been revised for the service to follow the Food Standards Agency Recovery Plan.
- 3.1.3 Contractors were utilised where available and work prioritised in accordance with the FSA recovery Plan.
- 3.1.4 The team have trained a newly qualified EHP following the new FSA competency programme.
- 3.1.5 Review of Food Safety Interventions for 2022/23
- 3.1.5.1 During the year 2022/23, the team has undertaken the food safety work identified in Table 3, overleaf.
- 3.1.5.2 To clarify further the food safety work identified in table 3 (overleaf), the team has;
- Carried out a hazard based, food safety targeted intervention programme of the registered food businesses in the City due an intervention during the year
 - Registered and carried out an initial assessment of the food hazards posed by new food businesses starting in the City during the year
 - Carried out a programme of food or environmental (work surface and equipment) sampling in food businesses in the City, based upon national, regional or local initiatives
 - Developed and delivered a Business Mentoring programme aimed at improving the standards of food businesses within the City
 - Maintained and developed our existing food safety focussed PAP with Nandos Chickenland Ltd., and Huws Gray. Signed up a new PAP with Cambridge University Press and Assessment.
 - 1 new approved premises issued
 - Alternative interventions such as remote assessment were used
 - Investigated food and food establishment complaints and incidents of food related illnesses
 - Continued to address any gaps in team's competency.
 - Adopted a new Management Information System
 - Restarted Food Sampling Programme after the cessation due to the pandemic
 - The team served 4 Hygiene Improvement Notice and 2 Voluntary Closures

Proposed Food Safety Work	2022/23 target ⁸	Actual Work Undertaken
Programmed Food Safety Inspections/Interventions:		
Category A	8	20
Category B	30	48
Category C	356	259
Category D	556	190
Category E	382	12
Total:	1332	529
New Food Business Inspections	NA	213
Sampling Interventions	40	41
Number of FHRS rescore revisits	Not Set	27
Number of compliance revisits	Not set	45
Food Complaint Investigations	NA	181
Food General Enquiry	NA	73
Infectious Disease Investigations	NA	10
Total number of Interventions	-	1119
Number of Written Warnings served	Not set	514
Number of Voluntary Closures undertaken	Not set	2
Number of Hygiene Emergency Prohibition Notices	Not set	0
Level of Broadly Compliant food businesses	93%	97.06%
Number of Simple Cautions	Not set	0
Number of prosecutions	Not set	2
Number of Mentoring Visits	Not set	0
Number of Hygiene Improvement Notices	Not set	4
Number of Remedial Action Notices	Not set	0

Table 3: Review of Food Hygiene Performance against the Work Proposed in the 2022/23 Work Plan

⁸ Targets taken from the Business Regulation Plan 2022/23

3.1.6 Review of Health and Safety Enforcement Work Plan for 2022/23

3.1.6.1 During the year 2022/23, the team undertook the following health and safety work;

Proposed Health and Safety Work	2022/23 target ⁶	Actual Work
Full Programmed Health and Safety Inspections	0	1
Alternative Health and Safety Interventions: ⁹		
Hazard spotting during non-health and safety interventions	100	730
New Business Inspections	0	0
Total:	100	0
Health and Safety Complaint Investigations	120	39
Investigations under RIDDOR ¹⁰	70	41
Total number of Interventions	290	811
Number of Enforcement Notices served	Not set	5

Table 4: Review of Health and Safety Performance against the Work Proposed in the 2022/23 Work Plan

3.1.6.2 To clarify further on the work identified in table 4 (above), the team has;

- Investigated all complaints and carried out appropriate enforcement action,
- Maintained and developed our existing health and safety focussed Primary Authority Partnerships (PAP) with Huws Gray. and Nandos Chickenland Ltd.

3.1.7 Additional interventions undertaken during 2022/23

3.1.7.1 In addition to the previously mentioned work, the team has also carried out other work for the benefit of the community. This included;

- Working with the neighbouring county-based local authorities to ensure consistency and uniformity of enforcement for food safety and health and safety interventions
- Working to identify and further develop income generation initiatives for the service
- Cambridge City Council is represented at the Cambridgeshire and Peterborough Food Liaison Group. This is a local coordination and best practice group with representatives from Environmental Health at Cambridge City Council, South Cambridgeshire District Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council and Peterborough City Council. The group is also joined by representatives from the FSA, HSE and PHE.

⁹ Includes business assessment via questionnaires or targeted partial assessments, etc.

¹⁰ RIDDOR is the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations, 2013

3.2 The Proposed Work of Commercial and Licensing Team for 2023/24

3.2.1 The Scope for the Proposed Work

3.2.1.1 Both the FSA and HSE require Cambridge City Council to state what work it is committed to undertake regarding food safety and health and safety compliance, and how it intends to meet these obligations; this section will therefore clarify the year for 2023/24. However, it must be considered that the service has obligations other than those identified in this Business Regulation Plan (such as Licensing matters), and as they are not required to be identified in this plan, they are not included.

3.2.1.2 Commercial and Licensing is an enforcement service enforcing food safety and health and safety as applied to the commercial sector in the City of Cambridge. As such, the service will continue to deliver a programme of proactive and reactive interventions aimed at ensuring that the business community is safe and legally compliant. This programme will therefore satisfy the Council's obligations to fulfil the requirements of the FSA and HSE, to ensure that as far as reasonably practicable, our businesses are legally compliant. The service will continue to follow the FSA recovery plan and complete the back log of programmed interventions and newly registered businesses interventions.

3.2.1.3 To assist with the aim of ensuring the businesses in Cambridge are compliant, the team undertakes their enforcement role in an educative and advisory manner where practicable. This means that the service works cooperatively with the business community to provide them with the resources they may require to develop, grow and become more successful. However, where the provision of such assistance is more than incidental to an intervention, the service is able to provide tailored assistance ensuring the business has the best possible resources to help attain legal compliance. Whilst this optional service has been recognised as being a benefit to the business community, as it is an optional service, the team does charge for this, thereby recouping some of the costs for undertaking this optional service. Legally compliant businesses are better placed to succeed, and as such, are better placed to grow and employ more people, contributing to our objectives in the Councils Anti-poverty Strategy.

3.2.1.4 The team will continue the sampling programme for 2023/24 in line with the national surveys.

3.2.1.5 In addition to the above interventions, and due to financial constraints being imposed on the council, all departments are being required to review their services to try to identify opportunities for either savings or new income generation.

3.2.2 The Food Safety Interventions for 2023/24

3.2.2.1 The scope of the food safety intervention programme for 2023/24 has been developed in conjunction with the expectations imposed on the authority by the FSA. To this effect, the service will proactively inspect all food businesses that are due to be inspected, although the nature of the intervention will differ depending upon the hazard posed by the business, following the FSA's Recovery Plan requirements.

- Businesses hazard rated A, B, C or D will receive a full or partial targeted inspection
- Businesses rated E will only receive an alternative intervention with intelligence suggest there is a risk. For the purposes of food safety, an alternative intervention may include a targeted sampling assessment to verify the adequacy of the food safety management system in the business, or an appropriate intervention by a

Senior Technical Officer (where permitted by the FSA), or other interventions as permitted by the FSA.

- The team will aim to inspect all new food businesses within 28 days of their opening or registration date if this is later (as required by the FSA). However, with increasing numbers of new businesses, it may be that this deadline will not always be met. The new premises inspection will also include a health and safety assessment if appropriate.

3.2.2.2 All reactive notifications received giving the service local intelligence associated with, or about the condition of specific food businesses will be assessed, and, subject to the nature of the intelligence, will be investigated to determine the most appropriate course of action.

3.2.2.3 To allow businesses in the City to develop, the team will offer advice & assistance as part of any intervention carried out. In addition, the service will also offer targeted training and mentoring services with the intention of working with businesses to help them to develop, become fully legally compliant, and therefore successful; thus being more able to employ additional staff.

3.2.2.4 The table below outlines the proposed food safety interventions planned for 2023/24;

Programmed Inspections/Interventions – total	1040
A rated food businesses	5
B rated food businesses	40
C rated food businesses	118
D rated food businesses	434
E rated food businesses	382
Outstanding Inspections/Interventions/ unrated	61
New Business Inspections (estimated)	200
Premises Sampling Interventions (estimated)	40
Complaint Investigations (estimated)	250
Food General Enquires (estimated)	150
Infectious Disease Investigations (estimated)	60
Development of targeted partnership schemes	
Total number of Interventions	2780

Table 5: Proposed Food Safety Interventions for 2023/24 including backlog

3.2.3 Proposed FHRS objective for 2023/24

3.2.3.1 During 2023/24, the team will encourage all food businesses to improve their ratings, and aim to achieve an overall standard of 93% broadly compliant by those qualifying food businesses inspected during the year.

3.2.3.2 Those businesses rated with an FHRs of 0 to 2 will receive a follow up visit and appropriate intervention to help them improve. Where necessary this may include formal enforcement action.

3.2.4 The Health and Safety Interventions for 2023/24

3.2.4.1 The scope of the health and safety intervention programme has been developed in conjunction with the expectations and limitations imposed on the authority by the HSE. To this effect, the service will only proactively inspect its highest risk businesses; the categories of businesses which are identified as a priority by the HSE and those where local intelligence dictates an intervention would be warranted.

3.2.4.2 Businesses not targeted as higher risk, will not routinely receive a proactive inspection, but may be subject to alternative assessments. This may include other face to face advisory visits.

3.2.4.3 During any visit to a business falling to the Commercial and Licensing Team function to enforce for health and safety for another reason, the visiting officer will carry out a hazard spotting intervention. Once assessed, any items needing to be addressed will be actioned appropriately.

3.2.4.4 All new businesses will be assessed to determine the risks posed, after which the business will also be rated and scheduled for a future intervention regime subject to the risks observed. This will allow the team to risk rate all businesses, allowing the service to ensure that the City's business community is as safe as practicable.

3.2.4.5 All reactive notifications received, giving the service local intelligence about the condition of a business, will be assessed and subject to the details of the information will be investigated to determine the most appropriate course of action.

3.2.4.6 Under the Reporting of Injuries Diseases and Dangerous Occurrence Regulations, 2013 (RIDDOR), it is the requirement of businesses to report qualifying injuries, near misses or recognised occurrences to the appropriate enforcement agencies. Those falling to this authority to investigate will initially be assessed, and if appropriate, will be investigated in accordance with the most appropriate health and safety legislation and guidance.

3.2.4.7 To allow businesses in the City to develop, the team will offer advice & assistance as part of any intervention involving the business. In addition to this, the service also offers targeted training and mentoring services intended to allow the business to develop its own strategy for compliance.

3.2.4.8 Businesses which are based in the enforcement areas of more than one local authority are able to enter into a partnership with one specific local authority, and as long as they agree the procedures that the business will adhere to, every other local authority has to abide with the conditions of the agreement. This is the principle of the Primary Authority Partnership (PAP) Scheme as managed by the Government's Office for Product Safety and Standards (previously the Regulatory Delivery Office). The team currently has three PAPs with Huws Gray, Nandos Chickenland Ltd. and Cambridge University Press and Assessment; although only the former two regularly ask for health and safety assistance. Due to the resource implications, the service has no plans to approach any additional new businesses for such a partnership, although should any suitable businesses approach the service, a partnership will be considered.

3.2.4.9 The table below outlines the proposed health and safety interventions planned for 2023/24;

Programmed Inspections – High risk businesses only	0
Alternative Interventions – Non-high risk businesses as set out by the HSE priority programme <ul style="list-style-type: none"> Hazard Spotting, as part of non-health and safety interventions (estimated) 	857
Complaint Investigations (estimated)	40
Investigations under RIDDOR	40
Development of targeted partnership schemes	
Provision of Health and Safety Training – subject to demand	
Total number of Interventions	937

Table 6: Proposed Health and Safety Interventions for 2023/24

3.2.5 Proposed Additional Interventions for 2023/24

3.2.5.1 As previously mentioned, the team undertakes more work than just that required by the FSA or HSE. As this work does impact upon the team and the City, this section clarifies this additional work.

3.2.5.2 The table below outlines the proposed additional interventions planned for 2023/24;

Statutory or Obligatory Undertakings	
Liaison and partnership working with other organisations	
Enforcement of smoking legislation	
Liaison and partnership working with other council services	
Development of addition to inspections to reduce non-compliance with allergen legislation by commercial premises and liaise with Trading Standards.	
Determine Pavement Licence application	
Investigates commercial statutory nuisance	
Investigate licensing complaints regarding premises and taxis	
Discretionary Undertakings	
Primary Authority Partnership Scheme	Maintenance of existing partnerships
Introduction of work associated with the public health agenda	

	Development of targeted community liaison
	Development of the business targeted training strategy
	Development of the business mentoring scheme
	Development of an additional income revenue strategy
	Support and contribute business economic growth
	Consult on events and undertake event inspections where necessary

Table 7: Proposed Additional Interventions for 2023/24

3.2.5.3 Table 7 (above) identifies the additional interventions and strategies that the team is proposing to undertake. Given that the service is not required to deliver this discretionary work, as long as the resources are available to the service, it will strive to deliver this work. However, a number of additional considerations will need to be met in order to justify this discretionary work. These include;

- The likely benefit each activity may present to a respective business or business sector
- The likelihood of the service to develop an additional income from the identified activities
- The contribution of the work to wider aims of the Council

If none of these objectives can be met, or if demands on other aspects of the service increase, this discretionary work may not be undertaken.

SECTION 4 : RESOURCES

4.1 Financial Allocation

4.1.1 The budgets for 2022-24 for Commercial and Licensing are shown in Table 9, below.

	2022/23	2023/24
Total Expenditure		
Set	434,930	513,050
Actual		
Income:		
Via Training & mentoring	Zero due to slow recovery from Covid this work was not undertaken	Budget yet to be set
Other		
Total		
Total (Expenditure less Income)		

Table 8: Commercial Environmental Health Annual Budgets 2022-24

- 4.1.2 All enforcement officers have access to sufficient IT and other necessary equipment to enable them to undertake their work. Each officer is also capable of remote working and many officers regularly take advantage of this.
- 4.1.3 In the event of legal proceedings having to be taken, the costs of doing so will be met from within the Environmental Health Service's overall budget. Requests for funds to pay for Counsel's opinion or case presentation in court will be considered on their merits using the Service's enforcement policy and legal department for guidance.
- 4.1.4 Previously, it has been stated that during the year, the service will further attempt to develop its intention to identify and develop means to be able to generate an income for both the service and, through internal partnership working, the Council as a whole.

4.2 Staffing Allocation

4.2.1 The majority of the work carried out by Commercial and Licensing Team is done by the Officers themselves, although the Business Support Team and Customer Service Centre (CSC) do carry out tasks on behalf of the service.

- 4.2.2 All EHOs carrying out enforcement duties are registered with the Environmental Health Officers' Registration Board (EHORB). Each enforcement officer is duly authorised in accordance with the standards and requirements of the respective legislation and minutes of Cambridge City Council.
- 4.2.3 During 2023/24, the service will determine the standards of competency required for each officer, as stated by both the FSA and HSE. The service will ensure that the standards are maintained and will endeavour to provide sufficient resources to facilitate the maintenance of competency, once attained.
- 4.2.4 The FSA has confirmed that unqualified officers, who do not have their full EHORB registration, are not permitted to undertake any 'official controls' in terms of food hygiene work. They are however permitted to undertake some information gathering work, and so STOs assist in this aspect. Similarly we ensure that any officers authorised to undertake health and safety work are appropriately qualified and/or experienced.
- 4.2.5 The newly qualified EHP is following the new FSA competency framework and at the time of writing is competent to complete category B inspections.

4.3 Staff Development Plan

- 4.3.1 All enforcement officers are appropriately qualified as proportionate to their status, whether upon appointment or through training and development whilst in their current or a previous post. All officers are subject to an annual performance review under the Council's Performance Review Process (PRP), which, for the team, includes an assessment under the FSA competency framework. Sufficient resources will be provided to ensure these assessments are reviewed, and where additional measures need to be considered, these will be reviewed accordingly.
- 4.3.2 The TMCL will also undertake quality monitoring of each Officer to ensure the competency and consistency of the team. Previous reviews undertaken following guidance from the FSA and the Cambridgeshire Food and Occupational Safety Managers Group showed that the service is generally applying legislation consistently.
- 4.3.3 Each Officer is responsible for undertaking and maintaining their own accredited Continual Professional Development (CPD), subject to the requirements of the FSA and their own professional institute.
- 4.3.4 Staff development for the service includes:
- The employment of competent enforcement officers capable of performing their role within the team;
 - Evidence of formal qualification (sight of original qualification certificates prior to commencement of work);
 - Where appropriate, confirmation of EHO registration with the EHORB;
 - Undertaking in-house or external competency-based training consistent with the requirements of the FSA;
 - The undertaking of shadowing or mentoring with a qualified or experienced Officer if identified as being necessary;
 - The undertaking of shadowed monitoring by the TMCL and colleagues;
 - The identification of training needs during the PRP, by the Officer themselves, as a result of changing working practices or via an on-going performance-monitoring appraisal such as 1-2-1's;

- Newly qualified officers will be trained, mentored and shadowed in accordance with their own training needs to provide them the sufficient resources to become fully qualified as appropriate to their post. However, as highlighted above in 4.2.4 there may be occasions when a competent but non-EHORB officer may be asked to undertake some limited official controls.

SECTION 5 : QUALITY ASSESSMENT

5.1 Quality Assessment

- 5.1.1 In order to ensure that the quality of the work undertaken by the Commercial Environmental Health Service is maintained, Standard Operating Procedures and the Team Standards will be periodically reviewed, and where changes required, these will be made in accordance with the latest and most appropriate legislation and guidance.
- 5.1.2 The quality and consistency of each enforcement officer will also be periodically reviewed, including with the use of peer review exercises and the FSA competency framework, and where any training needs are identified, these will be considered by the service.