



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

15 January 2020

7.00 pm

Contact

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For information about attending meetings please visit the [council's website](#).

Publication date: Tuesday, 7 January 2020

Committee Membership

Councillor S Bolton (Chair)

Councillor A Dychton (Vice-Chair)

Councillors A Grimston, I Hamid, K Hastrick, P Jeffree, A Khan, R Martins, B Mauthoor, M Mills, J Pattinson, G Saffery, R Smith, D Walford and R Wenham

Agenda

Part A - Open to the Public

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The minutes of the meeting held on 21 October 2019 to be submitted and signed.

4. Licensing Fees and Charges 2020-2021 (Pages 3 - 12)

Report of the Environmental Health Manager (Business)

This report seeks the Licensing Committee's approval to charge fees for the 2020/2021 financial year for some of the different licensing regimes administered by the Council.

5. Food Law Enforcement Service Plan 20-21 and 21-22 (Pages 13 - 38)

Report of the Environmental Health Manager (Business)

This report and attachment contains the details of the Food Safety Law Enforcement Plan 2020-2021 and 2021-2022 as required by the Food Standards Agency.

Part A

Report to: **Licensing Committee**

Date of meeting: **Wednesday, 15 January 2020**

Report author: **Environmental Health Manager (Business)**

Title: **Licensing Fees and Charges 2020-2021**

1.0 Summary

1.1 This report seeks the Licensing Committee’s approval to charge fees for the 2020/2021 financial year for some of the different licensing regimes administered by the Council. Setting licensing fees is generally a Council rather than an Executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
<i>Level of fees challenged by District Auditor</i>	May have to justify cost recovery calculations	Maintain cost recovery calculations	Treat	2
<i>Level of fees challenged by judicial review</i>	May have to justify cost recovery calculations	Maintain cost recovery calculations	Treat	3

3.0 Recommendations

3.1 That the fees and charges set out at appendix 1 pages 1 and 2 for the financial year 2020/2021 be approved and that the fees and charges in appendix 1 page 3 and 4 be recommended to Council for approval.

3.2 To delegate to the Head of Community Protection, in consultation with the Chair of Licensing, the authority to increase or decrease charges in respect of the provision of:

- compulsory door signage for hackney carriages
- Disclosure and Barring Service and Driver and Vehicle Licensing Agency checks
- licence badges and plates

For the reasons outlined in sections 4.9 and 4.10.

Further information:

For further information on this report please contact: Richard Brown, Environmental Health Manager (Business) on 01923 278440 or richard.brown@watford.gov.uk

Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

4.1 The Council is responsible for administering a number of statutory and discretionary licensing regimes, including the Licensing Act 2003, Gambling Act 2005, hackney carriages and private hire vehicles, street trading, pavement cafes, sex establishments and leaflet distribution.

4.2 Whilst some of these licensing fees are set by the Licensing Committee, rather than by Council, they are being considered at this particular meeting to coincide with the overall budget setting of the organisation. Other fees are set by the Council so if agreed here will be recommended to Council for approval in the budget papers.

4.3 Some general principles apply to the setting of licence fees:

- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year
- it is acceptable to carry forward deficits from previous years
- income from licence fees may only be spent on the specific regime from which they were generated
- fees may not be discriminatory or to be used as an economic deterrent

4.4 When not prescribed by statute, licence fees are set on a cost-recovery basis. Below are details of the statute and restrictions that apply:

- Licensing Act 2003 – centrally set out in regulations by Parliament.
- Gambling Act 2005 – decided by the Council subject to statutory maxima.
- Hackney carriage and private hire vehicle licensing – reasonable charges may be made for the cost of administering and enforcing the regime, and providing taxi ranks.
- Street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders.
- Pavement licence fees – reasonable charges may be made for the cost of administering the regime.
- Sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders.
- Leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders.
- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – cost recovery fee calculation regime set out in government guidance

4.5 The proposed schedule of fees and charges is set out in Appendix 1.

4.6 Where fees are calculated on a cost recovery basis, the proposed fees have been raised by 3% to reflect the increased cost of delivering these services.

4.7 There is one exception to this approach; taxi and private hire driver and vehicle licences, and private hire operator licences, where the ongoing introduction of operational efficiencies has allowed us to offset these increased costs since 2017.

4.8 Members should also be aware that we are obliged to consult current driver and vehicle licence holders on any changes to these licences. As we are not proposing to change the fees for these licences no consultation has been carried out.

4.9 Animal welfare licensing

Members should note that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018. This required the following types of activity to be licensed:

- Selling animals as pets.
- Providing or arranging for the provision of boarding for cats or dogs.

- Providing boarding for cats.
- Providing boarding in kennels for dogs.
- Providing home boarding for dogs.
- Providing day care for dogs.
- Hiring out horses
- Breeding dogs.
- Exhibiting animals.

- 4.10 The introduction of the legislation necessitated a detailed fee calculation in line with government guidance to ensure accurate cost recovery. As detailed in last year's fees and charges report, this resulted in increased fees of between 3 and 9% for businesses in a commercial setting, and between 17 and 88% for businesses in domestic setting.
- 4.11 These fees have not been challenged, the processes remain the same and there has not been a significant change in the number of licences issued under this legislation as a result of the change in fees; prior to the new regime we had five day care & home boarders, one pet shop and one cattery. Only 1 home boarder chose not to renew their licence under the new scheme, because they decided to stop offering home boarding, rather than because of the change in fees. Two new applications for home boarders have been received since the change in regime so we now have six care and home boarders, one cattery and one pet shop. In line with other licences these fees are now proposed for an increase in line with inflation only.
- 4.12 The Licensing Committee is also asked to approve that the Head of Community Protection can immediately change, in consultation with the Chair of Licensing Committee, the charges that arise in respect of the cost to the Council of materials/external fees for:
- Compulsory door signage for hackney carriages.
 - Disclosure and Barring Service, and practical driver assessments.
 - Licence badges and plates.
- 4.13 This flexibility is requested so that officers can, where necessary, change contractors or service providers or respond to changes in pricing and pass those costs or savings on to licence-holders without requiring further Committee approval.
- 4.14 For the sake of clarity, it is not proposed to increase or amend any other licence fee or charge other than those mentioned above.
- 4.15 A detailed review of all licensing fees will be carried out when procedural changes driven by the Watford 2020 programme are fully implemented.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the financial implications will be built into the Medium Term Financial Strategy.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act,
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them,
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

5.3.2 Having had regard to the council's obligations under s149, it is considered that there are no human rights or equalities implications associated with the proposed fees and charges as they will apply equally to everyone regardless of any protected characteristic.

5.3.3 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 There are no staffing implications associated with this report.

5.5 **Accommodation**

5.5.1 There are no accommodation implications associated with this report.

5.6 **Community Safety/Crime and Disorder**

5.6.1 There are no community safety or crime and disorder implications associated with this report.

5.7 **Sustainability**

5.7.1 There are no sustainability implications associated with this report.

Appendices

Appendix 1: Licensing Fees and Charges 2020-2021.

Background papers

No papers were used in the preparation of this report.

COMMUNITY & CUSTOMER SERVICES

2020/21 FEES & CHARGES PROPOSED FOR :- ENVIRONMENTAL HEALTH & LICENSING

Description	2019/20 Charge	PRICING STRATEGY				Proposed 2020/21 Charge	Annual Increase / Decrease (-) %	Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE			
Outside Scope for VAT purposes								
Taxi & Private Hire Vehicle Licences								
Annual Vehicle Licence - Initial Application	£235.00	*	✓	*	*	£235.00	NO CHANGE	
Annual Vehicle Licence - Initial Application(wholly electric vehicles)	£117.50	*	✓	*	*	£117.50	NO CHANGE	
Annual Vehicle Licence - Initial Application (Limousines)	£235.00	*	✓	*	*	£235.00	NO CHANGE	
Annual Vehicle Licence - Initial Application (Courtesy vehicles)	£235.00	*	✓	*	*	£235.00	NO CHANGE	
Annual Vehicle Licence - Renewal	£225.00	*	✓	*	*	£225.00	NO CHANGE	
Annual Vehicle Licence - Renewal (wholly electric vehicles)	£112.50	*	✓	*	*	£112.50	NO CHANGE	
Transfer of vehicle ownership (payable by buyer)	£17.50	*	✓	*	*	£17.50	NO CHANGE	
Taximeter tests	£17.50	*	✓	*	*	£17.50	NO CHANGE	
Replacement vehicle plates	£21.00	*	✓	*	*	£21.00	NO CHANGE	
Optional plate fitting brackets	£21.00	*	✓	*	*	£21.00	NO CHANGE	
Compulsory door signs for hackney carriages (vinyl, per pair)	£10.50	*	✓	*	*	£10.50	NO CHANGE	
Compulsory door signs for hackney carriages (magnetic, per pair)	£19.50	*	✓	*	*	£20.50	5.13 %	Fee increased by printing company
Advertising approval on hackney carriages (agency)	£150.00	*	✓	*	*	£150.00	NO CHANGE	
Advertising approval per hackney carriage	£50.00	*	✓	*	*	£50.00	NO CHANGE	
Advertising approval (Licensing Committee referral)	£250.00	*	✓	*	*	£250.00	NO CHANGE	
Private Hire Operators - initial application (5 yrs)	£771.00	*	✓	*	*	£771.00	NO CHANGE	
Private Hire Operators - renewal (5 yrs)	£769.00	*	✓	*	*	£769.00	NO CHANGE	
Driver Licences - initial application (3 yrs)	£329.00	*	✓	*	*	£329.00	NO CHANGE	
Driver Licences - renewal application (3 yrs)	325	*	✓	*	*	£325.00		
Theory Knowledge Test	£99.00	*	✓	*	*	£102.00	3.03 %	
Repeat Knowledge Test with Training	£68.50	*	✓	*	*	£70.00	2.19 %	
Repeat Knowledge Test (Test Only)	£30.75	*	✓	*	*	£31.50	2.44 %	
Replacement drivers badges	£17.75	*	✓	*	*	£18.00	1.41 %	
Duplicate documents	£17.75	*	✓	*	*	£18.00	1.41 %	
Driver change of address	£7.00	*	✓	*	*	£7.00	NO CHANGE	
Street Trading								
Street Trading Consent (per annum)	£485.00	*	✓	*	*	£500.00	3.09 %	above 3% due to rounding
Street Trading Consent (per annum) - Vicarage Road	£485.00	*	✓	*	*	£500.00	3.09 %	above 3% due to rounding
Street Trading Consent daily rate (if less than one year)	£22.00	*	✓	*	*	£22.65	2.95 %	
Street Trading Consent (Town Centre Markets per stall per day, waived for charitable etc stalls)	£22.00	*	✓	*	*	£22.65	2.95 %	
Permit for Tables & Chairs on the Highway								
Initial application (1 year permit)	£385.00	*	✓	*	*	£397.00	3.12 %	above 3% due to rounding
Renewal of annual permit	£105.00	*	✓	*	*	£108.00	2.86 %	
Free Printed Matter Distribution								
First distributor	£52.50	*	✓	*	*	£54.00	2.86 %	
Each additional distributor	£31.50	*	✓	*	*	£32.50	3.17 %	above 3% due to rounding
Additional fee for each distributor between 1700 and 0900	£21.00	*	✓	*	*	£21.50	2.38 %	

COMMUNITY & CUSTOMER SERVICES

**2020/21 FEES & CHARGES PROPOSED FOR :-
ENVIRONMENTAL HEALTH & LICENSING (continued)**

Appendix 1 Page 2

Prices quoted below are exclusive of VAT

Description	2019/20 Charge	PRICING STRATEGY				Proposed 2020/21 Charge	Annual Increase / Decrease (-) %	Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE			
Outside Scope for VAT purposes								
Sex Establishment Licence								
Grant of Licence	£529.00	*	✓	*	*	£545.00	3.02 %	
Annual renewal fee	£132.00	*	✓	*	*	£136.00	3.03 %	
Sexual Entertainment Venue Licence								
Application for grant of licence	£629.00	*	✓	*	*	£648.00	3.02 %	
Renewal of licence	£232.00	*	✓	*	*	£239.00	3.02 %	
Major variations (at officer's discretion)	£509.00	*	✓	*	*	£524.00	2.95 %	
Minor variations (at officer's discretion)	£112.00	*	✓	*	*	£115.50	3.13 %	
Skin Piercing								
Operator (each)	£52.50	*	✓	*	*	£54.00	2.86 %	
Premises	£168.00	*	✓	*	*	£173.00	2.98 %	
Animal Welfare Licensing (New applications excl. veterinary fees)								
Day care residential	£161.07	*	✓	*	*	£166.00	3.06 %	
Day care commercial	£207.85	*	✓	*	*	£214.00	2.96 %	
Breeding residential	£181.12	*	✓	*	*	£186.00	2.70 %	
Breeding commercial	£207.85	*	✓	*	*	£214.00	2.96 %	
Home boarding	£161.07	*	✓	*	*	£166.00	3.06 %	
Kennels	£221.22	*	✓	*	*	£228.00	3.07 %	
Cattery	£221.22	*	✓	*	*	£228.00	3.07 %	
Hiring Horses	£241.27	*	✓	*	*	£248.50	3.00 %	
Pet Vending Commercial	£221.22	*	✓	*	*	£228.00	3.07 %	
Pet Vending Small / domestic	£161.07	*	✓	*	*	£166.00	3.06 %	
Exhibiting of Animals Commercial	£221.22	*	✓	*	*	£228.00	3.07 %	
Exhibiting of Animals Domestic	£161.07	*	✓	*	*	£166.00	3.06 %	
Animal Welfare Licensing (renewals excl. veterinary fees)								
Day care residential	£124.31	*	✓	*	*	£128.00	2.97 %	
Day care commercial	£171.09	*	✓	*	*	£176.00	2.87 %	
Breeding residential	£144.36	*	✓	*	*	£148.50	2.87 %	
Breeding commercial	£171.09	*	✓	*	*	£176.00	2.87 %	
Home boarding	£124.31	*	✓	*	*	£128.00	2.97 %	
Kennels	£184.46	*	✓	*	*	£190.00	3.00 %	
Cattery	£184.46	*	✓	*	*	£190.00	3.00 %	
Hiring Horses	£204.51	*	✓	*	*	£210.50	2.93 %	
Pet Vending Commercial	£184.46	*	✓	*	*	£190.00	3.00 %	
Pet Vending Small / domestic	£124.31	*	✓	*	*	£128.00	2.97 %	
Exhibiting of Animals Commercial	£184.46	*	✓	*	*	£190.00	3.00 %	
Exhibiting of Animals Domestic	£124.31	*	✓	*	*	£128.00	2.97 %	
Scrap metal Dealers								
Grant of Licence	£252.00	*	✓	*	*	£260.00	3.17 %	
Renewal of Licence	£196.00	*	✓	*	*	£202.00	3.06 %	
Variation of Licence	£52.00	*	✓	*	*	£53.50	2.88 %	
Change of Name	£52.00	*	✓	*	*	£53.50	2.88 %	
Change of Site	£52.00	*	✓	*	*	£53.50	2.88 %	
A request for a DBS check would be subject to VAT at the Standard rate.								
A request for a DBS check which forms part of a Licence application would be Outside Scope for VAT purposes.								
DBS checks								
Disclosure & Barring Service check for selected licences	£44.00	*	*	*	*	£40.00	-9.09 %	Fee set by Disclosure & Barring Service
Fee charged by processing company.	£8.00	*	✓	*	*	£10.80	35.00 %	Admin Fee set by processing company

**2020/21 FEES & CHARGES PROPOSED FOR :-
ENVIRONMENTAL HEALTH & LICENSING (continued)**

Description	2019/20 Charge	PRICING STRATEGY					Proposed 2020/21 Charge	Annual Increase / Decrease (-) %	Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE	STATUTORY			
Outside Scope for VAT purposes									
GAMBLING ACT 2005									
New applications									
Bingo	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Betting (off-course)	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Betting (track)	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Adult Gaming Centre	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Family Entertainment Centre	£886.00	*	✓	*	*	*	£912.00		
Family Entertainment Centre with permit	£300.00	*	✓	*	*	*	£300.00	NO CHANGE	
Licensed Premises Gaming Machine Notification	£50.00	*	*	*	*	✓	£50.00	NO CHANGE	
Licensed Premises Gaming Machine Notification permit	£100.00	*	*	*	*	✓	£100.00	NO CHANGE	
Club Gaming Permit	£100.00	*	*	*	*	✓	£100.00	NO CHANGE	
Club Gaming Machine Permit	£100.00	*	*	*	*	✓	£100.00	NO CHANGE	
Small society lottery	£40.00	*	*	*	*	✓	£40.00	NO CHANGE	
Prize Gaming Permit	£100.00	*	*	*	*	✓	£100.00	NO CHANGE	
Miscellaneous fees									
Duplicate licences	£25.00	*	✓	*	*	*	£25.00	NO CHANGE	Already at statutory maximum
Change of circumstances	£50.00	*	✓	*	*	*	£50.00	NO CHANGE	Already at statutory maximum
Provisional statements	£823.00	*	✓	*	*	*	£848.00	3.04 %	
Transfer of licence re-instatement of licence	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Variation of licence	£886.00	*	✓	*	*	*	£912.00	2.93 %	
Change of name of prize gaming or entertainment centre permit	£25.00	*	*	*	*	✓	£25.00	NO CHANGE	
copy of prize gaming or family	£25.00	*	*	*	*	✓	£25.00		
copy of family entertainment centre permit	£15.00	*	*	*	*	✓	£15.00	NO CHANGE	

COMMUNITY & CUSTOMER SERVICES

**2020/21 FEES & CHARGES PROPOSED FOR :-
ENVIRONMENTAL HEALTH & LICENSING (continued)**

Description	2019/20 Charge	PRICING STRATEGY				Proposed 2020/21 Charge	Annual Increase / Decrease (-) %	Comments
		COMMERCIAL	FULL COST REC	SUBSIDISED	FREE			
Outside Scope for VAT purposes								
GAMBLING ACT 2005								
Annual Fee								
Bingo	£1,051.00	*	✓	*	*	£1,000.00	-4.85 %	revised in line with statutory maximum
Betting (off-course)	£475.00	*	✓	*	*	£489.00	2.95 %	
Betting (track)	£1,051.00	*	✓	*	*	£1,000.00	-4.85 %	revised in line with statutory maximum
Adult Gaming Centre	£1,051.00	*	✓	*	*	£1,000.00	-4.85 %	revised in line with statutory maximum
Family Entertainment Centre	£787.00	*	✓	*	*	£750.00	-4.70 %	revised in line with statutory maximum
Family Entertainment Centre with permit	£315.00	*	*	*	✓	£300.00	-4.76 %	revised in line with statutory maximum
Licensed Premises Gaming Machine Notification	£50.00	*	*	*	✓	£50.00	NO CHANGE	
Licensed Premises Gaming Machine permit	£50.00	*	*	*	✓	£50.00	NO CHANGE	
Club Gaming Permit	£50.00	*	*	*	✓	£50.00	NO CHANGE	
Club Gaming Machine Permit	£50.00	*	*	*	✓	£50.00	NO CHANGE	
Small society lottery	£20.00	*	*	*	✓	£20.00	NO CHANGE	
Prize Gaming Permit	£300.00	*	*	*	✓	£300.00	NO CHANGE	
Licensing Act 2003								
(Statutory fees)								
Premises Licence/Club Premises Application fees								
Rateable value £0-4300	£100.00	*	*	*	✓	£100.00	NO CHANGE	
Rateable value £ 4301 - £33,000	£190.00	*	*	*	✓	£190.00	NO CHANGE	
Rateable value £ 33,001 - £ 87,000	£315.00	*	*	*	✓	£315.00	NO CHANGE	
Rateable value £87001 - £125,000	£450.00	*	*	*	✓	£450.00	NO CHANGE	
Rateable value £125,001 and above	£635.00	*	*	*	✓	£635.00	NO CHANGE	
Premises Licence/Club Premises Annual Fees								
Rateable value £0- £4300	£70.00	*	*	*	✓	£70.00	NO CHANGE	
Rateable value £ 4301 - £33,000	£180.00	*	*	*	✓	£180.00	NO CHANGE	
Rateable value £ 33,001 - £ 87,000	£295.00	*	*	*	✓	£295.00	NO CHANGE	
Rateable value £87001 - £125,000	£320.00	*	*	*	✓	£320.00	NO CHANGE	
Rateable value £125,001 and above	£350.00	*	*	*	✓	£350.00	NO CHANGE	
Replacement licence	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Application for provisional licence	£315.00	*	*	*	✓	£315.00	NO CHANGE	
Change of licence details (name or address)	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Variation of designated premises supervisor	£23.00	*	*	*	✓	£23.00	NO CHANGE	
Transfer of premises licence	£23.00	*	*	*	✓	£23.00	NO CHANGE	
Interim authority notice	£23.00	*	*	*	✓	£23.00	NO CHANGE	
Variation of designated premises supervisor	£23.00	*	*	*	✓	£23.00	NO CHANGE	
Variation of premises	£315.00	*	*	*	✓	£315.00	NO CHANGE	
Minor variation of premises	£89.00	*	*	*	✓	£89.00	NO CHANGE	
Notification of change of name or club rules	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Change of relevant registered address of club	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Temporary event notice	£21.00	*	*	*	✓	£21.00	NO CHANGE	
Replacement temporary event notice	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Application for personal licence	£37.00	*	*	*	✓	£37.00	NO CHANGE	
Replacement personal licence	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Notification of change of name etc for personal licence	£10.50	*	*	*	✓	£10.50	NO CHANGE	
Entry on freeholder register	£21.00	*	*	*	✓	£21.00	NO CHANGE	

Part A

Report to: **Licensing Committee**

Date of meeting: **Wednesday, 15 January 2020**

Report author: **Environmental Health Manager (Business)**

Title: **Food Law Enforcement Service Plan 2020-2021 and 2021-2022**

1.0 Summary

1.1 This report and attachment contains the details of the Food Safety Law Enforcement Plan 2020-2021 and 2021-2022 as required by the Food Standards Agency (FSA), a government body, to demonstrate the authorities' arrangements for food safety enforcement which address local needs and national priorities.

1.2 This plan requires formal approval by members.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Failure to meet the requirements of the Food Standards Agency in relation to delivery of food controls	Formal audit and monitoring by the FSA. Reputational and risk of legal challenge. Impact on food safety for consumers. Likely to lose competent officers.	<ul style="list-style-type: none"> • Implementation of the food plan as proposed, internal monitoring to ensure adequate delivery in accordance with the plan, the FSA audit findings and associated procedures and policies. 	Treat	4
Insufficient resources to deliver food enforcement work	Poorer standard in food businesses, lower food hygiene ratings and more cases of infectious disease. Associated poor publicity and	<ul style="list-style-type: none"> • Recruitment and retention of competent staff • Ongoing monitoring of trends in food business numbers to ensure resources 	Treat	6

	increased scrutiny from the Food Standards	are sufficient to meet demand <ul style="list-style-type: none"> • Performance monitoring through case reviews with officers carrying out official controls in food businesses 		
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3.0 Recommendations

3.1 That the Committee approves the Food Safety Law Enforcement Plan, subject to any amendments suggested by the Committee.

Further information:

For further information on this report please contact:

Richard Brown, Environmental Health Manager (Business);

telephone extension: 8440 email: richard.brown@watford.gov.uk

Report approved by: Justine Hoy, Head of Community Protection

4.0 Detailed proposal

4.1 The Food Standards Agency Framework Agreement, in addition to requiring local authorities to have policies and procedures relating to food enforcement, requires that a Food Safety Law Enforcement Service Plan is produced and submitted to members for approval.

4.2 The Service Plan forms the basis on which local authorities will be monitored and audited by the FSA to ensure consistency and effectiveness. It also allows local authorities to plan and resource their food safety enforcement work.

4.3 The Service Plan attached follows the format and guidance laid out in the Framework Agreement. This is to enable the FSA to easily assess our delivery of the service and to allow comparison of Plans between local authorities for benchmarking purposes.

4.4 The Service Plan covers the following areas of work:

- Proactive inspections of food premises

- Food Hygiene Ratings
- Dealing with complaints about food premises or about food that has been bought or eaten
- The Primary Authority scheme
- Giving food-related advice to businesses
- Food sampling
- Investigation of food-related outbreaks and cases of infectious disease
- Dealing with food alerts and incidents
- Liaison with other organisations
- Food safety promotional work
- Issuing health certificates

4.5 There have been several high profile food poisoning outbreaks nationally in recent years that have resulted in fatalities. These highlight the importance of a diligent and competent food safety function and team. The additional benefit to a skilled and competent food team is the work the officers do to support businesses in the town prosper. Offering advice to improve standards leads to higher food hygiene ratings. Improved ratings help make Watford food businesses more attractive to customers and also help them win contracts with other businesses if they are suppliers.

4.6 The service plan demonstrates the variety of work that is undertaken within the section alongside other health and safety, housing enforcement, environmental protection, licensing, animal control, envirocrime and public health work.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the plan is within current budgets. The latest budget forecast shows combined income of £24k compared to a budget of £20k.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that it is a statutory requirement for the council to have a plan approved by members.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149 of the Equality Act, it is considered that there are no human rights or equalities implications associated with the service plan as food law legislation applies equally to everyone regardless of any protected characteristic.

5.3.2 Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 There are no staffing implications associated with the service plan.

5.5 **Accommodation**

5.5.1 There are accommodation issues associated with the service plan.

5.6 **Community Safety/Crime and Disorder**

5.6.1 There are no community safety or crime and disorder implications associated with the service plan.

5.7 **Sustainability**

5.7.1 There are no sustainability issues associated with the service plan.

Appendices

Appendix 1: The Food Law Enforcement Service Plan 2020-2021 and 2021-2022

Background papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

- Food Standards Agency Framework Agreement, September 2000 (as amended)
- Regulators Compliance Code
- Environmental Health and Licensing Section Compliance Policy 2016-2021
- Food Safety Act 1990 Code of Practice and Practice Guidance
- Food Standards Agency National Food Hygiene Rating Scheme Brand Standard



FOOD LAW ENFORCEMENT SERVICE PLAN

2020-2021 and 2021-2022

Introduction

This Plan is dedicated to the food law enforcement functions carried out by the Community Protection Section of the Community and Environmental Services under the provisions of the Food Safety Act 1990 and relevant European and domestic food hygiene legislation.

It relates to the years 2020-2021 and 2021-2022 and is an expression of the Council's commitment to the development of the food service and is required by the Food Standards Agency (FSA), the body that monitors and audits local authorities' activities on food law enforcement.

The FSA's Framework Agreement promotes the importance of service planning to ensure that national priorities and standards are addressed and delivered locally. Our Service Plan has been drawn up in accordance with the Framework Agreement to enable the FSA to assess our delivery of the service and to allow local authorities to easily compare service plans.

The Framework Agreement requires Service Plans to be approved at the relevant level established for that local authority, to help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan. In Watford the Service Plan is approved at Licensing Committee.

Key developments and changes since the last Service Plan:

1. The Watford 2020 transformation programme.
2. Increase in popularity of online ordering services such as Just Eat, Deliveroo and Uber Eats.
3. Planning for the exit of the UK from the European Union.
4. The delegation of Three Rivers District Council's commercial Environmental Health Service to Watford Borough Council.
5. The emergence of allergens as a key food safety issue.

Key challenges for the years

In addition to normal planned service delivery there are a number of key issues for the service to take forward over the next year:

1. Further changes to the Food Standards Agency's Code of Practice

The Food Standards Agency have advised local authorities that they are planning to revise the Food Law code of practice, the document that lays out how food controls should be delivered by local authorities. It is expected that the main focusses will be:

- Further clarification on the way that premises should be risk rated, and how Food Hygiene Ratings should be awarded, to aid consistency.
- Changes in the competency requirements for officers undertaking food enforcement work
- Clarification on the extent to which allergen controls in businesses should be taken into account when determining the effectiveness of any food safety management system.

2. Possible changes to the European Hygiene legislative framework

Many of the food hygiene regulations, as well as the legislation that we enforce, have their roots in European Directives. Following the result of the European Union referendum in 2016 we have been monitoring the situation via Food Standards Agency and other Central Government departments.

It is not known exactly what impact any new arrangements will have on businesses and the resources needed to deliver food safety controls as the manner and timescale for leaving the European Union has not been confirmed.

We do know that the majority of current food hygiene legislation, whilst based on European Directives, is enabled by UK domestic legislation. This means that the standards that food businesses must meet are unlikely to change.

What is less certain is how food imports and exports will need to be handled; currently, there is an element of free movement of food between countries within the European Union. Depending on final arrangements, additional certification may be required to accompany food that is being exported from the UK or imported into the UK. This could lead to delays within the food chain and may have resource implications for both port and inland authorities. Officers have been working with colleagues across Hertfordshire to understand and prepare for the potential impacts. This has included contacting businesses.

3. The Food Standards Agency's Regulating our Future (ROF) programme

For some time the FSA has been looking at the way that food hygiene controls are delivered in the UK and the relative roles of the FSA and local authorities. It has proposed a number of changes to the regulatory regime, one of which is to require food businesses to register via a central FSA portal, to enable them to build up a comprehensive profile of food businesses in the UK. This part of the programme is known as RAFB – Register a Food Business. It is expected that the RAFB process will link with existing local authority databases.

Following discussions with the FSA, and taking into account the Watford 2020 program, officers will start working on the RAFB program early in 2020.

4. Possible charging for Food Hygiene Rating reassessment visits.

Early in 2017 the Food Standards Agency confirmed that in some circumstances, Local Authorities could charge for Food Hygiene Rating reassessment visits. This is discussed more in section 3.1.

5. Mandatory display of Food Hygiene Rating stickers

Currently, unlike in Northern Ireland and in Wales, businesses do not have to display their Food Hygiene Rating sticker, although their rating does always appear online. Requiring the mandatory display of stickers remains one of the FSA's flagship policies and is hoped that a bill requiring this will be laid before Parliament in due course. It is likely that this will be after the mechanism for the UK's exit from the European Union has been confirmed.

6. Dark Kitchens

Dark kitchens are workspaces that are used by a food businesses to produce food for delivery; there is no restaurant for consumers, no passing trade, and no collection option. They are on the rise due to the increase in online delivery platforms such as Uber Eats, Deliveroo and Just Eat, and are most common in large cities where delivery options are more efficient.

Dark kitchens are often occupied by a number of different business as they give start-up and other businesses the chance to start a catering operation without having to invest in extensive catering equipment.

The businesses using them do not always register with the local authority, which means that combined with the possible shared nature of these facilities, producing food safely can be an issue.

Officers will be undertaking work to establish whether any dark kitchens are operating within Watford.

7. Watford 2020

The Watford 2020 program will continue and will see changes to the way in which customers and businesses interact with the service; see section 1.3 below.

1. Service Aims and Objectives

1.1 Vision

The vision of the Community Protection Section is "working together to improve lives"

This will be done by "leading delivery of high quality customer focussed services that make a difference to health, wellbeing, environment and economy".

The Section's current Core Priorities in achieving the vision are to:

- Manage current risks to health, wellbeing, environment and the economy.
- Manage future risks to health, wellbeing, environment and the economy.
- Recruit and maintain a motivated and competent team.

1.2 Links to corporate objectives and plans

The council's current corporate objectives as laid out in the 2019-2020 corporate plan are:

- Manage the borough's housing needs
- Enable a thriving local community
- Enable a sustainable town and council
- Celebrate and support our community

1.3 Links to the Watford 2020 project

The Watford 2020 project is relevant to the food law enforcement work that we do in two ways:

Digitisation

We are exploring ways to use technology to make the process of carrying out inspection and other enforcement work easier, for example by using tablets to log inspections whilst on site, and using more of the functionality contained within our premises and inspection database to aid efficiency, consistency and workflow.

Commercialisation

Officers are used to offering advice to businesses on how they should comply with the law or improve their rating, and to carrying out advisory visits to new businesses that register with us. We are determining in what circumstances this advice should be chargeable.

2. Background

2.1 Profile of the Local Authority

Watford is a major town, situated in the South West of Hertfordshire. It has developed into a sub-regional shopping centre and an important centre for cultural and recreational facilities. It now boasts a number of nationally known firms locating their headquarters in the town.

It has a population: 96,700 over an area of 8.5 sq. miles. This is an 8% increase in population since 2011 and a 22% increase in population since 2001. The average age 36.46 years, 38% of the population are BME

2.2 Organisational Structure

The food service is within the Community Protection Section of the Community and Environmental Services Department.

Overall co-ordination of the Council's food enforcement is the responsibility of the Community Protection Section Head who reports to the Head of Community and Environmental Services.

The Environmental Health Manager (Business) has the portfolio for food and infectious disease has been nominated as the Lead Officer with responsibility for food hygiene and safety. The Environmental Health Manager (Business) also now has the responsibility

for delivering licensing functions and it is hoped that this will lead to joined up work in the two areas.

Formal microbiological analysis of food samples and faecal samples is carried out by Public Health England.

Physical and chemical analysis of food is carried out by Kent Scientific Services, who have been nominated as our Food Examiner by Hertfordshire County Council Trading Standards Department.

2.3 Scope of the Food Service

The food service covers the following specific areas: -

- Food safety and hygiene enforcement.
- Infectious disease investigations.

The food service is provided by generic Environmental Health Officers spread across three teams who also deal with housing, health and safety, environmental protection and public health. Service delivery is supported by an Environmental Health Technical Officer and the section's Support Team.

Use of Contractors

Contractors are used to carry out programmed food hygiene inspections, subject to the following conditions: -

- There is a backlog of inspections, which cannot be completed by the existing officers, due to sickness, vacancies or other unforeseen pressures on the service.
- The external contractor meets the requirements of The Food Safety Act 1990 Code of Practice.
- The contractor is also subject to the monitoring and auditing regime for inspections and proves satisfactory competence.
- The contractor's programmed inspections are concentrated on lower risk inspections, Category C and below.
- The cost of the work is met within existing budgets.

In recent years, the number of inspections carried out by contractors has been as follows:

2015/16	65
2016/17	76
2017/18	82
2018/19	0
2019/20	55

2.4 Demands on the Food Service

On 31st March 2019, there were 893 food premises registered with the Authority. The follow table shows the breakdown along with previous figures:

	March 2003	March 2014	March 2015	March 2016	March 2017	March 2018	March 2019
Primary Producers	0	1	0	0	0	0	0

Manufacturers and Packers	12	13	10	11	10	11	13
Importers / Exporters	0	0	0	0	3	5	6
Distributors / Transporters	6	10	15	16	16	14	14
Retailers	217	203	196	195	186	190	211
Caterers	397	592	628	651	637	634	649
Total	632	819	849	873	852	854	893

The number of food businesses has increased in recent years due to legislation requiring childminders to register, the popularity of home caterers such as cake makers, and market stalls.

In addition the redevelopment of the expansion of the INTU centre and the increased food offer throughout it has also an effect on numbers. At the time of writing this report there are 948 registered food businesses in the borough. By comparison, at the end of March 2004 there were 632.

It should be noted that we are beginning to see an increase in Importers and Exporters, as well as businesses selling food via the internet.

Approved Premises

Some premises that manufacture food, typically using meat fish or dairy products need specific approval to undertake such activities and must to have detailed procedures in place. On 31st March 2019 there were four such approved premises in the borough, two sausage manufacturers, a cheese manufacturer and a large scale kitchen supplying meals to restaurants.

Access to the Food Service

The food service is located at Wiggshall Depot, Wiggshall Road, Watford. The Environmental Health Section's Duty Environmental Health Officer is situated in the Customer Service Centre at the Town Hall and remains the first point of contact for food safety matters. Customers of our service can contact us by the following means: -

- In person, at the Customer Service Centre from 0845 to 1715 (1645 on Fridays).
- By telephone to the Customer Service Centre: 01923 226400 or 01923 278503.
- By fax: 01923 278627.
- By e-mail: envhealth@watford.gov.uk.
- Through the Council's website: www.watford.gov.uk.
- For emergencies, i.e. a food poisoning outbreak or notification of a Serious Food Incident, the Out of Hours Service on 01923 226400.

2.5 Regulation Policy

The 2016-2021 compliance policy covering all aspects of Environmental Health & Licensing regulatory activity received Member approval in September 2016 at the Environmental Health & Licensing Committee.

The Food Law Enforcement aspect of this policy takes account of the Food Standards Agency's Code of Practice and the Regulators' Code issued under the Regulatory and Effective Sanctions Act 2008.

The key points are that:

- all enforcement decisions will be fair, independent and objective;
- they will not be influenced by age, ethnicity, national origin, gender, religious or political belief, disabilities or sexual orientation;
- due regard will be taken when dealing with juveniles or other vulnerable people; and,
- decisions will not be affected by improper or undue pressure from any source, including councillors.

As part of our work under the Better Business For All agenda we have also adopted a county-wide Regulator's Charter. This is shown in Appendix B.

2.6 Food Standards Agency Audit, May 2015

The council received a wide-ranging three day audit from the Food Standards Agency in May 2015, which looked at, amongst other things, our procedures, officer competencies and record keeping.

The audit found that:

- we were delivering very high level of planned program of inspections / interventions required by the food law code of practice;
- our procedures were in general found to be well documented;
- the service plan was well structured and followed the framework objective;
- appropriate enforcement, investigations and actions had been carried out; and
- a good regime of accompanied inspections to assess officer competence.

In addition, good practice was identified for the seizure and detention of food and the undertaking of prohibition procedures.

We were asked to:

- Ensure that sufficient records of interventions and enforcement were always made.
- Improve / introduce a limited a number of procedures.
- Ensure that we kept to the intervention frequency laid out in the Code of Practice.
- Implement the paperwork peer review regime that was being developed at the time of the audit.

The Audit team revisited us in May 2016 to check progress. They were satisfied with the improvements we had made and signed off the audit.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments

3.1.1 Risk Based Inspection Programme

Food Businesses are risk rated from A (high risk) through to E (low risk) according to the type of the operation being carried out, who the business supplies, and the standard of food hygiene at the premises. Businesses that carry out a complicated operation, or supply a large number of people (or people in vulnerable groups such as young children or the elderly) or have poor standards of hygiene, are likely to fall in one of the higher

risk categories. Smaller, simple operations, and those where hygiene standards are good, are likely to fall in one of the lower risk categories.

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

- A A poorly run restaurant or takeaway
- B A residential care home
- C A well run restaurant
- D A public house that doesn't serve food
- E A well run newsagent selling only pre-packed drinks, crisps and sweets

On 31st March 2019, the 893 registered food businesses were risk rated as follows:

A	B	C	D	E	Unrated	Total
7	26	170	287	394	9	893

As mentioned above, at the time of writing this report, this number had grown to 948. The Food Standards Agency's Code of Practice specifies the frequency that businesses should be proactively inspected as follows:

Premises Category	Inspection Frequency
A	Every 6 months
B	Every year
C	Every 18 months
D	Every 2 years
E	Every 3 years, using an Alternative Enforcement Strategy

It is the Council's policy to ensure that food premises inspections are concentrated on high-risk premises and that they are carried out in accordance with the Food Standards Agency's Code of Practice and Practice Guidance. For some businesses rated C and D that are consistently well run and compliant with the law, lighter touch 'verification' inspections can be alternated with full inspections.

Also for low risk food businesses such as newsagents, some other small retailers, and some home caterers, local authorities can assess compliance with food hygiene legislation by means other than inspection. These businesses are generally exempt from the national Food Hygiene Rating scheme. Over the last two years we have implemented out an 'Alternative Enforcement Strategy (AES) for these businesses, involving some degree of self-assessment as well as some validation inspections.

Based on the current premises profile it is estimated that the number of primary interventions will be carried out in 2020-2021 and 2021-2022 will be:

Premises Category	2020-2021	2021-2022
A	8	8
B	26	27
C	130	140
D	155	160
NEW	140	145
Total	459	480

**as part of the alternative enforcement strategy, self-assessment questionnaires will also be sent to approximately 120 businesses rated E each financial year*

Enforcement approach

There are a number of enforcement options available to local authorities, ranging from advice and written warning through to closing premises down using prohibition powers and taking prosecution proceedings. The following enforcement action was taken in 2018-2019:

Written Warnings	125
Improvement Notices	1
Voluntary Closures or Prohibition Procedures	5
Seizure and Detention of Food	6
Revisits following inspection	107

3.1.2 Food Hygiene Rating Scheme

The council has been running the national Food Hygiene Rating Scheme since 1st April 2012. The scheme allows consumers to check the hygiene of a business before choosing where to eat or buy their food.

This means that in addition to determining a business’s risk rating, which determines their inspection frequency, businesses are also awarded a Food Hygiene Rating from 5 (very good) to zero (urgent improvement necessary) after a food inspection. The full range of ratings is as follows:



The ratings are based on standards in three areas:

- The **hygiene** controls in the business; how food is prepared, cooked, re-heated, cooled and stored.
- The **structure** of the premises; cleanliness, pest proofing, layout, lighting, ventilation and other facilities such as toilets and wash hand basin.
- The **procedures and controls** that are in place to ensure that the food produced and sold is safe, and the recording keeping that is in place. The training and supervision of food handlers is also considered here.

The ratings of businesses in Watford can be seen at:

<http://ratings.food.gov.uk/authority-search/watford>

The national scheme allows businesses to appeal against the rating they have been given if they do not agree with it. These appeals have increased this year. There have been 8 this year so far and all of these are reviewed by the Lead Officer for Food. Of the 8 appeals, 7 were found to have been issued with the correct rating. Where an incorrect rating was issued a review with the officer was undertaken and action taken as required.

Businesses can also request for their rating to be reassessed once they have rectified all of the issues identified during the original inspection. These requests are also increasing. Reasons for the increase are likely to be: the increased public awareness of ratings and subsequent customer choice; along with the increase in the rise of online platforms such as Just Eat, Deliveroo and Uber Eats that are only allowing businesses with ratings of 3 or above on their platforms. This re-assessment service is currently provided free of charge. However with the increase in demand for the service and the implications in relation to fairness to other businesses and incentivising compliance without council intervention this may not be the best choice going forward. This is considered more in 3.1.3 below.

	Appeals	Requests for a Rescore
2012-2013	0	0
2013-2014	1	3
2014-2015	6	7
2015-2016	1	13
2016-2017	2	10
2017-2018	3	8
2018-2019	2	10
2019-2020 (at 16/12/19)	8	26

On 16th December 2019, 695 of the 948 food businesses registered with the council fell within the scheme. The spread of ratings, as well as comparable figures from 2015 are shown below:

	% of rated premises March 2015	% of rated premises March 2017	% of rated premises December 2019
	54.7	66.5	68.9
	22.1	20.4	17.6
	9.2	7.0	7.9
	4.9	2.4	2.3
	8.2	3.7	3.0

	0.9	0	0.3
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The percentage of business rated 3 or above is as follows:

- 31st March 2015 86%
- 31st March 2017 93%
- 16th December 2019 94%

This improvement in standards is believed to be as a result of the section's proactive approach of working with businesses to help them comply with the law through advisory visits at start up, free advice throughout and projects to deliver coaching to lower scoring businesses. As highlighted above, it is also believed the increase in profile of the Rating Scheme amongst consumers and the requirements of the online delivery platforms has influenced the improved compliance levels.

The Food Standards Agency's Food Hygiene Rating 'portal', the website used by local authorities to manage the display of ratings in their area, allows regional and national comparisons. For Watford the figures are as follows:

	Watford	Eastern Region	England
Rated 5	68.9	76	71.4
Rated 4	17.6	15.3	16.7
Rated 3	7.9	5.5	7.4
Rated 3 or above	94.4	96.8	95.5
Rated 2	2.3	1.5	2.2
Rated 1	3.0	1.5	2.1
Rated 0	0.3	0.2	0.2

Whenever a business receives a rating of between zero and two we work closely with them to ensure that there are no health risks associated with its operation. This may include immediate advice, revisits and referral to other services to ensure that required improvements are being carried out.

3.1.3 Possible charging for Food Hygiene Rating reassessment visits.

Early in 2017 the Food Standards Agency confirmed that Local Authorities could charge for Food Hygiene Rating reassessment visits. Officers have been looking at the implications of taking this approach when considering our current processes including those below:

- All new businesses that register with us proactively are contacted by an officer and given advice on how to comply with the law including an advisory visit for small businesses without head office support,
- All existing food businesses have access to advice from us during and after food hygiene inspections on request.
- The Food Standards Agency provides comprehensive advice on their website.

This level of service is not provided by all Local Authorities and it gives Watford businesses every opportunity to find out what they need to do to be compliant, safe and get a good rating. If a Food Business Operator does not utilise this information and then gets a low rating under current policy they can then apply for a free reassessment when

they have completed the works/improvements identified by the Officer. These reassessments take up officer time and as they are free they do not incentivise proactive compliance. This gives uncompliant businesses a commercial advantage over higher rated businesses that have consistently maintained good standards. Similarly, we are getting requests to revisit businesses who scored a 4 but want a 5 and whilst this is good for their business it isn't targeting resources at areas of risk to public health.

In order to level the playing field for the compliant Food Business Operators whose businesses receive a higher rating and to manage resources effectively in the context of increasing demands due to increasing numbers of businesses; officers believe there should be a cost involved for the businesses to retrospectively comply/improve their standards and raise their rating between routine inspections. This proposal is contained within the current fees and charges proposals for 20/21.

Resources needed for food hygiene inspection activity

Year	16-17	17-18	18-19	19-20	20-21	21-22
No. primary of inspections	502	515	570	560	579	600
FTE needed	1.42	1.45	1.63	1.61	1.65	1.71

3.2 Feed and Food Complaints

The Community Protection Section deals with the following types of food complaint:

- Foreign body, unfit or mouldy food that has been bought or eaten.
- Complaints about the hygiene of food businesses, such as food handling practices, refuse, drainage, etc.

We prioritise foreign body, unfit and mouldy food complaints that pose a risk to public health rather than purely a quality issue.

We prioritise complaints about food businesses that pose a high risk to public health rather than those that present a low risk.

Complaints about the quality rather than the safety of food are dealt with by Hertfordshire County Council's Trading Standards Section, with whom we liaise on a regular basis.

Year	16-17	17-18	18-19	19-20	20-21	21-22
Food complaints	28	45	33	35	35	35
Premises complaints	87	66	76	75	75	75
Total	115	111	109	110	110	110
FTE needed	0.15	0.15	0.15	0.15	0.15	0.15

3.3 Primary Authority Scheme

The council has been the Primary Authority for TJX Europe (who trade as T K Maxx and Homesense in the UK) since December 2009. The Primary Authority Agreement covers food hygiene and health and safety. Both the council and the Company have seen benefits from the arrangement in terms of compliance, consistency, cost reduction in unnecessary areas and the development of expertise in staff.

In November 2019 the council entered into a Primary Authority Agreement with Screwfix. This Agreement also covers food and health and safety.

In January 2020 the council expects to enter into a Primary Authority Agreement with Pepe's Peri Peri, pending formal sign off by the Department of Business, Energy and Industrial Strategy. Again, the agreement will cover food and health and safety.

The resources needed to deliver the Primary Authority Agreements are paid for by the company on a cost recovery basis so this work does not impact on the service's ability to deliver the rest of its food enforcement work and is considered within the departments capacity overall. It enables officers to develop skills, expertise and experience over a wide range of businesses and operations which assists with staff retention and competency.

3.4 Advice to Businesses

In addition to carrying out enforcement, the service is committed to working with businesses to help them be successful, comply with the law and to encourage the use of good practice.

On an operational basis, this is achieved through a range of mechanisms:

- Giving advice during the course of inspections and other visits
- Directing businesses to other sources of information such as the Food Standards Agency website
- Provision of 'Safer Food, Better Business' packs in a variety of languages to help small businesses with their Food Safety Management Systems
- Responding to business requests for advice and assistance
- Providing detailed food safety advice to new businesses as part of the registration procedure, as well as an optional visit.

In addition, the service has also:

- Played a key role in developing the 'Better Business For All' forum, a local partnership between Businesses and Regulatory Services to promote growth through improved regulation. This has been done in partnership with all the other local authorities in Hertfordshire, national as well as local regulators and various business organisations such as the Federation of Small Business, Local Economic Partnership and Chambers of Commerce. The Food Standards Agency and the Better Regulation Delivery Office have both been involved in this initiative
- Played a key role in the development and implementation of 'Hertfordshire Charter' for all Regulatory Partners
- Put together a Hertfordshire wide course on Commercial Awareness Training for Regulatory Officers and made sure all our officer attended one of the courses
- As mentioned in section 2.5, we have adopted the statutory Regulators' Code issued under the Regulatory and Effective Sanctions Act 2008.
- Reviewed our enforcement policy to become a compliance policy
- Strengthened our links with WENTA and the Growth Hub and led in the delivery of a national pilot project where businesses were referred to the Council for advice, consultancy and primary authority services from the Business Advisors.

The estimated increase in capacity needed to deliver this aspect of the plan is due to

the anticipated increase in advice to businesses on the UK's exit from the European Union. Work is already underway with businesses expected to be particularly affected.

	16-17	17-18	18-19	19-20	20-21	21-22
No. requests for advice	95	100	92	130*	120	125
No. advisory visits	60	55	74	50*	55	60
FTE needed	0.15	0.14	0.25	0.35	0.38	0.39

*estimated

3.5 Feed and Food Sampling

The food sampling budget consists of two parts:

1. Funding allocation from Public Health England for approximately 95 microbiological samples. These samples are sent to their laboratory in Colindale.
2. A departmental allocation of £500 to allow for more complex physical and chemical sample analysis. These samples are sent to our designated Food Examiner, Kent Scientific Services.

In 2013 we purchased a handheld 'ATP' unit that allows us to monitor the effectiveness of cleaning in food premises, giving an instant result within the premises which we can share with the business. In 2016 we added sampling equipment that allowed us to check for meat residue on a surface. This helps us assess whether controls are in place to prevent cross contamination are being effective

In recent years we have looked at the microbiological quality of the following:

- Products made by our Approved Premises
- Sauces - Study 59
- Leaves - Study 60
- Gym equipment legionella - Study 61
- Pastry products - Study 64
- Re-usable antibacterial spray bottles - Herts and Beds Study
- Catering premises - Study 65
- Frozen food - Study 67

We have increased the amount of sampling work that we undertake as officers have found that discussing sampling results and the reason for them is a valuable tool in educating food business operators about food hygiene and improving standards.

We will target our food sampling on the following criteria:

- Approved Premises within the Borough
- Businesses with a risk rating of A
- Business that fall into a higher risk category of A or B following a food hygiene intervention
- Businesses identified for sampling as part of a national, regional or local programmes
- Sampling initiatives co-ordinated by Public Health England
- Local intelligence

	16-17	17-18	18-19	19-20	20-21	21-22
No. samples	91	69	80	80	80	80
FTE needed	0.05	0.05	0.05	0.05	0.05	0.05

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food Service will investigate notifications of food related infectious disease in accordance with the East of England Standard's Approach to Investigating Gastrointestinal Disease cases. This prioritises possible diseases into High, Medium and Low categories for investigation, for example:

High: E.Coli O157, Typhoid, Botulism
Medium: Salmonella, Listeria
Low: Campylobacter, suspected food poisoning

It also takes account of risk groups such as children under 6 months old, those over 65, these who are unwell, and those working in the food industry.

Investigations will be carried out in partnership with Public Health England.

Investigations of outbreaks will be undertaken in accordance with Public Health England's Communicable Disease Outbreak Management Guide. In the event that there is a major outbreak, the staff resources will be significantly increased due to the intense resource implications. Informal mutual aid agreements are in place with neighbouring councils to support any resource needs in these emergency cases.

Members should note that in May 2019 a norovirus outbreak centred on a large town centre pub and restaurant occurred. The section was contacted by 108 people who were experiencing symptoms, and officers worked with the business and Public Health England's Incident Team and Laboratory to identify the source and minimise the spread. This took considerable resource (hence the spike on FTE for the year 19/20 but it can be reported that there were no secondary infections.

	16-17	17-18	18/19	19/20	20/21	21/22
No. notifications	41	25	25	25	25	25
FTE	0.10	0.07	0.07	0.17	0.07	0.07

3.7 Feed/Food Safety Alerts

Food Alerts For Action, Allergy Alerts, Food Incidents and Product Recall notifications are sent to local authorities when there are public health implications concerning a type of food. Food Incidents and Food Alerts for Action can require Local Authorities to issue a press release or visit food outlets to ensure that certain foods are not sold to the general public.

All alerts are sent to the generic environmental health email inbox which is monitored daily. Alerts for Action are also sent to the office mobile phone during office hours, and out of hours, an Out of Hours phone is used.

Alerts are dealt with in accordance with the Food Standards Agency Code of Practice and the action required by the alert itself.

	16-17	17-18	18-19	19-20	20-21	21-22
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No. of allergy alerts	58	65	108	112	115	120
No of recalls	*	*	100	100	100	100
Alerts for action	*	*	2	2	2	2
Food incident	*	*	6	6	6	6
FTE needed	0.06	0.06	0.08	0.08	0.08	0.08

* - figures not available from Food Standards Agency Website

3.8 Liaison with Other Organisations

Officers from the Food Service currently attend the following forums: -

- Lead Food Officer Food Liaison Group
- Public Health England Liaison Committee
- Herts & Beds Sampling Group
- Hertfordshire Regulators Forum
- Better Business For All Steering Group
- Food Liaison Group Brexit Subgroup
- Food Standards Agency Regional Update meetings

Officers have been regular contributors to the Food Liaison Group, with the council's Lead Officer for Food participating in various working groups in recent years and also holding the post of secretary in recent years.

Planning for the UK's exit from the European Union has had an impact on resources. It is hard to predict what resources will be needed going forward.

Officers have an effective working relationship with Hertfordshire County Council's Trading Standards team, and have liaised regularly with the Better Regulation Delivery Office as part of the Better Business for All initiative outlined in section 3.4.

	16-17	17-18	18-19	19-20	20-21	21-22
FTE needed	0.05	0.05	0.05	0.10	0.10	0.10

3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions

Promotional work carried out by the service includes:

- Informal food hygiene talks to a variety of audiences such as hospitals and schools
- Giving advice during the course of inspections and other visits
- Provision of 'Safer Food, Better Business' packs in a variety of languages to help small businesses with their Food Safety Management Systems
- Providing detailed food safety advice to new businesses as part of the registration procedure
- Targeted food safety information and advice to particular business sectors

Food Hygiene Course Training

The service has been registered with the Royal Society for Public Health Chartered Institute of Environmental Health as a Training Centre for food hygiene courses.

Currently, the Level 2 Food Hygiene in Catering course is delivered in house by officers

who is an accredited food hygiene trainer. Administration of the course is undertaken by a member of the service's Support Team.

At least 4 courses are scheduled each year, holding a maximum of 20 candidates each.

We also accommodate additional course requests, for example where a business would like to train a number of their staff at their own premises, where possible. We are currently also running courses for market traders.

Over the next year we will look to expand the range of courses that we offer, as well as food hygiene consultancy services. We expect that the offer will be focussed on helping business obtain and keep a Food Hygiene Rating of 5.

	16-17	17-18	18-19	19-20	20-21	21-22
FTE needed	0.19	0.21	0.21	0.24	0.25	0.26

3.10 Issuing Health Certificates for Export

When businesses want to export food to particular countries they may need the product to be accompanied by an appropriate 'Health Certificate' declaring that the food has been produced and or stored hygienically. A fee is charged for these certificates, which are issued by local authorities. The number of certificates issued in recent years has increased.

It is not known whether the United Kingdom leaving the European Union will affect this system; it may be that more certification will be needed which will have an impact on resources.

	16-17	17-18	18-19	19-20	20-21	21-22
Certificates issues	306	414	393	478	520	540
FTE needed	0.03	0.04	0.04	0.05	0.05	0.05

4. Resources

4.1 Financial Allocation

The 2019/20 budget associated with delivering the food law enforcement plan is as follows:

Non fixed costs*	£255,746
Equipment	£1,500
Sampling	£1,000
Delivery of food hygiene training course	£500
Additional food inspections by contractors if needed	£4520

**officer salaries, building overheads, transport costs, provision of corporate services such as IT, Human Resources, Finance and Legal Services.*

The following income is expected:

Food Hygiene Training Courses	£5,000
Issuing of Health Certificates	£15,000

Where legal action becomes necessary, and we need to instruct Counsel then the financial costs will not act as a barrier to any necessary action.

In recent year income has varied depending on demand for health certificates and the number of food hygiene training courses delivered.

4.2 Staffing Allocation

Food law enforcement work is carried out by generic Officers undertaking the full range of environmental health functions. Support Officers also work across all environmental health areas.

In 2019/20 a Full Time Equivalent (FTE) of 1.95 is allocated for professional food law enforcement work. An FTE of 0.28 was allocated for administrative food law enforcement work. Staffing resources for the activities listed in sections 3 are shown in Appendix A.

The projected shortfall in FTE available may be made up by external contractors if needed; a budget exists to enable this if needed (see section 4.1).

4.3 Staff Development Plan

The Service will ensure that authorised officers undertaking food work are appropriately qualified and receive regular food related training to enable them to carry out effective food hygiene inspections and enforcement.

We will also make sure that they receive a minimum of 10 hours training annually in line with the Food Standards Agency's Code of Practice and the principles of Continued Professional Development (CPD) scheme administered by the Chartered Institute of Environmental Health. Training needs will be identified in one-to-one meetings with officers and through the annual appraisal process.

Training may take the form of in-house training, formal courses or vocational visits.

Changes to the competency and qualification sections of the Code of Practice came into force in April 2016. These, together with the FSA audit have led us to review officer competencies with the section and details of staff having a direct role in food enforcement, as well as competency levels are shown in Appendix A.

5. Quality Assessment

5.1 Quality Assessment and internal monitoring

The service has established the following monitoring arrangements to assess the quality of the service provided: -

- Documented sign-off procedure for new staff undertaking food duties
- Regular review of inspection, case and infectious disease paperwork
- A schedule of accompanied inspections involving by the Lead Officer for Food

In recent years we have worked with our database provider (IDOX) to produce a number of reports that allow us to check the integrity of the Food Premises database and compliance with the proactive inspection plan. Reports are also run to check that the Food Hygiene Rating Scheme is working correctly.

Finally, to ensure quality, procedures are kept under regular review.

6. Review

6.1 Annual Review against the Service Plan

Reviews against the service plan will be taken annually. Progress against the inspection program and the sampling policy is checked at individual officer 1-1s.

DETAILED RESOURCE ALLOCATION AND LEVELS OF COMPETANCY

Staffing Resources Required Available in 2017-18

Activity	Full Time Equivalent required 2017-18	Full Time Equivalent required 2020-21	Full Time Equivalent required 2021-22
Food Premises Inspections (section 3.1)	1.45	1.65	1.71
Food Complaints (section 3.2)	0.13	0.15	0.15
Primary Authority Principle (section 3.3)	0.00	0.00	0.00
Advice to Businesses (section 3.4)	0.20	0.38	0.39
Food Inspection and Sampling (section 3.5)	0.07	0.05	0.05
Food Related Infectious Disease (section 3.6)	0.09	0.07	0.07
Food Safety Incidents (section 3.7)	0.06	0.08	0.08
Liaison with other Organisations (section 3.8)	0.05	0.10	0.10
Food Safety Promotion (section 3.9)	0.21	0.25	0.26
Health Certificates (see section 3.10)	0.02	0.05	0.05
Total	2.28	2.78	2.86

Staffing Resources Available in 2019-2020e

Designation	Full Time Equivalent Available
Environmental Health Officers	1.37
Environmental Health Technical Officers	0.21
Environmental Health Managers	0.32
Support Officers	0.47
Environmental Health Section Head	0.02
Total	2.39

*the projected shortfall in FTE available may be made up by external contractors

Levels of competency

Levels of competencies are expressed with reference to the Food Standards Agency Code of Practice. Numbers are in terms of number of officers and not FTE's.

Competency Level	No. of officers
Inspection of HACCP based management control systems	12
Inspection of Category A-C	12
Inspection of substantial manufacturers	7
Inspection of Category D-E	12
Service of Improvement Notices	11
Service of Emergency Prohibition Notices (EPN) or voluntary agreements	11
Inspect, detain and seize foodstuff	11
Taking of informal samples	13
Taking of formal samples	12
Imported Food Control	7
Support activities	17

APPENDIX B

HERTFORDSHIRE REGULATORS CHARTER

Hertfordshire Charter

Better Business for All Partnership Charter

This is a voluntary undertaking between Hertfordshire Regulatory Services and all local businesses, irrespective of size or resources.

Aim

To support a relationship between businesses and regulators built upon trust, understanding and a desire to improve together in terms of compliance with regulation and support of business growth.

Purpose

Hertfordshire Regulatory Services are committed to working with businesses to help them meet their statutory requirements and to prosper. This Charter sets out the actions and responsibilities of Hertfordshire Regulatory Services and businesses within Hertfordshire.

Regulatory Partners will:

- Support and promote the local economy by supporting local businesses
- Make it easy to seek advice
- Make information and advice easy to understand
- Explain the reason for their visit to businesses
- Carry out regulatory activity in a fair, helpful, transparent, proportionate and consistent way
- Be accountable

- Minimise the cost of compliance for businesses by ensuring that any action taken is proportionate to risk
- Coordinate services to minimise unnecessary overlaps and duplication
- Wherever possible reduce regulatory burden on businesses
- Consult with businesses through groups representing local businesses, when developing policies, plans and service standards
- Promote Better Business for All to businesses and consumers

The Federation of Small Businesses (FSB), Chambers' of Commerce (CoC) and Hertfordshire Local Enterprise Partnership (LEP) will encourage local businesses to:

- Seek advice from Hertfordshire Regulatory Services on matters of compliance
- Encourage other businesses to contact Hertfordshire Regulatory Services for advice
- Work with Hertfordshire Regulatory Services to achieve a satisfactory outcome and put problems right quickly
- Take part in publicity about positive experiences with regulators
- Be fair, helpful and transparent in dealing with Hertfordshire Regulatory Services staff
- Provide feedback to Hertfordshire Regulatory Services on improvements to the local regulatory system

