

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 9EL

**Tel:** 01484 221000

Please ask for: Jodie Harris

Email: [jodie.harris@kirklees.gov.uk](mailto:jodie.harris@kirklees.gov.uk)

Monday 13 March 2023

## Notice of Meeting

Dear Member

### **Economy and Neighbourhoods Scrutiny Panel**

The **Economy and Neighbourhoods Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Tuesday 21 March 2023**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Economy and Neighbourhoods Scrutiny Panel members are:-**

### **Member**

Councillor Yusra Hussain (Chair)

Councillor Aafaq Butt

Councillor Tyler Hawkins

Councillor Matthew McLoughlin

Councillor Martyn Bolt

Councillor John Taylor

Chris Friend (Co-Optee)

Jonathan Milner (Co-Optee)

Jane Emery (Co-Optee)

# Agenda

## Reports or Explanatory Notes Attached

---

### Pages

**1: Membership of the Panel**

To receive apologies for absence from those Members who are unable to attend the meeting.

---

**2: Minutes of the Previous Meeting**

1 - 12

To approve the Minutes of the meeting of the Committee held on 28 February 2023

---

**3: Interests**

13 - 14

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

---

**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

---

**5: Deputations/Petitions**

The Panel will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

---

**6: Public Question Time**

The Panel will hear any questions from the general public.

---

**7: Statutory Health and Safety Service Plan 22-23**

15 - 30

The Panel will consider the Statutory Health and Safety Service Plan 22-23.

Contacts:

James Kaye, Environmental Health Group Leader

---

**8: Food Safety Service Plan 2023**

31 - 76

The Panel will consider the Food Safety Service Plan 2023

Contact:

Leanne Perry, Environmental Health Group Leader, Public Protection,

---

**9: Work Programme 2022/2023**

77 - 94

The Panel will consider its work programme for 2022/2023.

Contact:

Jodie Harris, Principal Governance and Democratic Engagement Officer

---

## **Economy and Neighbourhoods Scrutiny Panel Minutes Tuesday 28 February 2023**

### **Present:**

Cllr Yusra Hussain  
Cllr Matthew McLoughlin  
Cllr Tyler Hawkins  
Cllr Aafaq Butt  
Chris Friend (Co-optee)  
Jane Emery (Co-optee)  
Jonathan Milner (Co-optee)

### **Attendees:**

Councillor Elizabeth Smaje, Chair of Scrutiny  
Councillor Graham Turner, Cabinet Member for Regeneration  
Councillor Cathy Scott, Cabinet Member for  
Will Acornley, Head of Operational Services, Environment and Climate Change  
Daisy McMurdo, Project Support Officer  
Graham West, Service Director, Highways and Streetscene  
John Buddle, Planning and Policy Team Leader  
Steven Wright, Planning and Policy and Strategy Group Leader  
Edward Highfield, Service Director Skills and Regeneration  
Mathias Franklin, Head of Planning and Development  
Naz Parker, Service Director – Homes and Neighbourhoods  
Hannah Elliot, Head of Assets and Development

### **Apologies:**

Councillor John Taylor

### **1. Membership of the Panel**

Apologies were received from Councillor John Taylor.

### **2. Minutes of the Previous Meeting**

The Panel considered the Minutes of the meeting held on 10 January 2023. The Panel noted a few typographical amendments (i) Councillor McLoughlin Page 1 (ii) health and safety executive Page 6 (iii) Jonathan Milner's (Co-optee) apologies be recorded Page 1.

**RESOLVED:** That the Minutes of the meeting held on 10 January 2023 be approved as a correct record subject to the above amendments.

### **3. Interests**

No Interests were declared.

### **4. Admission of the Public**

All items were considered in the public session.

### **5. Deputations/Petitions**

No deputations or petitions were received.

### **6. Public Question Time**

No questions were received from the public.

## **7. Public Space Protection Orders (PSPO) Review Update**

The Panel considered the report 'Public Space Protection Orders (PSPO) Review Update' presented by Will Acornley, Head of Operational Services, Environment and Climate Change. The Panel were advised that:

- PSPOs were a range of powers that supported Local Authorities to tackle anti-social behaviour (ASB) locally.
- PSPOs aimed to keep communities free from anti-social behaviour through prohibiting activities that were persistently detrimental to communities.
- Kirklees Council introduced PSPOs in 2017 for a period of 3 years to 2020. They were then extended for a further 3 years in 2020 to 2023.
- Enforcement Officers within the Greenspace Action Team dealt with PSPO interventions daily with the majority having a positive outcome of stopping ASB activities occurring before a Fixed Penalty Notice had been issued.
- Since 2017, 97 Fixed Penalty Notices had been issued due to the continuation of ASB after officer intervention.
- The current PSPOs were to expire on 2 April 2023 unless they were reviewed and renewed or amended.
- The review process identified 9 PSPO's which were due to expire.
- Legal tests for the original orders were reviewed with key stakeholders, and evidence was collated for supporting, retaining, or discontinuing the PSPO's.
- Public Consultation was held 12<sup>th</sup> December to January 15<sup>th</sup>, 2023, including a survey to gather additional evidence and public opinion.
- The review process was now in its final stages where the decision would be made to authorise the PSPO's.
- Consultation was held around an amendment to the Control of Fires and BBQ's PSPO.
- The amendment was to allow for the exclusion of events through the Safety Advisory Group process for organising events, allowing the Council to provide an exclusion for community group organised events and improve efficiency in the process.
- The recommendations were arising from the public consultation was to support the amendment.
- Another change proposed was to discontinue the Public Urination and Defecation PSPO as there were other bodies, such as the police, with direct enforcement power around such issues.
- Public feedback however was in favour of retaining the Public Urination and Defecation PSPO and this recommendation arising from consultation was to be taken forward.
- The next steps were for the PSPO's to be signed off by Officer Delegated Approval report ahead of 2<sup>nd</sup> April 2023 for a further 3 years.
- The next statutory review date was to be 3 years from the date of the sign off of the 2023 Orders.

The Panel noted the presentation and agreed on the amendment to the Control of Fires and BBQ's PSPO but raised concerns about how this might create the wrong public perception around fires and BBQ's and the importance of protecting the

moorlands. The Panel also wanted to know what steps had been taken to mitigate this and if West Yorkshire Fire Services had been consulted on the amendment.

In response, Will Acornley provided reassurance that the purpose of the amendment was for Council controlled events spaces only and that the moorlands would not be included. Will also clarified that partners including the West Yorkshire Fire service were consulted with and were supportive of the amendment.

In the discussion to follow, the Panel also asked questions in relation to the remit of the Legal Test as well as further highlighting the importance of raising awareness of where PSPO's were in place through advertisement and signage, otherwise enforcement may be challenged. The Panel also wanted know if PSPO's included specific areas.

In response to the question about the Legal Test, Daisy McMurdo, Project Support Officer advised that the Legal Test involved looking at evidence of activity deemed to be 'detrimental and continuous in behaviour.' PSPO were in place to deal with local communities pinpointing those areas where the issues were most paramount.

Will Acornley added that specific areas were identified and listed within the Control Orders applied within the PSPO. During the consultation there was specific information included about where the Order applied, and there was in excess of 450 responses which was positive and majority supportive of retaining the order in those specific locations. There were dedicated enforcement officers in post to support in those specific areas. The PSPO was the start of the process by providing the power to step in and take action as a basepoint. This supported the operational enforcement at a local level. Will Acornley further agreed with the Panel's comments regarding raising awareness of where PSPO's applied through signage and advertisement and highlighted that this be noted as a recommendation.

The Panel further raised concerns over the perceived lack of enforcement around street drinking in certain areas and wanted to know how the public were to be reassured about action around this.

In response, Will Acornley advised that there had been some improvements in Dewsbury following recent partnership work undertaken around tackling street drinking. PSPO officers were now a permanent resource to continue this work and further the positive impact.

The Panel thanked officers for work undertaken in relation to the PSPO's and highlighted that the level of detail in the consultation responses was positive but expressed that in future that this information be received for consideration prior to the meeting. In response, Will Acornley noted the Panel's comment and agreed that this information would be circulated to the Panel.

**RESOLVED:** The Panel noted the report 'Public Space Protection Orders (PSPO) Review Update' and recommended that:

1. Action be taken to raise awareness in local communities of where PSPO's are enforceable through signage and advertisement.

2. Further details of the Consultation and responses be provided to the Panel.

### **8. Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update)**

The Panel considered the Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update) presented by John Buddle, Planning and Policy Team Leader. Councillor Graham Turner, Cabinet Member for Regeneration was also in attendance. The Panel were advised that:

- Responding to recommendation made by the Panel when previously considering the SPD, the purpose of the report was to update scrutiny on the outcomes of the public consultation to the SPD and the timeline for the adoption of the SPD.
- SPDs were produced to add clarity in relation to the application of planning policies set out in the Local Plan.
- Once adopted SPDs were a material consideration in planning decisions but were not part of the development plan.
- SPDs were subject to consultation but not an Examination in Public.
- The draft SPD provided guidance on the implementation of the Kirklees Local Plan Housing Mix and Affordable Housing Policy (LP11).
- This aimed to ensure the provision of affordable housing in new housing developments (20% of units on sites larger than 10 dwellings) and ensure that the housing mix met local needs.
- This included a particular focus on, Housing mix to reflect local needs, updating Transfer Values and Town centres.
- The Housing Mix put forward had been individualised to suit the needs of each sub area of Kirklees (i.e.- Batley and Spen, Dewsbury and Mirfield, Huddersfield North, Huddersfield South and Kirklees Rural East and Kirklees Rural West).
- The principals set out in the SPD were:
  - Principle 1: Market Housing Mix (increased level of detail than existing SPD)
  - Principle 2: Approach to affordable housing calculations (Existing SPD refresh)
  - Principle 3: Affordable Housing types and Mix (increased level of detail than existing SPD)
  - Principle 4: First Homes, Starter Homes and Discounted Market Sale (New section)
  - Principle 5: Design (Existing SPD refresh)
  - Principle 6: Affordable housing delivery (Existing SPD refresh)
  - Principle 7: Transfer Values – the amount that a registered provider pays the developer (Existing SPD refresh and updating evidence)
  - Principle 8: Provision of affordable homes off-site (Existing SPD refresh)
  - Principle 9: Town Centres (New section to the SPD)
  - Principle 10: Huddersfield Town Centre (New section to the SPD)
  - Principle 11: Dewsbury Town Centre (New section to the SPD)
- A presentation on the approach within this SPD was presented to the Panel on 30 August 2022.
- Key comments received at the previous Scrutiny session included;

- Space for working from home.
- Affordable housing definition.
- How affordable housing can be secured in perpetuity.
- Viability issues.
- It was also requested that the Panel be updated with the outcome of the consultation.
- Consultation took place for 6 weeks (20 September to 1 November 2022) this was undertaken in line with the statement of Community Involvement.
- The Consultation included an interactive online system, posters, press releases 'mail-outs' to individuals who had previously expressed interest in SPD's and all elected members were also contacted.
- Overall, 71 comments were received from 19 consultees which was in line with the number of comments received during other SPD consultations.
- Statement of Consultation - who the council consulted, a summary of main issues and how they were addressed.
- The summary of comments received broadly were in relation to the following themes, and the responses were detailed in the report.
  - Evidence Base Out-of-Date
  - Viability
  - Transfer values
  - Housing Mix: One Bedroom Accommodation
  - Nationally Described Space Standards
  - Specialist Accommodation
  - First Homes
  - Design
  - Comments about the role of SPDs
- The main change proposed in the SPD merged the requirement for 1 and 2 bedroom houses into a single category for the purposes of the housing mix required in each sub-area.
- The adoption of the SPD would be a Cabinet decision, to be considered on 14 March 2023.
- This would be a 2-part decision, including the adoption of the SPD and the decision to revoke existing guidance (Affordable Housing SPD 2008 and the Interim Affordable Housing Policy 2020).

The Panel noted the presentation and thanked officers for the level of detail in the report and for demonstrating where the Panels previous recommendations and comments had been responded to. In the discussion to follow the Panel asked a question around the success rates of acquiring the 20% affordable properties required from developers. The Panel also highlighted the importance in ensuring transfer value as a key part of making the SPD an impactful social policy, and in relation to this, wanted to understand how regularly reviews to transfer values would be undertaken and what guidance would be in place around prioritizing affordability.

In response Councillor Graham Turner advised that success rates were high, but there were some issues around viability due to the topography of Kirklees where flat land was at a premium. This sometimes led to development on less ideal sites which impacted on viability. Other local context including that Kirklees's housing prices were generally below the national average, and local housing shortage further added challenges.

In response to the question in relation to transfer values, John Buddle advised that the transfer value was the figure the registered provider paid to the developer. In increasing the values from 2008, the aim was to support viability and ensure the developers receive more money for the affordable units sold. In response to the question around how regularly transfer values would be reviewed it was advised that a time frame was not included in the SPD to allow changes to be reactive to shifts in the market as they arise. A watching brief was to be kept on transfer values, and if shifts were noted these could then be reviewed as needed. On a minimum basis these would be reviewed as part of the annual monitoring cycle.

The Panel asked further questions in relation to the consideration of adaptation of existing housing stock/ homes for life principals, as well as requesting further clarity around the figures in the report for 1-2 bedrooms houses. The Panel also expressed recognition of difficulties in engaging the public around SPD's but highlighted that this was an issue that the Council as a whole, including members, should reflect on to find ways to maximise public engagement as much as possible.

In relation to the consideration of the homes for life approach Councillor Graham Turner expressed his support for this approach as Cabinet Member, noting the request for this to be included in the changes on planning legislation was to be sent to the Government in due course.

The Panel asked for further clarity around; the figures for 1–2-bedroom houses, whether these figures included people currently on the waiting list and the first home scheme.

In response John Buddle advised that the percentages took into account people currently on the housing waiting list and were reactive by sub-area. Each of the 6 sub-areas had an evidence based which drove the percentages for each area. Councillor Graham Turner added that the sub-areas helped obtain a better picture of individual housing needs by area. In response to the question about first homes, John Buddle further clarified that this was the latest Government initiative which allowed people to purchase their first home for 30% market value.

**RESOLVED:** The Panel noted the report Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update) and recommended that:

1. Work be undertaken to maximise responses to public consultations for SPD's through using different avenues of engagement.
2. Life-time home principals and adaptation of the current housing stock to meet current needs be considered going forward.

## **9. Future of Housing Homes and Neighbourhoods**

The Panel considered the presentation 'Future of Housing Homes and Neighbourhoods' which set out progress and developments within the service following the transfer of the previous ALMO- Kirklees Neighbourhood Housing (KNH) into Council Management which was presented by Naz Parker, Service Director – Homes and Neighbourhoods. Councillor Cathy Scott, Deputy Leader and Cabinet member for Housing and Democracy was also in attendance. It was noted that:

- In April 2021, the ALMO transitioned to Council Management but prior to this the Council were notified of fire safety risks in some high-rise properties.
- As a result of fire safety issues in May 2021 the Council self-referred to the Regulator for Social Housing.
- In June 2021, the ad-hoc scrutiny panel was established to review health and safety in the housing stock.
- Since the introduction of the social housing white paper the regulatory environment was fast changing.
- This led to a 'Triumvirate of Regulation' which included the Regulator for Social Housing, the Housing Ombudsman and the Building Safety Regulator
- Progress Since the Transfer included:
  - In becoming more data led, oversight of key challenges and priorities were maintained.
  - These were, tenant safety, the Decent Home's Standards (including issues around damp and mould) tenant satisfaction, systems and data integrity and culture.
  - Residents were being kept safe through the 'Waking Watch' and Fire Door Programmes.
  - The building safety inspection/reinspection programme was well embedded.
  - There was a constructive, open and transparent dialogue with the Regulation Partner.
  - Strong Governance arrangements had been established but were to continue to be strengthened.
  - This process included taking into account the recommendations from the ad-hoc scrutiny panel/external independent review.
- The Ad-hoc Scrutiny Panel:
  - The report from the ad-hoc scrutiny Panel was considered by Cabinet on 21<sup>st</sup> December 2022 and 17 recommendations were endorsed.
  - The recommendations broadly related to greater political oversight, robust policies and improvements to IT systems and data.
  - Some recommendations also linked to the wider compliance review.
  - The recommendations were now included in an action plan with timescales for implementation.
  - The progress made on recommendations would be reported to the Homes and Neighbourhoods Improvement Board.
  - A 12-month update would also be presented to the Overview and Scrutiny Management Committee to report on progress.
- Progress on High Rises
  - In July 2021, Cabinet gave approval to the strategy for remediation and renewal
  - The risk profile had been lowered and there had been a focus on high-risk Fire Safety works.
  - Some of the work completed included the installation of fire doors, architraves to flats and fire retardant windows.
  - There were also other mitigations such as 24 hour CCTV, the Waking Watch and regular checks.
  - In relation to Harold Wilson Court Cabinet had approved a £3.5m remediation strategy.

- This included plans to remove and replace external wall insulation, install a sprinkler system and carry out further compartmentation works.
- The estimated start for works on site was anticipated for April/May 2023.
- In relation to Buxton House Cabinet had approved a £13m 'remediate and refurbish option.
- In addition to safety improvements this included to remodel where appropriate and acquire property interests.
- The decant was due to start July 2023, with an anticipated start on site date in quare 4 of 2024.
- In relation to Berry Brow Cabinet had approved the demolish and re-build option.
- Lettings were suspended and tenants were engaged with and kept informed of future plans.
- The decant was underway and 70 tenants had been rehoused prioritising those most vulnerable.
- The pre-demolition noticed had now been issued.
- Low Rises:
  - Cabinet approved a tender for fire safety works in March 2022.
  - Pre-contract negotiations concluded that contractual changes would open up procurement challenge and risk.
  - Work was now being undertaken to develop a new procurement approach considering the lessons learned.
  - The estimated start on site date was April 2024.
- 6 Storey Blocks and Retirement Living Schemes:
  - It was important to note that x12 6 storey blocks across the district did not qualify as high rise but there were a range of fire safety and condition issues.
  - Detailed intrusive surveys had been conducted and the full report was due 31<sup>st</sup> October.
  - Full design and project management services were appointed and risk based prioritisation and phasing complete.
  - There were 19 blocks (ranging from 2-3 storey) under the retirement living scheme. These had a range of safety mitigations in place.
  - 1 residency had more significant issues, and Cabinet gave approval to discuss rehousing options with residents in this area.
- Complaints Handling
  - An external review identified several areas to improve complaints management and the customer journey.
  - These included taking a restorative approach, entrenching a culture of learning from complaints, clear escalation routes, links with other services and compliance with the Housing Ombudsman Complaint Handling Code.
  - There had been improvements in performance and compliance response timescales increased from 54.77% to 70.3%.
- Decent Homes Standards improvements included:
  - The data had been cleansed and reconciled following an Internal Audit.
  - Moved from a 'whole house' to a worst-first approach.
  - The first time fix approach had been piloted and was now being scaled up.
  - 4300 condition surveys had been carried out in- house.
  - External Validation of the surveys approach showed that they were fit for purpose, but work was being undertaken with consultants on benchmarking, performance modelling and asset strategy.

- The key challenges included:
  - Unprecedented pressures on the housing register and the council's stock.
  - Inflationary pressures continued (particularly in construction).
  - The Investment needs of Fire Safety and Decent Homes.
  - Recruiting and retaining the right calibre of staff was challenging.
  - Culture needed to shift from transactional to relational.
  - Being data led meant other issues may be identified.
- There was a focus on getting the basics right (i.e., continuing to implement Fire Safety strategy for high rises, strengthening staff capacity, re-setting the relationship with the tenant) whilst planning for transformational priorities which included:
  - Culture change - desire to drive a cultural shift in customer relationships - moving away from a transactional led approach.
  - Compliance- further work needed to ensure compliance standards are continually met and that the governance and reporting and the processes that underpin them are robust.
  - Core business processes – the move from a fragmented approach to developing end to end processes that are designed from the customer's perspective.
  - Data and intelligence – improve the quality and integrity of data.
  - Technology – greater understanding of current service-wide system infrastructure was needed, alongside better integration between systems.

The Panel noted the presentation and asked a number a question around tenant satisfaction, engagement and the process of reviewing the feedback given. The Panel also wanted to know how capital projects may had been impacted by reprogramming due to the budget pressures. The Panel recognised the amount of hard work put into the service from the transfer and asked the Cabinet member if it was all worth it?

Councillor Scott responded to highlight the value added by the review undertaken by the ad-hoc scrutiny panel and expressed the transfer to council management had been an important move. The tenants exsperience was of the highest importance which had increased the importance on getting the survey right and tailoring the questions to suit need. Naz Parker agreed that in bring KNH to council management was to strategically align the service with the Council as one organisation with shared outcomes and priorities.

In response to the Panel's question in relation to engagement, Naz Parker highlighted the variety of avenues used to consult with residents. The Panel were reassured that response rates were good but engagement with the public was to be reviewed to ensure alignment with the new tenant satisfaction measures.

In response to the question around the re-programming of projects, Naz Parker advised that the business plan was modelled on a 30-year basis taking into account fiscal, economic and operational changes annually. There were significant challenges arising from the economic climate and the scale of the investments, but the Panel were reassured that the safety programmes were being protected. However, the new build programme had been impacted, and capital funds had to be transferred to invest in existing stock.

The Panel asked a question in relation to complaints handling and asked if specific local issues could be taken offline (such as violence and anti-social behaviour). In response Councillor Scott agreed to discuss this further with the Panel Member.

Naz Parker advised that persistent wider estate issues required a strong multi agency response, including the council and key partners such as the police. It was also important to work with communities and tenants to try to address some issues, whilst being sensitive to potential vulnerabilities on both sides. Councillor Cathy Scott also highlighted it was important to ensure mediation options where possible.

Councillor Smaje - Chair of Scrutiny, raised concerns around ensuring that properties procured were suitable to tenants needs to make sure the best outcomes were achieved from the strategy.

Naz Parker responded to reassure the Panel that officers were mindful of this, and work was being undertaken to ensure learning from past procurement. A meeting had been held around contracting and the specification to make sure the right properties were being acquired to meet needs and ensure social value and support other council priorities such as health and wellbeing. It was noted that challenges would also always arise onsite, and it was important to ensure there was provision in any contract to respond. Naz Parker also added that there was a priority for Dementia Friendly design incorporated in fire safety.

Councillor Smaje welcomed the comments around Dementia friendly design and improving independence. In relation to the decanting process of the high-rise flats, Councillor Smaje asked how residents were being supported through the move to temporary accommodation.

In response, Naz Parker advised that the temporary Berry Brow accommodation was being expanded to make best use of assists where housing stock was not available. The residents moving out of Berry Brow in the longer term were statutorily entitled to 'Home Loss and Disturbance'. The Council would also support residents with removals where there were hardships. As residents were moved out of bed and breakfast, as this was inappropriate, Housing Solutions provided furniture packs where needed to temporary accommodation. In moving into permanent accommodation as soon as a property becomes available the lettable standard then ensured all repairs were carried out on properties before tenants moved in.

Councillor Smaje asked what priority was being given to damp and mould repairs. In response Naz Parker advised the data was being reviewed, to identify vulnerabilities, prioritise cases and respond as quickly as possible. Volumes had increased which had led to some capacity issues, an in-house model was being established to improve response times.

The Panel asked further questions around whether Harold Wilson Court had kept within budget, how it was predicted that external partnerships would develop and were Tenants and Residents Associations (TRA's) the best way of engaging with residents when considering different means such as linking in with the Councils Community Cohesion Teams for example.

In response to the question around Partnership development, Naz Parker advised that the role of the tenants and residents association played an important role in the engagement, involvement and empowerment strategy. The Tenant Advisory Grants Panel also reached out to TRA's to seek their views and take them into account around decision making. Councillor Cathy Scott added that there had been a review on TRA's and found that some were no longer existing, in some circumstances the TRA officers had been converted into housing stock where possible to help alleviate some housing pressures. Councillor Scott further highlighted that TRA's were important but as the engagement approach evolved there were new avenues for tenants to have their voices heard in addition to TRA's.

In respect of the question around external partnerships, Naz Parker advised that there were a range of registered providers worked in Kirklees and between them they had a stock of around 6000 homes. Regular strategic partnership meetings were held with registered providers to ensure the Council could maximise its nominations rights to these properties which were built with public subsidy. Key partnership work also included discharging obligations around preventing homelessness.

In response to the question around the budget for Harold Wilson Court, Naz Parker explained that Harold Wilson Court will keep to budget, but this project hadn't started on site yet and final contract price was still to be secured. Naz further reassured the Panel that the contract price would be secured as the budget and would be kept to this.

**RESOLVED:** The Panel noted the presentation, Future of Housing Homes and Neighbourhoods and it was agreed that:

1. The Cabinet Member for Housing and Democracy consult further with Councillor Butt in relation to addressing complaints in specific areas.

### **10. Work Programme 2022/23**

The Panel considered its work programme for 2022/23. The Panel were advised that discussions were being held with the West Yorkshire Combined Authority (WYCA) around the consideration of the future of bus patronage, but it was important to be mindful that this issue fell within WYCA's remit and the Combined Authority had its own scrutiny functions.

In response to the Panel's request to add consideration of the White Rose Forrest to the Work Programme Councillor Smaje advised that the Panel may review the Annual Flood Risk report due to be considered at the next meeting of the Overview and Scrutiny Management Committee to inform what was to be taken forward in this area by the Panel in the new municipal year.

**RESOLVED:** The Panel noted the work programme for 2022/23 and it was agreed that:

1. White Rose Forrest be added to the work programme for consideration in the new municipal year.

This page is intentionally left blank

<b>KIRKLEES COUNCIL</b>					
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>					
<b>DECLARATION OF INTERESTS</b>					
Economy & Neighbourhoods Scrutiny Panel					
<b>Name of Councillor</b>					
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>		

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Economy and Neighbourhoods Scrutiny Panel

Date: Tuesday 21 March 2023

Title of report: Statutory Health and Safety service plan 22-23

Purpose of report:

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – Yes Private Report/Private Appendix No
The Decision - Is it eligible for call in by Scrutiny?	Yes  If no give the reason why not
Date signed off by <u>Strategic Director</u> & name  Is it also signed off by the Service Director for Finance?  Is it also signed off by the Service Director for Legal Governance and Commissioning?	02.03.23. Colin Parr Strategic Director Environment and Climate Change. To be heard at scrutiny on 21.03.23  No  No
Cabinet member <a href="#">portfolio</a>	Cllr Will Simpson

Electoral wards affected: All

Ward councillors consulted: None

Public or private: public

Has GDPR been considered? Yes

## **1 Summary**

Health and Safety (H&S) legislation in England, Scotland and Wales is enforced by either the Health and Safety Executive (HSE) or local authorities (LA). The Health and Safety (Enforcing Authority) Regulations 1998 determine whether an activity comes under the HSE or LA enforcement.

In Kirklees, the Health & Safety Team enforce provisions of the Health and Safety at Work etc Act 1974 within businesses within the Kirklees. Working closely with the Health and Safety Executive (HSE), the team enforce provisions of the Act within leisure, retail, office and warehouse working environments. Section 18 (4) of the Act places a legal duty on this Authority to make adequate arrangements for enforcement and the team are located within the wider Environmental Health team under the Head of Public Protection.

The team consists of one Environmental Health Group leader, one part time Senior Environmental Health Officer and one Senior technical officer working towards a health and safety qualification. The team utilise two other staff members from the wider Environmental Health team for one day per week to help in delivery of the service. This equates to a total of 1.8 FTE, with the service having 3 warranted officers.

In 2013 the HSE published the National Local Authority Enforcement Code (the Code) which was created to ensure LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government's expectation of a risk based approach to targeting interventions and highlights the important role LA health safety regulators have in ensuring effective and proportionate management of risk.

The Code provides this Authority with a principle-based framework that focuses regulatory resources based on risk. It allows LAs to develop our own health and safety priorities and target intervention to consistently comply with the code. Guidance issued outlines the wide range of regulatory interventions open to LAs, requiring consideration to which are the most effective to influence management of risk in a particular business.

The attached service delivery plan has been created in reference to this National guidance and sets out the service priorities for the financial year 22-23.

## **2 Information required to take a decision**

This service delivery plan sets out the Health & Safety priorities for financial year 22-23. It's been formulated in reference to national priorities set by the HSE and considers the local priorities through the review of accident statistics and intelligence information from other departments or partners.

The service plan outlines the previous year's performance outcomes which are supplied annually to the HSE through a statutory return called the LAE1. This return

is analysed by the HSE to determine if the LA is meeting the requirements of the Code and its legal duty under the HASAW etc Act 1974.

The 1.8 FTE's within the team and the high percentage of workplaces that team regulate make delivery of a regulatory function based on inspection of individual workplaces inefficient and impracticable. The Code enables the use of a wide range of interventions to improve our impact and reach, with pro active interventions only being used on highest risk workplaces.

The 22-23 priority to pro-actively visit warehouses addresses the national risks of workplace transport, working at height and manual handling. Furthermore, local intelligence through analysis of accident data highlighted serious accidents involving workplace transport. Initial scoping of the borough identified some 50 large volume warehouses which warranted this proactive intervention.

### **3 Implications for the Council**

#### **3.1 Working with People**

The Health and Safety team recognises the importance of engaging with business and how successful business can impact and increase local and council wide economic development. By ensuring workplaces are safe through the delivery of a targeted intervention plan and being consistent in their enforcement approach will ensure key council outcomes are achieved.

The Public Protection Enforcement Policy outlines the graduated approach to enforcement, which starts at education and can ultimately lead to enforcement action where there is repeated failure to comply with legal requirements and/or the seriousness of the risk associated with non-compliance requires formal, enforcement action. This Enforcement Policy has been prepared in-line with the Regulators' Code.

The increase in demand for health and safety advice because of the Covid-19 pandemic demonstrated the team's approach in working with people and business. Advice on risk assessment and the implementation of practical controls to keep their workforce safe enabled local businesses to continue to operate through this difficult time. The team provided advice on the government guidance and offered support through signposting, reviewing and auditing.

#### **3.2 Working with Partners**

The Health and Safety team works collaboratively with other departments of the Council, where appropriate. For example, there are strong links with the Infection Prevention and Control Team, throughout the Covid-19 pandemic and infectious disease outbreaks in certain settings; Corporate Health and Safety to provide advice and guidance on legislative requirements; and with Building Control through inspection of unsafe structures.

The team has strong links with neighbouring health and safety teams within West Yorkshire to ensure their delivery is consistent with the Code and to allow the sharing of intelligence to enable emerging risks to be highlighted. The West Yorkshire Health and Safety liaison group regularly discuss risks and act as critical friend by auditing and reviewing statutory returns.

### **3.3 Place Based Working**

The Enforcement Code requires the Health and Safety team to prioritise its resources in delivering specific outcomes and the attached service plan identifies both national and local priorities. These local priorities have been identified through the review of accident data and the processing of intelligence from partner agencies. The wet cupping project came about from intelligence from UKSHA and the notification of a bloodborne disease. Initial investigation identified that the individual recently had received this treatment and from initial scoping of the local area, many practitioners were advertising this practice.

### **3.4 Climate Change and Air Quality**

Nothing to consider.

### **3.5 Improving outcomes for children**

The investigation of major accidents and complaints in line with the HSE selection criteria enable the team to investigate and prevent accidents within the workplace. Workplace accidents can also have a detrimental effect on members of the public, with some resulting in injury and harm to children. The team have carried out accident investigation at nurseries and leisure facilities which have involved children. The outcome of these investigations has identified why the accident happen and prevented future incidents / accidents from occurring. The team carried out 103 reactive visits in 21-22 to address accidents / complaints and other H&S interventions.

### **3.6 Financial Implications for the people living or working in Kirklees**

There are no known financial implications for people living or working in Kirklees from the Health and Safety service plan. The plan outlines the priorities for the team and provides information on outcomes from the previous year. The plan highlights emerging risk that could require additional funding to increase staffing levels, however at present this additional resource are not needed.

### **3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions**

Nothing to consider

## **4 Consultation**

The Health and Safety service plan has been presented to Colin Parr Strategic Director for Environment and Climate Change. The plan is scheduled to be presented to scrutiny on 21 March 2023. Following this review and depending on the recommendations of scrutiny and Cabinet portfolio holder Councillor Simpson, the plan will be presented to Cabinet in Summer 23.

## **5 Engagement**

None.

## **6 Next steps and timelines**

The Health and Safety delivery plan will be presented to Cabinet in summer 23 for formal acceptance

## **7 Officer recommendations and reasons**

Cabinet are asked to approve and adopt service plan.

## **8 Cabinet Portfolio Holder's recommendations**

Acceptance of the service plan.

## **9 Contact officer**

James Kaye, Environmental Health Group Leader, Environmental Health, PO Box 1720, Huddersfield, HD1 9EL. Tel: 01484 221000, ext 70738, Email: [james.kaye@kirklees.gov.uk](mailto:james.kaye@kirklees.gov.uk)

## **10 Background Papers and History of Decisions**

**National Local Authority (LA) Enforcement Code**  
<https://www.hse.gov.uk/lau/la-enforcement-code.htm>

## **11 Service Director responsible**

Katherine Armitage – Service Director Environmental Strategy and Climate Change

This page is intentionally left blank



## Health & Safety Service Plan 2022-23 Environment and Climate Change Directorate

### Background

Health and Safety (H&S) legislation in England, Scotland and Wales is enforced by either the Health and Safety Executive (HSE) or local authorities (LA). The Health and Safety (Enforcing Authority) Regulations 1998 determine whether an activity comes under the HSE or LA enforcement.

In Kirklees, the Health & Safety Team enforce provisions of the Health and Safety at Work etc Act 1974 within businesses within the Kirklees. Working closely with the Health and Safety Executive (HSE), the team enforce provisions of the Act within leisure, retail, office and warehouse working environments. Section 18 (4) of the Act places a legal duty on this Authority to make adequate arrangements for enforcement and the team are located within the wider Environmental Health team under the Head of Public Protection.

The team consists of one Environmental Health Group leader, one part time Senior Environmental Health Officer and one Senior technical officer working towards a health and safety qualification. The team utilise two other staff members from the wider Environmental Health team for one day per week to help in delivery of the service. This equates to a total of 1.8 FTE, with the service having 3 warranted officers (i.e those fully authorised to undertake all duties associated with Health & Safety enforcement).

In 2013 the HSE published the National Local Authority Enforcement Code (the Code) which was created to ensure LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government's expectation of a risk based approach to targeting interventions and highlights the important role LA health safety regulators have in ensuring effective and proportionate management of risk.

The Code provides this Authority with a principle-based framework that focuses regulatory resources based on risk. It allows LAs to develop our own health and safety priorities and target intervention to consistently comply with the code. Guidance issued outlines the wide range of regulatory interventions open to LAs, requiring consideration to which are the most effective to influence management of risk in a particular business. This guidance is sent out annually by Government under the title Local Authority (LA) Circular 67/2 (LAC). This Authority is currently working towards version 11 of the LAC.

## **Aim of Service**

To work with others to protect people's health and safety by ensuring risks in the workplace are managed properly. This includes risks to the public and others who may be at a workplace.

Due to the resourcing issue, it is necessary to target interventions on those activities that give rise to the most serious risk or where the hazards are least well controlled. This is done by:

- Having risk-based intervention plans focused on tackling specific risk.
- Consider risks that need to be addressed and using a whole range of interventions to target these specific risks.
- Using national and local intelligence to inform service priorities.

## **Based upon this, our key delivery priorities are:**

- To reduce the risk in high risk, poorly performing and/or rogue trader businesses through advice and proportionate enforcement action where appropriate
- To investigate major injuries, incidents and fatalities.
- To investigate serious complaints made by employees & other stakeholders
- To comply with the National Local Authority Enforcement Code and associated guidance and the Regulators Compliance Code

## **Local Priorities**

The priorities of Kirklees Health and Safety Team are to:

- Work with businesses to ensure the Councils vision for Kirklees to be district that has a strong sustainable economy which provide a great quality of life
- Work towards the corporate outcomes which are:
  1. Best Start
  2. Sustainable Economy
  3. Well
  4. Safe and Cohesive
  5. Independent
  6. Clean and Green
  7. Aspire and Achieve
  8. Efficient and Effective
  9. Shaped by People
- Using local intelligence to target resources at high-risk activities
- Work with specific sectors as identified by the HSE in the National Local Authority Enforcement Code
- Advise and inform businesses of their legal obligations
- To ensure enforcement decisions are consistent with our Enforcement Policy, the Health and Safety Commission's Enforcement Policy Statement and the HSE's Enforcement Management Model





Health and Safety  
at Work Act 1974  
People entering these  
premises must comply  
with the regulations  
under the above act

- Train and develop our staff to ensure competence and retention through investment and guarantee workforce planning for the future.

### **Delivery of Health & Safety Executive's Strategy.**

- Protecting people and places: HSE Strategy 2022-2032
- Adhering to LAC 67/2 (rev 11) for Priority Planning

### **Working in Partnership**

- Promoting the adoption of Primary Authority Partnerships between Kirklees Council and local businesses and working closely with Primary Authorities where such an agreement exists.
- To work with HSE on campaigns as appropriate
- To liaise with Council departments and partners re: offering advice to new businesses
- To work with other West Yorkshire Authorities and participate in initiatives to promote consistency and training and development exercises.

### **Longer term Priorities**

#### **Staffing**

The delivery of the LA Health and Safety function is at risk due to the lack of existing qualified staff to perform the duty. Having a high reliance on small number of staff creates a potential, single point of failure if those officers were to leave. Furthermore, the team has contracted in size over the last 5 years due to budget restraints. Recruitment drives over the last 3 years have failed to obtain qualified staff, either from a lack of suitable candidates applying or candidates withdrawing / not accepting offers due to the monetary package. It is acknowledged that nationally there is a lack of qualified Environmental Health Officers available, and this Council is not unique in its challenge. This staffing risk has resulted in the team running with a vacancy and borrowing existing Environmental Health staff members for short periods of time.

To address this, the service has broadened its requirements and set about developing existing members of staff within Environmental Health, with the recent recruit undertaking a formal 2-year Health and Safety qualification while working to achieve the required competency.

## ***Emerging Demands Upon Service Delivery***

### Health & Care Act 2022

The increasing prevalence and risk of businesses / practitioners administering Botox and other non-surgical treatments has resulted in this Government to amend his Health and Care Act to potentially enact legislation on the regulation of these types of businesses. Currently the delivery of non-cosmetic treatment such as Botox, facial fillers, lip implants is unregulated and although the aesthetics industry has a strong professional body, incidents of poor practice are on the increase. This potential licensing regulation will fall to this department to enforce and will require additional staffing resources.



### Martyn's Law – Protected Duty

The threat of terror attacks within the UK is an evolving and complex issue, with the prediction of locations that could be targeted by terrorist being a difficult task. Historic attacks within the UK have led the Government to identify that security at public venues needs to improve to better protect against future attacks.

The proposed legislation will place a legal duty on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. A wide range of premises will fall within scope of the new legislation depending on the activities carried out and the capacity of the venue.

At present its unclear who will enforce and inspect premises against this duty, however, this type of proactive intervention is already carried out by the Health & Safety team in delivery of its existing function. If this statutory duty was given to the Health & Safety team, major investment into staff resource would be needed to ensure its delivery.

### **Service Priorities 2021/22**

The priorities below were identified by the team and in reference to the Local Authority Circular 67/2 (10).

- Investigate all fatality and major accidents in line with HSE guidance
- Investigate all complaints in line with HSE selection criteria
- The risk of zoonoses and E. coli transmission to members of the public from visitor attractions
- Inflatable amusements devices and associated risks
- Public health risks posed by the wet cupping treatments

- Failure of shop signage in the retail industry
- Coronavirus controls and review of risk assessments and controls
- Investigate all confirm cases of Legionnaires disease
- Gas safety in commercial catering establishments

The service delivered on most of its priorities with all major accidents and complaints being investigated inline with the HSE guidance. The team continued to provide advice to businesses on their Coronavirus risk assessments and this work continued in its primary authority partnership with Yorkshire Building Society. The demands of coronavirus pandemic continued to be significant during 2021/22 but reduced later in the year and this allowed the team to resurrect its wet cupping project and address the risk of bloodborne disease within businesses providing this type of treatment. Unfortunately, this intervention project wasn't completed and was carried over to the new financial year. A summary of the national return to the Health and Safety Executive (LAE1) for year 21/22 is shown below.

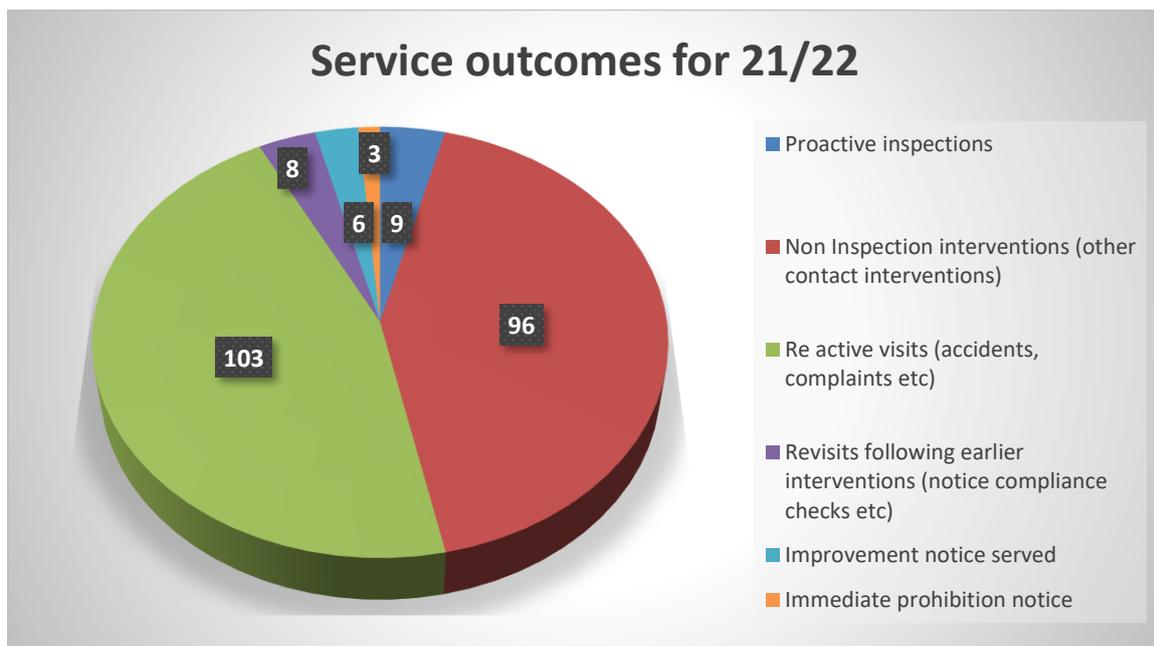


Chart1. Part of the LAE1 return to the HSE for work carried out in 21/22.

### Service Priorities 2022/23 and 2023/24

The following table below shows the service priorities for the year 22/23 with figures on expected outcomes from previous years. The areas highlighted in red are our top priority with reactive work accounting for most of these areas. The team identified large volume warehouses as a sector for proactive interventions, with national risks from falls from height, workplace transport, manual handling and lack of welfare facilities for drivers all being applicable to this sector. Scoping of the authority identified initially 50 large volume warehouses and work has started on this project. It is anticipated with 1.8FTE this project will be completed by the end of this financial

year; however, further premises may be identified while the team performs its duties and further interventions would continue into the next service period.

Once completed its foreseen this project will be expanded to builders' merchants as evidence suggests that these risks are present in this retail sector. Service priorities for 23/24 will be finalised following the release of the LAC 67/2 version 12 which is expected late March 23.

The number of interventions that can be achieved is clearly limited by the number of FTE officers available to undertake this important area of work. However, the figures show that we are currently meeting our statutory duties in terms of reactive work (accident and complaint investigations etc) but have limited capacity to undertake a more significant number of proactive interventions. Should there be additional resources in the form of additional officers, we would be able to complete more proactive interventions. The outcome of such work would be to prevent accidents / incidents from occurring by providing advice and guidance to businesses. Many such businesses would otherwise generally only have a visit in a response to accident or complaint.

Service Delivery plan 2022-23 (RAG rated)

What	How	Where / When	Expected Outcomes
<b>Reactive Work</b>			
Major Injuries/Accidents	All fatal & major accidents investigated (in line with quality guideline GHS-02 & HSE adopted investigation criteria).	All relevant premises Continuous	2020-2021 143 accidents reported 2021-2022 142 accidents reported
Complaints and accident investigations.	Investigated in accordance with GHS 04 and HSE adopted investigation criteria.	Ongoing	2020-2021 183 complaints received 2021-2022 196 complaints received
Local priorities based on intelligence	Targeted interventions of local intelligence from Food Team and other sources.	All identified premises Ongoing	
UKHSA notification of disease / organisms (legionella)	All legionella notifications are investigated in line with Yorkshire and Humber memorandum of understanding 2018	All identified premises (workplace, home or other premises which maybe potential source of infection)	2020-21 2 Legionella notifications 2021-22 6 Legionella notifications 2022- 4 legionella notifications
UKHSA Sampling Surveys	Complete sampling initiatives facilitated by UKHSA in targeted premises	UKHSA programme plan where resources available	
Registration and inspection of activities (Acupuncture, Tattooing, semi permanent skin colouring, cosmetic piercing and electrolysis)	Respond to applications for registration by carrying out an onsite inspection of premises and to assess the applicant's practices	Continuous	2020-21 32 registration inspections completed 2021-22 39 registrations inspections completed 2022 - 48 registration inspections completed

Asbestos removal	Notification of licensable asbestos removal by a contractor will result in an onsite inspection	Continuous	
Adverse reports	Investigate and take action as appropriate upon receipt of adverse examination reports. Eg LOLER, electrical and pressure systems	Continuous	2020-2021 Adverse inspection reports 11 2021-2022 Adverse inspection reports 9 2022- Adverse inspection reports 3
<b>National Local Authority Enforcement Code Proactive Work Programme</b>			
Target high risk/poor performing/rogue traders	Proactive Inspections & Revisits where necessary (in line with Risk Rating & local knowledge/intelligence)  Reacting to complaints	Category A premises (all year)	Currently no category A premises within the area.
Warehouse and distribution	Inspection Audit of: <ul style="list-style-type: none"> <li>Working at height</li> <li>Workplace transport</li> <li>Manual Handling</li> <li>Load safety</li> </ul> In high volume premises	Ongoing	Around 50 warehouses within the authority have been identified as being high risk. They will be visited to provide advice and check compliance against the key risks
Open Farm visits e.g. Ponderosa etc.	Risks from Zoonoses and e-coli to be discussed during allocated visits & joint visits with AL Officer	Selected premises March each year	Inspection of one Zoo (Ponderosa) and other petting farms in March / April due to the seasonal risk to visitors from e coli and other zoonotic infections
<b>National Priorities</b>			
Electrical safety in hospitality settings	Identification of businesses and delivery of intervention through letter drop	July 2022	Around 900 potential business were targeted through information letter to advise of the risk of electrical safety within their workplace.

Gas Safety in commercial catering premises and raising awareness with the duty holder.	Food team to initiate visits to restaurants, cafes & takeaway premises where serious issues noted with gas or LPG. Otherwise, issue guidance.  Promote Gas Safety week through social media	Ongoing  12-18 <sup>th</sup> September 22	
Falls from Height- work on/ adjacent to fragile roofs/ materials	Identification during proactive warehouse inspections or reactive complaint visits. Discuss with duty holder associated risk, duties under CDM regulations if relevant.	Financial year 22-23	See warehouse inspections.
Trampoline Park-improved provision and supervision of users	Raise awareness of risk and the increasing number of accidents associated with this type of leisure activity. Provide information and guidance through letter	Financial year 22-23	Identification of relevant business within the authority
Welfare provision for delivery drivers	Raise awareness at warehouses inspections of need to provide facilities for visiting drivers. To highlight during warehouse inspections	Ongoing	See warehouse inspections
Raising awareness of the need to prevent members of the public accessing large commercial waste and recycling bins	During proactive or reactive visits, raise duty holder awareness of the need to manage the risks of unsecured access to bins.	Financial year 22-23	
<b>Local Intelligence based Interventions</b>			
Wet Cupping (Hijama) practice and risks of contracting blood borne disease.	Identification of all operators of this procedure and carry out site visit to provide advice and assess hygiene practices	Project Started in 2019 but due to lack of staffing resource and the Covid 19 Pandemic, the completion of the project has	37 Business were identified a performing the activity. All 37 Businesses were contacted and 13 businesses were inspected, the remaining 20 businesses have closed or stopped performing the

		been delayed. Expected finished April 22.	procedure.
Recurring accident themes	Analyse RIDDOR reports via MVM and identify common causes/activities at risk	Run report 2x p.a. (Oct & Mar) and then decide intervention type – i.e. visit or mailshot	
<b>Miscellaneous</b>			
Primary Authority Partnership	Quarterly meetings with an annual review. Issue assured advice as and when required.	Ongoing	
Information/training to Food Team	Attend 2x Consistency Meetings p.a.	Ongoing	



**Name of meeting:** Economy and Neighbourhoods Scrutiny Panel

**Date:** 21<sup>st</sup> March 2023

**Title of report:** Food Safety Service Plan 2023

**Purpose of report:**

To report to scrutiny panel on the performance of the Food Safety Team against the priorities set in the Food Safety Service Plan 2022.

<p><b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</b></p>	<p><b>No</b>  If yes give the reason why</p>
<p><b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b></p>	<p><b>Key Decision – No</b>  <b>Private Report/Private Appendix – No</b></p>
<p><b>The Decision - Is it eligible for call in by Scrutiny?</b></p>	<p><b>Yes</b>  If no give the reason why not</p>
<p><b>Date signed off by <u>Strategic Director</u> &amp; name</b></p> <p><b>Is it also signed off by the Service Director for Finance?</b></p> <p><b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b></p>	<p>Colin Parr Date: 02.03.23</p> <p><b>N/A</b></p> <p><b>N/A</b></p>
<p><b>Cabinet member <a href="#">portfolio</a></b></p>	<p><b>Give name of Portfolio Holder/s</b></p> <p><b>Cllr. Will Simpson</b></p>

**Electoral wards affected:** All wards.

**Ward councillors consulted:** N/A

**Public or private:** Public

**Has GDPR been considered?** Yes, no personal data included, and any sensitive data anonymised.

## 1. Summary

The Food Standards Agency (FSA) has a key role overseeing local authority activities concerning food safety enforcement. As a result, the FSA is proactive in setting and monitoring standards and auditing local authorities' enforcement activities in order to ensure enforcement is effective and undertaken on a more consistent basis nationwide. Powers to enable the FSA to monitor and audit local authorities are contained in the Food Standards Act 1999.

Food Safety Service Plans are seen by the Agency as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Development plans will also:

- focus debate on key service delivery issues;
- provide an essential link with financial planning;
- set objectives for the future, and identify major issues that cross service boundaries; and
- provide a means of managing performance and making performance comparisons.

Guidance issued by the Food Standards Agency provides local authorities with a service plan template which is designed to ensure that local authorities include in their service plans:

- information about the services they provide
- the means by which they will provide those services
- the means by which they will meet any relevant performance targets or performance standards set out under, for example, National Indicators (NI)

## 2. Information required to take a decision

In developing the plan, consideration has been given to a balance of enforcement measures depending on prevailing circumstances, level of risk, stakeholder engagement, and other external influences.

The Food Safety Service Plan for 2023 is attached. Please note, this is based on quarter 3 data and will be updated at the end of the financial year.

The Food Safety Service Plan for 2023 will summarise main actions/issues/outcomes to date (correct at 31<sup>st</sup> December 2022) as well as providing an outline of future work priorities and direction.

The Plan has been heavily influenced by the FSA 'Recovery Plan' which has identified minimum requirements for local authority food safety teams to meet, in relation to the recovery of their food hygiene inspection programmes as a result of the impacts of the Covid-19 pandemic (that resulted in the cessation of undertaking

routine official controls, except in certain circumstances) and the subsequent, significant backlog in inspections.

Since the last service plan was completed (2022), the Food Safety Team has undergone a number of personnel changes, however, staffing levels are stable following successful recruitment.

However, in recognising the lack of appropriately qualified officers in the market (who meet the competency requirements to undertake official controls) nationally, the team has continued to develop officers in-house in response to longer term workforce planning. This includes 1 Senior Technical Officer (expected to qualify autumn 2024) and 2 BSc Apprentices (due to graduate in 2025). The aim is to future-proof staffing levels in this important area of public health work, to ensure that Kirklees Council continues to meet its statutory obligations to deliver official controls for food safety.

The Food Safety Team continue to follow the advice issued by the Food Standards Agency and through the Food Law Code of Practice and Practise Guidance, to ensure that the team is correctly applying guidance and regulatory requirements in a consistent manner.

### **3. Implications for the Council**

#### **3.1 Working with People**

The food safety team recognises the importance of engaging with business and how successful business can impact and increase local and council wide economic development. A consistent approach to food safety ensures a level playing field, with compliant businesses receiving recognition (through higher Food Hygiene Rating Scores) and failing businesses requiring proportionate enforcement action to secure compliance. The Public Protection Enforcement Policy outlines the graduated approach to enforcement, which starts at education and can ultimately lead to enforcement action where there is repeated failure to comply with legal requirements and/or the seriousness of the risk associated with non-compliance requires formal, enforcement action. This Enforcement Policy has been prepared in-line with the Regulators' Code.

Given the increase in awareness of food safety, and food hygiene rating scores, it is anticipated that customers to compliant businesses will increase and make the businesses more resilient. Having a satisfactory food hygiene rating is also a requirement for businesses to trade on online food ordering platforms (e.g., Just Eat) therefore it is in a business' economic interests to comply with food hygiene requirements. Similarly, it is anticipated that a consistent approach to enforcement will, in the longer term, ensure greater compliance and reduce the need for enforcement action.

Greater compliance should result in safer food and therefore the protection of public health of the residents of Kirklees.

New initiatives have also been developed to address non-compliance through the provision of a targeted, educational offer to businesses with unsatisfactory food hygiene ratings (0,1,2). This has been undertaken through a low-cost workshop, 'Steps to Success' which commenced in January 2023. Commercial consultancy work is also being developed in relation to the provision of food safety sampling contracts to high-risk business, which will include tailored food safety advice.

### **3.2 Working with Partners**

The food safety team works collaboratively with other areas of the Council, where appropriate. For example, there are strong links with the Infection Prevention and Control Team, throughout the Covid-19 pandemic and infectious disease outbreaks in certain settings; School Catering to provide advice and guidance on legislative requirements; and with the Council's Pest Control Service etc.

There is also strong collaboration with our neighbouring food safety teams in West Yorkshire to ensure that we are applying the law consistently. This is particularly relevant for businesses that have other outlets in other areas of West Yorkshire.

The team also liaises regularly with and undertakes joint interventions with West Yorkshire Trading Standards, who enforce Food Standards for the whole of West Yorkshire.

### **3.3 Place Based Working**

The food safety function is required to follow the Food Law Code of Practice, which requires that all businesses be risk rated according to a national scoring system. This risk-based approach means that the businesses that pose the highest risk (whether that is because of undertaking high risk activities or due to poor levels of compliance) are inspected the most frequently. This targets resources to those areas which pose the greatest risk, based on intelligence and information.

During 2022/23 the place-based working approach has been further developed through the review of data on poor levels of food hygiene compliance and localities to identify and focus resources appropriately. This will include extending the 'Steps to Success' workshop in these localities. This has the significant potential to address inequalities within communities, as it has been recognised that there is a correlation between areas of high deprivation and food businesses with poor food ratings. This focus will aim to improve health in these localities through improved food safety. The impact on food hygiene compliance of the Steps to Success workshop, will be assessed and the approach reviewed should it not result in the desired improvements in food hygiene standards. This will also aim to improve engagement from businesses within these localities and to also provide them with an opportunity to be provided with other useful information regarding the Council and other relevant services.

### **3.4 Climate Change and Air Quality**

The food safety team, as part of Public Protection, follows the Council's Travel Hierarchy for business travel. This has been impacted by officers being based at home, due to the Covid-19 pandemic and using their own cars more than prior to the pandemic. However, the team is now working in more of a hybrid way (mixture of working from home and the office) and as part of this, officers have access to a fleet of fully electric vehicles. Officers are encouraged to do multiple visits in a locality to maximise productivity as well as resources and to minimise emissions. The new fleet of electric vehicles is likely to have resulted in a reduction in air emissions, resulting from the food safety function.

### **3.5 Improving Outcomes for Children**

The Food Safety Team has been significantly involved in the 'Healthy Holidays' programme, which provides free activities and a meal during the school holidays to children who qualify for free school meals. Their involvement has been through vetting and inspecting all the individual schemes to ensure that food is being prepared safely for our children and young people. The team has worked closely with other Council teams who administer this programme, including Public Health colleagues.

### **3.6 Financial Implications for the people living or working in Kirklees Council**

There are no known financial implications for people living or working in Kirklees from the Food Safety Service Plan. The Plan outlines the scope and function of the Food Safety Team, the staffing levels within it and identifies the priorities for the period of the Plan. The Plan is based upon the existing budget for Food Safety and does not request additional funding.

### **3.7 Other (e.g., Legal/Financial or Human Resources) Consultees and their opinions**

Section 2 of the Food Law Code of Practice, 2021, (with reference to the Framework Agreement on Official Feed and Food Controls by Local Authorities), expects food safety service plans to be submitted to the relevant member forum for approval to ensure local transparency and accountability.

Kirklees, along with all Local Authorities signed up to a framework agreement with the Food Standards Agency for the regulation of food premises. In accordance with this agreement, the Local Authority has a duty to appoint a sufficient number of authorised officers to carry out the functions required by the Food Law Code of Practice (England).

In cases where local authority failure is identified (i.e., failure either to discharge functions adequately or failure to meet statutory obligations to apply the law), the agency has legal powers of intervention of direction and default.

This report is provided to the Economy and Neighbourhoods Scrutiny Panel and therefore has not been referred to Legal or Finance. It has been signed off by the Strategic Director for Environment and Climate Change, Colin Parr.

#### **4. Consultation**

No consultation has been undertaken as this is a statutory requirement to report on the activities of the Food Safety function and identify priorities to ensure the statutory obligations, to deliver official controls are met by Kirklees Council. The Plan is reporting on progress against the priorities set in the Food Safety Service Plan 2022.

#### **5. Engagement**

No engagement has been undertaken as this report is reporting on the progress against the priorities set in the Food Safety Service Plan 2022.

#### **Next steps**

The Food Safety Service Plan 2023 will be updated with the end of year data and updates on how the priorities set in the Food Safety Service Plan 2022, have been met. Further analysis of the impact of the implementation of a number of priorities may also be included (depending on available data). E.g., impact of the Steps to Success workshop; assessment of the use of mobile work solutions etc.

Following this update, the priorities for 2023/24 will be finalised and will require official sign off at Cabinet, in line with the Food Law Code of Practice. The Portfolio Holder will be briefed prior to cabinet. It is intended that this will be brought to Cabinet in early summer 2023.

#### **6. Officer recommendations and reasons**

It is recommended that Scrutiny Panel consider the contents of the Food Safety Service Plan 2023 and adopts its findings/recommendations regarding priorities for 2023.

#### **7. Cabinet portfolio holder's recommendations**

That Cabinet Portfolio Holder endorses the officer recommendation.

#### **8. Contact officer**

Leanne Perry, Environmental Health Group Leader, Public Protection,  
Environmental Health, PO Box 1720, Huddersfield, HD1 9EL  
Tel: 01484 221000.  
Email: [leanne.perry@kirklees.gov.uk](mailto:leanne.perry@kirklees.gov.uk)

## **9. Background Papers and History of Decisions**

Food Standards Agency Service Plan Template  
Food Law Code of Practice 2021

## **10. Director responsible**

Katherine Armitage – Service Director Climate Change and Environmental Strategy

This page is intentionally left blank

Kirklees Council

# Food Safety

## Service Plan 2023





# CONTENTS

## 1. SERVICE AIMS AND OBJECTIVES

- COVID-19 Impact statement
- 1.1 Aims and Objectives
- 1.2 Links to Corporate Objectives and Plans
- 1.3 Sustainable Economy

## 2. BACKGROUND

- 2.1 Profile of the Local Authority
- 2.2 Organisation Structure
- 2.3 Scope of the Food Service
- 2.4 Demands of the Food Service
- 2.5 Regulation Policy

## 3. SERVICE DELIVERY

- 3.1 Interventions of Food and Feeding Stuffs Establishments
- 3.2 Food and Food Premises Complaints
- 3.3 Compliance and Enforcement Action
- 3.4 Advice to Business
- 3.5 Food Sampling
- 3.6 Control and Investigation of Food Related Infectious Disease and Outbreaks
- 3.7 Food Safety Incidents
- 3.8 Liaison with Other Organisations
- 3.9 Home Authority Principle and Primary Authority Scheme
- 3.10 Food Safety Promotional Work and Non-Official Controls Intervention

## 4. RESOURCES

- 4.1 Financial Allocation
- 4.2 Staffing Allocation
- 4.3 Staff Development Plan

## 5. QUALITY ASSESSMENT

- 5.1 Quality Assessment and Internal Monitoring

## 6. REVIEW

- 6.1 Review against the Food Service Delivery Plan 2022
- 6.2 Identifications of Any Variation from the Service Delivery Plan 2022
  - 6.2.1 Inspections
  - 6.2.2 Requests for a Revisit under the National Food Hygiene Rating Scheme (FHRS)
  - 6.2.3 Revisits to Non-compliant Premises
- 6.3 Areas of Improvement for 2023/24

**Appendix 1 – Organisational Structure**

**Appendix 2 – Food Hygiene Rating Scheme, Number of Compliant or Failed Premises Appendix 3 – Infectious Diseases Data**

# FOOD SAFETY



## 1. SERVICE AIMS AND OBJECTIVES

### COVID-19 Pandemic Impact Statement

The Covid-19 pandemic resulted in the Food Standards Agency issuing guidance to Local Authority (LA) Food Safety Departments (in March 2020), to pause their inspection programmes and focus on a number of priorities. As a result of this, a significant backlog developed of food hygiene inspections and up to the time of writing, the Food Safety Team has been successful in completing the majority of this inspection backlog, whilst also inspecting the high volume of newly registered food businesses.

This Food Safety Service Plan for 2023 has been structured around the Food Standards Agency (FSA) "Local Authority Recovery Plan for the period from 1 July 2021 to 2023/24". The recovery plan sets out a framework for re-starting the delivery of official controls with a focus on new businesses and those that are highest risk, to ensure that food safety departments realign with the Food Law Codes of Practice (for England, Wales and Northern Ireland) for new food establishments and for high-risk and/or non-compliant establishments while providing flexibility for lower risk establishments. This should be implemented alongside delivery of:

- official controls where the nature and frequency are prescribed in specific legislation and official controls recommended by FSA guidance that support trade and enable export.
- reactive work including enforcement in the case of non-compliance, managing food incidents and food hazards, and investigating and managing complaints.
- sampling; and
- ongoing proactive surveillance.

The aim is that LA inspection programmes should be back in-line with the Food Law Code of Practice's minimum inspection frequencies by the end of the period specified within the recovery plan. The FSA set milestones that local authorities had to achieve. In 2022 Kirklees council achieved all three milestones (30<sup>th</sup> June 2022, 30<sup>th</sup> September 2022, and 31<sup>st</sup> December 2022). At the time of writing, the current forecast is that we should significantly exceed the minimum expectations of the FSA Recovery Plan at the next Milestone, 31<sup>st</sup> March 2023.

## 1.1 AIMS AND OBJECTIVES

To seek to ensure that all food prepared, offered or exposed for sale is what it says it is and that it is safe and will not cause ill health.

To meet the requirements of the FSA Local Authority Recovery Plan and exceed these requirements wherever possible.

To inspect all unrated premises (new registrations).

## 1.2 LINKS TO CORPORATE OBJECTIVES AND PLANS

The Council's vision is for Kirklees to be a district that combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives. This vision is underpinned by the Council's shared outcomes which are:

- Best Start
- Sustainable Economy
- Well
- Safe and Cohesive
- Independent
- Clean and Green
- Aspire and Achieve
- Efficient and Effective
- Shaped by People

In addition, the Joint Strategic Needs Assessment identifies Food and Nutrition as one of its priorities. Furthermore, the link between unsafe food and public health is clear, and therefore, it is important to ensure that food processed, produced and sold in Kirklees is safe and fit for human consumption.

Timely, programmed and risk-based interventions will ensure that food businesses are inspected, and where necessary, proportionate enforcement action is taken. This approach will aim to ensure that problem premises are dealt with before their practices and procedures can have a detrimental impact on public health.

Climate Emergency is a key strategic priority for the Council. Climate change has the potential to significantly impact on food security due to negative impacts on food production (both crops and livestock). It may also have a detrimental impact on food safety through the increased growth and proliferation of pathogenic foodborne micro-organisms both in the UK but also in developing countries where foods may be imported from. It will be necessary for the Food Safety Team to remain vigilant and aware of any new evidence, which indicates food safety issues because of climate change. This should also incorporate increased sampling of imported foods on a more regular and programmed way.

Another significant impact on food supply and the delivery of official controls in relation to food safety is the UK's exit from the EU. From 31st December 2020, the UK has been a 'third country' and some food exports are required to meet EU imported food entry checks.

It also means that some foods coming from the EU now need to meet third country import checks in the UK (though the full requirements intended to commence on 1<sup>st</sup> July 2022 have been postponed). The other impact from a UK perspective is that foods from outside the EU (third countries) that are destined for the UK, will no longer be checked at the first point of entry into the EU, this will lead to increased checks at UK Border Control Points.

The additional controls on imports and exports of certain foods, may also impact on businesses within Kirklees and their ability to operate. We are not currently aware of any businesses in Kirklees who export food, subject to third country import controls and therefore it is not believed that this is a significant risk.

To date, there have not been any significant impacts from the UK's exit from the EU; however not all import controls for food emanating from the EU are in place. There remains, therefore, the potential for the following impacts upon Kirklees Food Safety Department:

In 2022 we have seen no increase in the requests to Food Safety for export certificates from manufacturers located in Kirklees.

There will be an increase in the quantities of third country imported foods in circulation in the UK (as EU foods will now be third country imports) that may lead to an increased need to inspect/ sample / seize / detain etc. imported foods, more than we previously experienced as EU members.

Where third country, imported foods are allowed to leave port (pending results of analysis) to be stored at an External Temporary Storage Facility (ETSF), if results are unsatisfactory, Kirklees food safety officers may be required to take appropriate action to deal with those foods. (Currently there are 2 ETSF facilities located within Kirklees, however neither are currently registered for food storage).

The situation will continue to be monitored, especially when full import controls on food emanating from the EU begin.

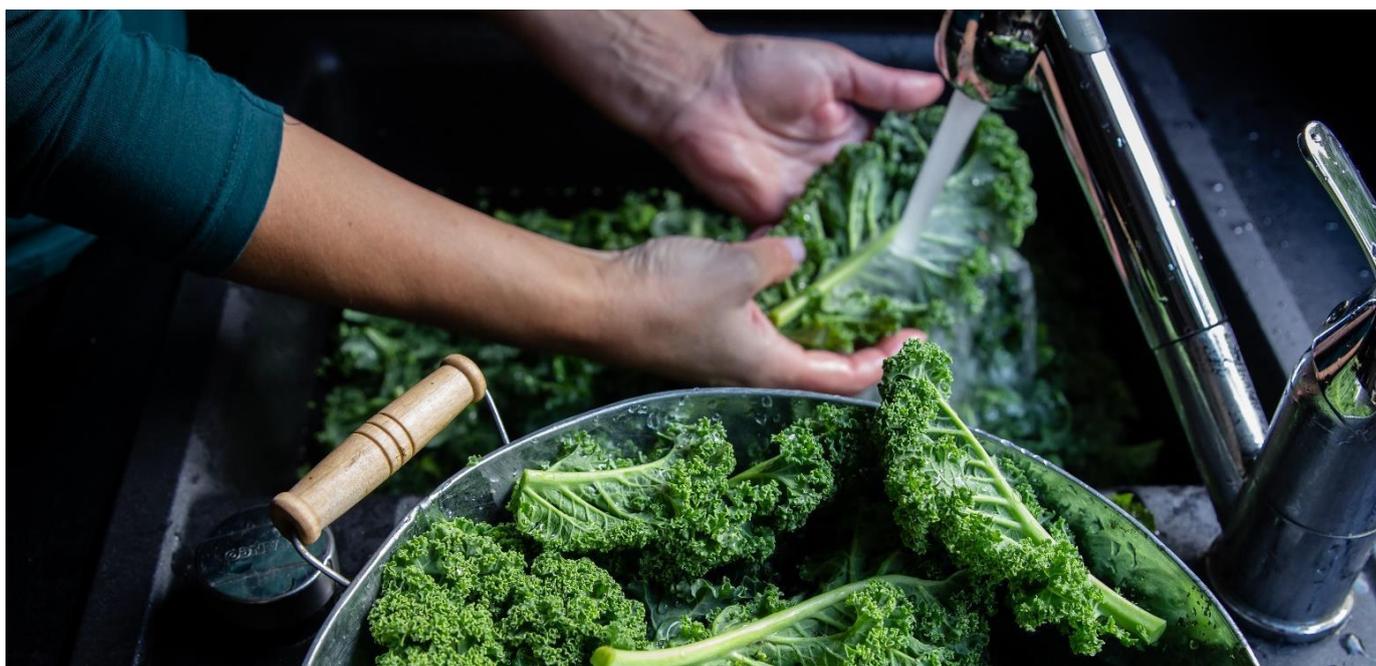
## 1.3 SUSTAINABLE ECONOMY

The Food Safety Team recognises the importance of engaging with business and how successful business can impact and increase local and council wide economic development. A consistent approach to food safety ensures a level playing field, with compliant businesses receiving recognition (through higher food hygiene rating scores) and failing businesses requiring proportionate enforcement action to secure compliance. The Public Protection Enforcement Policy outlines this graduated approach. This has been prepared in-line with the Regulators' Code.

Given the increase in awareness of food safety, and food hygiene rating scores, it is anticipated that customers to compliant businesses will increase and make the businesses more resilient. Similarly, it is anticipated that a consistent approach to enforcement will, in the longer term, ensure greater compliance and reduce the need for enforcement action.

The Service works closely with the UK Health Security Agency (UKHSA) and undertakes a food sampling programme that focuses on national/international food safety concerns and trends. We continue to work with colleagues from the Public Health Team (formerly NHS Kirklees) in relation to infection prevention and control.

The Food Information and Nutritional Education (FINE) team was previously positioned within the Public Protection Service and worked with the Food Safety Team on a number of projects to promote healthy eating. One such project was 'Healthy Holidays' that was introduced during the Covid-19 pandemic in response to the problem of children not being at school and therefore not being able to access a nutritionally balanced lunch due to school closures and poverty. This project has continued during school holidays since that time and the Food Safety Team ensures that providers are compliant with food hygiene legislation and are providing safe food.



Since 1<sup>st</sup> April 2022, the FINE Team has now moved under the Public Health Directorate, however the joint working on Healthy Holidays continues, as will future projects, where appropriate.

The Food Safety Team maintains its links with the Consultant in Public Health Medicine in infectious disease control, particularly in connection with food poisoning and foodborne illness. Links have also been maintained with the Consultant in Public Health Medicine in infectious disease control, particularly in connection with food poisoning outbreaks and surveillance, including quarterly operational and strategic meetings, which aim to identify and adopt solutions to larger, more regional issues. Officers from Kirklees Infection Prevention and Control Team also sit on these meetings.

During the Covid-19 Pandemic, the Food Safety (and other Public Protection) officers worked closely with Kirklees Infection Prevention Control officers to investigate outbreaks of COVID-19 in workplaces, particularly those associated with food businesses. These links have been maintained and will ensure continued collaborative working between the departments. Most recently, this has included information sharing on Monkey Pox and other infectious diseases.



## 2. BACKGROUND

### 2.1 PROFILE OF THE LOCAL AUTHORITY

Kirklees is the third largest Metropolitan District with an area of 157 square miles (40,860 Hectares) and measured in population terms is the fourteenth largest local authority (in the UK) with a population currently estimated to be 441,300.

Kirklees is an area of diverse communities, topography, settlement and industrial development. Current ONS figures suggest that 23.3% of the total population are from minority ethnic groups (compared to 19.5% nationally), the largest group being Asian or British Asian (16% of total population).

Under the political structures, the principal executive decision-making body of the Council is a cabinet of councillors, which includes the Leader, and the Lead Members for the Service groupings.

The council employs approximately 6,809 Full-time Equivalent (FTE) staff, as of 2021. (This excludes schools).

Kirklees is a very large food authority and currently supports over 4,000 food premises.

### 2.2 ORGANISATIONAL STRUCTURE

The Food Safety and Infectious Diseases team sits within Public Protection. Please see appendix 1 for the organisational structure.

In accordance with the Food Law Code of Practice (England) we have appointed the UK Health Security Agency Food, Water and Environmental Microbiology Services Laboratory in York as our food examiner and through West Yorkshire Joint Services, Lancashire Analytical Services as our food analyst, both of whom are suitably qualified.

### 2.3 SCOPE OF THE FOOD SERVICE

The food safety and infectious disease function is dedicated wholly to food related activities and sits alongside the other core environmental health functions of pollution and noise control and health and safety.

The food safety and infectious diseases team is responsible for undertaking the following work activities:

- Programmed food hygiene interventions.
- Provision of advice to food businesses.

- Food sampling (including milk and dairy products).
- Investigation of food complaints.
- Investigation of food poisoning and outbreak control.
- Responding to food standards agency food alerts.
- Inspection of food.
- Monitoring licensed/approved premises.
- Imported food control.



West Yorkshire Joint Services are responsible for food standards, feed hygiene and inspection of primary production premises in the Kirklees area.

Kirklees Council's Animal Health Team support the Food Safety Team through the inspection of farms and small holdings; the investigation of animal welfare complaints; and attendance at livestock markets etc.

## 2.4 DEMANDS ON THE FOOD SERVICE

As of 31<sup>st</sup> December 2022\*, there were 4,052 food businesses registered with the Food Safety Team.

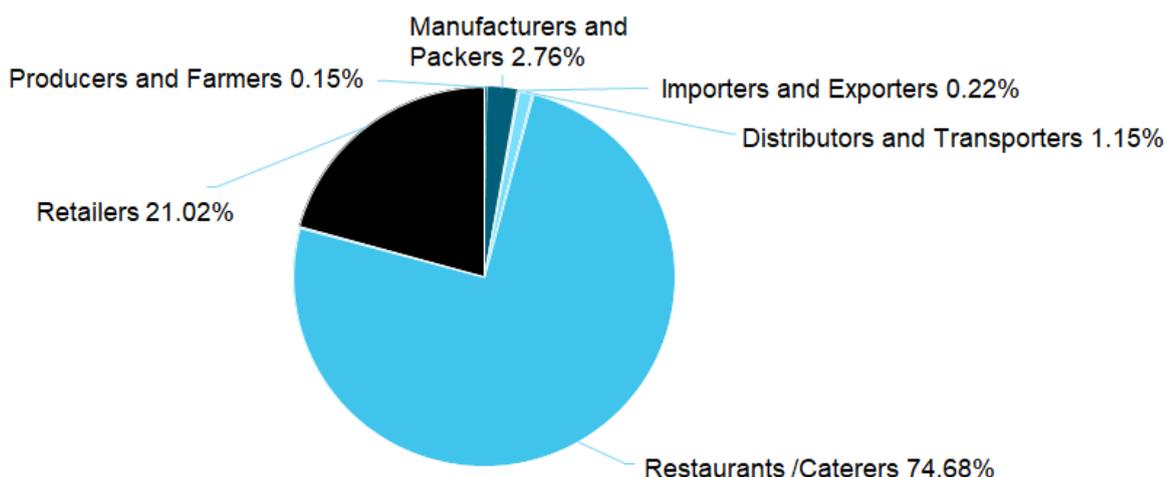
The table below shows the number of food businesses registered with Kirklees Food Safety Department on the 31<sup>st</sup> December 2022\*. The pie chart below also represents this information.

### FOOD BUSINESSES REGISTERED WITH THE FOOD SAFETY TEAM ON 31<sup>st</sup> December 2022

Business type	Number
Producers and farmers	6
Manufacturers and packers	112
Importers and exporters	9
Distributors and transporters	47
Retailers	852
Restaurant/Caterers	3026
Total	4052

\* Figures to be updated post 1<sup>st</sup> April 2023

### Food Business Registered with the Food Safety Team 31<sup>st</sup> December 2022\*

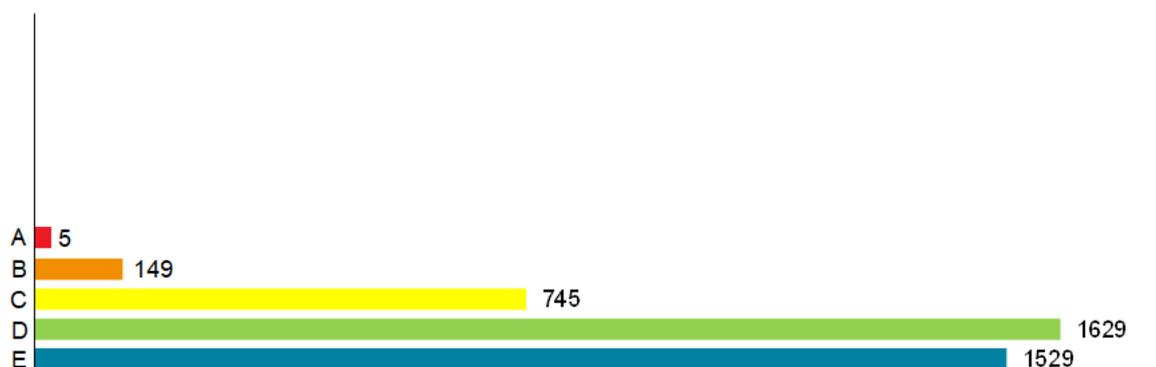


The risk rating relative to the number of food business is provided. The table below shows a breakdown of the number of food businesses that fall into the different risk categories A to E, as detailed within the Food Law Code of Practice. Businesses in risk category A are deemed the highest risk and are therefore inspected the most often; through to category E premises that are deemed the lowest risk and are therefore inspected the most infrequently.

### Rated premises profile 31st December 2022\*

Type of Risk	Type of Premises	Number
A		5
B		149
C		745
D		1629
E		1529
Outside programme		4
Unrated premises		141
Approved premises	Meat/minced meat or meat preparations products	15
	Fishery Products	1
	Cold Stores	9
	Egg Packing	3
	Dairy products	7
Specialist processes	On-Farm pasteurisers and dairy products	5
	Bottled water producers	1 on 2 sites

### Rated Premises Profile 31<sup>st</sup> December 2022



Compared to many authorities, we have a large number of on-farm pasteurising dairies within the district and consequently we have two officers specifically trained for this area of work.

The budget allocated to delivering the Food Safety and Advice function is shown in section 4.1.

## Service delivery points

Environmental Health operates from Flint Street, Fartown, Huddersfield, HD1 6LG.

Opening hours are Monday to Thursday from 8.45am to 5.15pm, Fridays from 8.45am to 4.45pm.

The public may also access the service from Information Centre's located in Huddersfield and Dewsbury.

## 2.5 REGULATION POLICY

The Enforcement Policy was reviewed and updated in 2019 and incorporates the Enforcement Concordat.

The Policy may be viewed on the Council's website at:

<https://www.kirklees.gov.uk/beta/planning-enforcement/pdf/enforcement-policy.pdf>





### 3. SERVICE DELIVERY

The Foods Standards Agency issued a revised Code of Practice in 2021. The code of practice continues to support local authorities in using a range of interventions that allow local authorities to target resources more effectively on those premises that pose the highest risk.

In 2010 a series of alternative interventions was introduced for premises that were risk rated as category C or D; however, this approach is not currently being followed due to the FSA Recovery Plan and, instead, full, on-site inspections or audits are being undertaken. The alternative interventions for category C and D premises will be reviewed in 2023, prior to them being reintroduced.

We continue to follow an alternative intervention approach for low risk, category E premises, which have previously been inspected, whereby a 'low risk survey' form is sent to a business asking the food business operator about the types of foods handled and what food safety procedures are in-place at the business. From this, an assessment will be made of the food safety risk. Where there has been a change in food business operator, or if the information provided indicates an increase in risk, an on-site intervention shall be undertaken. Where the form is not returned, an officer will call the business to complete the assessment or will visit to assess the risk. These will also result in a full inspection, should the information indicate an increase in the food safety risk.

The following tables shows the number of interventions undertaken during the 2020/21, 2021/22 and 2022/23 up to the 31<sup>st</sup> December 2022 (to be updated after 1<sup>st</sup> April 2023) and these are listed according to the type of intervention.

#### Interventions undertaken 2020/21

The following table shows the number of interventions undertaken during the 2020-2021 financial year and these are listed according to the type of intervention.

Intervention type	Number
Inspection or audit	210
Verification or surveillance (including onsite visits and some remote assessment)	147
Sampling*	11
Advice or education (remote only)	409
Information/intelligence gathering	1
Food Hygiene Rating re-assessments	10
COVID-19 remote assessments**	629

## Interventions undertaken 2021/22

The following table shows the number of interventions undertaken during the 2021-2022 financial year and these are listed according to the type of intervention.

Intervention type	Number
Inspection or audit	1195
Verification or surveillance (including onsite visits including revisits, information/intelligence and complaint investigation visits and also some remote assessment)	193
Sampling*	147
Advice or education	151
Information/Intelligence gathering	1
Food Hygiene Rating re-assessments	52
COVID-19 remote assessments**	40

\* Excluding routine dairy sampling

\*\* Remote assessments were brought in by the Food Standards Agency to identify food safety risks that would give rise for the need for an on-site visit during the COVID-19 pandemic:

- Monitor compliance at businesses which had a food hygiene rating of 0, 1 or 2 to ensure that food hygiene problems had been satisfactorily addressed (note - an on-site visit would be undertaken if concerns remained).
- Assess any risks posed by newly registered businesses.
- Contact businesses to identify any changes in how they would normally operate during COVID-19 pandemic, e.g. changing to takeaway only; supplying vulnerable people, shielding at home etc.

In 2022/23 financial period, the Food Safety Team significantly increased its delivery of official controls and, at the time of writing, not only met the Food Standards Agency's Recovery Plan minimum requirements at every milestone but exceeded the expectations. The numbers of interventions completed are also above pre-pandemic levels.

## Interventions undertaken up to 31<sup>st</sup> December 2022\*

The following table shows the number of interventions undertaken up to the 31<sup>st</sup> December 2022, 2022-23 financial year and these are listed according to the type of intervention.

Intervention type	Number
Inspection or audit	1117*
Re-Visits	204*
Verification or surveillance (including onsite visits and some remote assessment)	N/A
Sampling*	261*
Advice or education (remote only)	N/A
Information/intelligence gathering	1
Food Hygiene Rating re-assessments	65*
Category E Low Risk interventions	789

It can be noted that the data provided above is up to the 31<sup>st</sup> December 2022, to be updated in April 2023 when available.

## 3.1 INTERVENTIONS OF FOOD AND FEEDING STUFFS ESTABLISHMENTS

During 2022/23 all inspections were undertaken by Environmental Health staff (rather than contractors). We place high value in the importance of consistency in our approach and amongst officers, which is better supported using in-house staff.

The food safety interventions for the 2023/24 period will be based on the FSA road map to recovery ending on the 31<sup>st</sup> March 2023. From 1 April 2023, the team will carry out interventions for establishments that are due and back in line with the routine programme of interventions, in accordance with the frequencies set out in the Food Law Code of Practice 2021. This meets the expectations detailed within the FSA Recovery Plan. We will work towards realigning with the provisions set out in the Code from 1 April 2023 using the full range of flexibilities already offered by the Code. We will also continue to exercise a risk-based approach to the requirements set out in the Code based on available resource.

The following table shows the number of programmed interventions that are due to be completed up to the 31<sup>st</sup> of March 2023:

Risk Category of Establishment	Number of premises due inspection in this category to 31.3.23
A	2
B	42
C	132
D less than broadly (compliant with an FHR) of 0,1,2	0
Ds that are broadly compliant with an FHR 3,4,5 **	784
E*	392
Unrated	141

\* Please note that category E businesses will usually receive a low-risk survey either by post or conducted over the phone. Where this identifies that there have been no changes to the businesses and the risks are not deemed to have increased, then an on-site visit is not undertaken. Where there has been a change of food business operator or a change in their business operation an on-site inspection will be undertaken.

The total number of inspections due, in order to meet the minimum requirements of the FSA Food Recovery Plan 31<sup>st</sup> March 2023 Milestone, is 176. This is based on the rated businesses, already in the inspection programme that must be inspected (Category A, B and C premises and category D premises that are less than broadly compliant - as per the table above), the unrated businesses (141).

\*\* Not part of the FSA Recovery Plan

There are currently 8.26 Full Time Equivalent (FTE) officers authorised to undertake official controls, with 1 FTE on Maternity Leave until November 2023. There are a further 2 FTE in training who will be able to assist in information/intelligence gathering visits etc and a further 1 FTE authorised officer starting in April 2023, the service in 2023/24 will have a total of 11.26 FTEs.

With the estimated number of inspections due, it is anticipated that the requirements of the 2022/23, FSA Recovery Plan will be met comfortably. Up to the 31<sup>st</sup> December 2022, Kirklees received 520 new business registrations over the period, which require inspection (in addition to the premises already within the food inspection programme). The 2022/23 Food Safety Service Plan priorities projected that the team would meet the FSA's minimum requirements and exceed these by aiming to undertake the on-site inspection of 50% of the category D premises that are broadly compliant. Up to the 31<sup>st</sup> December 2022 officers have currently completed 488 Category D inspections, with only 38% of this category outstanding.

There was also a number of revisits planned, to ensure that businesses who were less than broadly compliant have made the required food safety improvements. Again, up to the 31<sup>st</sup> December 2022, 204 revisits have been completed but the total for the year will increase as premises are inspected when non-compliances identified. It is anticipated that the total will be around 220, based on data for previous years. These should be completed with the resources available.

The Food Safety Team will also continue to prioritise the new allergen requirements in food businesses, during on-site inspections. These new requirements, commonly known as 'Natasha's Law' require businesses who wrap food for sale (pre-packed for direct sale e.g., packaged sandwiches) must provide ingredients and allergen information on the packaging to inform consumers. This has been a significant change in the requirements relating to allergens and therefore emphasis is being placed on this during inspections to assist businesses in complying and to keep consumers safe.

Staff resources are organised on a north/south district basis. In addition, some staff have responsibility for specialist areas of work including infectious diseases, meat and dairy products premises etc. We continue to operate the national 'Food Hygiene Rating Scheme' (FHRS). The scheme is supported and promoted nationally by the Food Standards Agency. It helps consumers choose where to eat out or shop for food, by giving them information about the hygiene standards in food premises at the time they were inspected to check compliance with legal requirements, and through this, it encourages businesses to improve their standards.

The map "Food Hygiene Rating Scheme, Number of Compliant or failed Premises" in Appendix 2 shows that there appears to be a correlation between areas of worst deprivation and low food hygiene ratings.

This was identified in the 2022/23 Food Safety Service Plan, as an area of work we needed to look at more closely, to try and identify some of the reasons for this and to focus resources to attempt to work with businesses/communities. The aim being to improve food hygiene ratings in these most deprived areas and also to raise awareness of the food hygiene rating scheme amongst consumers, so that they can make informed choices about the businesses they buy food from.

In response to this, in January 2023 a pilot workshop called 'Steps to Success' was held for food businesses with a low food hygiene rating (those with a rating of 0, 1 or 2). The businesses were invited to attend and 15 food business operators attended the workshop. The workshop covered the following: food safety documentation requirements; cleaning; cross contamination; pest control; and what to expect when an officer is completing a food hygiene inspection. The workshop's facilitators have received positive feedback from all food businesses that attended. We are now planning to hold these workshops every 6-8 weeks in venues throughout North/South Kirklees, with them being located, intentionally, close to the areas with the lowest levels of compliance. Following attendance at these workshops, the food hygiene rating (FHR) data (following their next routine food hygiene inspection) will be monitored to analyse whether attending the workshops results in improvements in the businesses' FHR/compliance with legislation has been achieved.

We will also consider the implications of, and wider public health priorities relating to the Food (Promotion and Placement) (England) Regulations 2021, also known as the new High Fat, Salt and Sugar (HFSS) legislation. Parts of this legislation came into force in October 2022, with other provisions having a commencement date of 1<sup>st</sup> October 2023. The new legislation places restrictions on businesses in relation to in-store promotions, product location and marketing activities. This is part of the Government's 'Obesity Strategy' and the HFSS legislation aims to encourage adults to change their purchasing behaviour, diet and overall lifestyle. Further promotional work that was planned for 2022/23 with the assistance of West Yorkshire Joint Services, will now be postponed until the legislation comes into force, in full.

Food team officers have been specifically authorised to enforce legislation relating to Imported Food. There are no ports of entry within Kirklees. There are two External Temporary Storage Facilities (ETSF) in Kirklees (ETSFs are HMRC controlled warehouses where foods may be stored until import clearance is given), but neither of these currently receive food goods; therefore, there is only a low level of work involved.

Officers look for imported food on inspections and take appropriate action if required. In 2023/24 officers will take imported food sampling to check the safety of imported foods being sold in Kirklees. This is a requirement for Food Safety Departments to undertake the sampling of imported foods as part of their sampling programme.

Primary producers (food growers) are inspected in West Yorkshire by West Yorkshire Joint Services Food Feed and Standards officers. Additional support for this is undertaken by animal health officers in conjunction with their farm inspections.

Since the introduction of smoke-free legislation in 2007 premises and vehicles are also assessed for compliance at each inspection and the necessary action(s) taken.



## 3.2 FOOD AND FOOD PREMISES COMPLAINTS

It is the policy of the food team that complaints received by the Service in relation to food and food premises are investigated in accordance with the relevant guidelines and Public Protection Enforcement Policy.

Complaints which are of a minor nature, and therefore, unlikely to result in formal action receive a limited response.

When a complaint is, or may be, associated with the business' central policies or procedures, where appropriate, the primary, home and/or originating authority are contacted for advice if it is outside Kirklees.

Any complaints received relating to food standards issues are referred to West Yorkshire Joint Services.

In 2021/22 the Food Safety Team received 524 complaints relating to the condition of either food or food premises. Up to the 31<sup>st</sup> December 2022, the Food Team received 568 complaints relating to the condition of food or food premises (this is a significant increase at the third quarter point of 2022/23, compared to the whole of the previous year). The type of complaints varied, ranging from bits of plastic in food to complaints of rats in premises. All complaints require a degree of investigation. However, those considered to pose the greatest risk to public health are afforded more time and resources.

The resources allocated to the Food Safety Team are sufficient to enable all complaints relating to food or food premises to be triaged and action taken according to risk and our work instructions regarding such complaints.

### 3.3 COMPLIANCE AND ENFORCEMENT ACTION

The tables below detail the enforcement action undertaken by the Food Safety Team during 2020/21 and 2021/22 and up to 31<sup>st</sup> December 2022.

#### ENFORCEMENT ACTIONS 2020/21

Enforcement action type 2020/21	Number
Voluntary closure	3
Seizure of food	1
Suspension/revocation of approval/license	0
Emergency prohibition	0
Simple caution	3
Improvement notices	5
Remedial Action and detention notices	2
Written warnings	Data not available
Prosecutions	1

#### ENFORCEMENT ACTIONS 2021/22

Enforcement Action type	Number
Voluntary closure	13
Seizure of food	0
Suspension/revocation of approval/licence	0
Emergency prohibition	0
Simple caution	3
Improvement notices	93
Remedial action and detention notices	2
Written warnings	972
Prosecutions	1

#### ENFORCEMENT ACTIONS up to the 31<sup>st</sup> December 2022

Enforcement Action type	Number
Voluntary closure	3
Seizure of food	0
Suspension/revocation of approval/licence	0
Emergency prohibition	7
Simple caution	2
Improvement notices	64
Remedial action and detention notices	0
Written warnings	931
Prosecutions	7

The enforcement option used depends very much on the risk present at the time of the inspection and varies from a simple report, outlining corrective actions needed (written warning), to the service of a hygiene emergency prohibition notice, which requires the business to close immediately. Enforcement, in accordance with the Food Law Code of Practice and Public Protection Enforcement Policy, follows a graduated approach. Our enforcement actions have, historically, been within the top 15 local authority food safety departments nationally.

The enforcement actions during the 2020/21 period reflect the impacts of the COVID-19 pandemic upon the work of the Food Safety Team, who undertook far fewer interventions, due to those officers playing a crucial role in the Council's Coronavirus response. In 2021/22, the enforcement actions were more in line with pre-pandemic periods, with the exception that voluntary closures were higher than in typical years. This was due to a number of serious issues that required businesses to be closed. This was done through voluntary closure agreements, rather than emergency prohibition powers, due to the difficulties in securing court hearings during that period.

During 2022/23 there has been an increase in the commencement of legal proceedings, this is highlighting a decline in standards found in food businesses. In line with Kirklees Enforcement Policy and the graduated approach, prosecution will only be used when all other enforcement options have been exhausted.

### 3.4 ADVICE TO BUSINESS

The Food Safety and Infectious Diseases Team is committed to providing advice to food businesses; this may involve carrying out a visit to assist food businesses to comply with food hygiene legislation. During the 2022/23 period (up to 31<sup>st</sup> December 2022), 32 requests for advice were received, this is a reduction on the previous year (151). Given the limited resources, following Council priorities, we've placed greater information and detail on the Kirklees website, which, coupled with information available on the FSA website, gives prospective businesses all the information they require.

For unique/high risk businesses, officers still visit and provide the advice needed. Ultimately, however, the responsibility to operate and produce food safely remains with the business.

We have also begun to provide advice to food businesses when they register a new business with us. This is done by sending the food business operator an email with advice on how to comply with the legal requirements, with links to further sources of information. The intention is to provide them with the information they need to make sure they are complying with the main elements of food safety law, including the need for documented food safety management procedures. The aim is that this will enable them to get things in place before the inspection so that they can achieve the highest food hygiene rating possible and, of course, to produce safe food.

As Part of our commitment to support new food business, the Food Safety Team has now signed up to the Food Standards Agency Register a Food Business Service (RAFB). Registration is a legal requirement and is the foundation of food business operator (FBO) data that is used by those delivering official food controls. The FSA RAFB will ensure that information captured is accurate and in a consistent way throughout local authorities (LAs) and that the right information is obtained at the point of registration. The Food Safety Team will continue to be responsible for the registration of food businesses. The RAFB service aims to improve the overall effectiveness, efficiency and consistency of registering food business establishments across England, Wales and Northern Ireland. It is a user-friendly process that captures relevant data from food business operators (FBOs). In addition to it being easier and quicker for food businesses to register, they also receive links to relevant information and guidance to help them comply with safety and standards regulations. Later versions of the service will provide links tailored to the type of business registering.

Furthermore, to support new food businesses, the Food Safety Team previously operated a 'Getting It Right First Time' course. This was on-hold due to the COVID-19 pandemic. However, the principal was that we encouraged newly registered businesses to attend this course. It would provide them with information in relation to food safety but other legal requirements e.g., health & safety, fire safety, waste, business rates and licensing etc.

However, as a result of the pandemic and from reviewing our data regarding food business compliance and localities, it has been identified that there is a significant correlation between poor levels of food hygiene compliance and businesses being located in areas/wards with high levels of deprivation (please see Appendix 2 – Food Hygiene Rating Scheme, Number of Compliant or Failed Premises). As previously mentioned, we are therefore, refocusing our resources to supporting these businesses by continuing with a low-cost training workshop called 'Steps to Success' (STSS) that has been piloted on businesses that are less than broadly compliant, particularly those with food hygiene ratings of 0, 1 or 2.

The 'pilot' workshops have now taken place in localities where compliance is low and so that the workshops are easy to access and provide an opportunity for the food business operators to get one-to-one help and advice. Each business that attended also received a printed copy of the Safer Food, Better Business pack along with a 1-hour re-visit from an officer to check ongoing standards/ improvements. Due to receiving positive feedback, STSS workshops will be facilitated every 6 weeks within numerous localities, incorporating a place-based approach.



### 3.5 FOOD SAMPLING

It is the policy of the food team to carry out routine sampling and to take samples where problems with food production have been identified. Other sampling is linked to our food premises interventions programme and where problems associated with high-risk foods are anticipated or are revealed during routine inspections. There is also a focus on sampling at premises that pose a higher risk due to the type of food and the quantities of food produced, e.g., approved premises that manufacture meat/dairy products etc.

This sampling of both food and environmental swabbing provides reliable information regarding the hygiene standards in premises and the safety of food products.



Due to the number of farm dairies in Kirklees, we offer an economical chargeable service for the collection and analysis of dairy products on their behalf. This is considered to be an important area of work given past experience of infections in milk and the high-risk nature of the product. In 2022 we have started to expand this service to other approved premises and manufacturers of high-risk food, such as meat products premises, to assist such businesses in verifying that their food safety management procedures (based on the HACCP principles) are effective. Due to a reduction in the availability of local food microbiology services, we see this as an important area of work that requires further development. We have been successful in gaining 1 new commercial contract and will be looking to further expand these in 2023/24.

The Food team also participates in cross regional and national surveys organised through the UK Health Security Agency (UKHSA). In addition, samples are taken following referrals of sample failures from other local authorities; by officers following or during routine inspections; and/or in response to complaints. All sampling is undertaken by officers in accordance with quality procedures and relevant sampling protocols. Formal samples are taken in accordance with the Food Law Code of Practice. Samples are submitted to either the UKHSA Food and Water Laboratory or Lancashire Analytical Services Laboratories.

In 2021/22, 248 samples were taken which includes those taken for sample studies as well as those taken to verify process/environmental hygiene within businesses. Up to the 31<sup>st</sup> December 2022\*, 261 samples were taken in total. It is anticipated that from April 2023 we will continue to increase our sampling programme, we will also begin to increase our sampling for surveillance purposes due to having additional staffing resources available in the form of 3 officers undertaking studies to become Environmental Health Officers/Senior Technical Officers who, once competent, will undertake sampling as part of our surveillance of food hygiene standards and food safety at businesses.

## 3.6 CONTROL AND INVESTIGATION OF FOOD RELATED INFECTIOUS DISEASE AND OUTBREAKS

The Food Safety Team's policy concerning investigation of food poisoning notifications and outbreak control is contained in a joint procedure manual, produced in conjunction with UKHSA and other West Yorkshire Authorities. The document is known as the "Protocol for investigation and management of sporadic cases and outbreaks" and "Kirklees Infectious Disease Outbreak Protocol".

Communicable diseases investigated up to the years 2019/20, 2020/21, 2021/22 and up to the 31<sup>st</sup> December 2022 can be found in Appendix 3.

In the event of a serious outbreak, staff resources are utilised from the food team and across the whole Service if necessary. In 2020/2021 we investigated one suspected outbreak of food poisoning. In 2021/22 we dealt with three suspected outbreaks of food poisoning, one of which required significant investigation and resource allocation. At the time of writing, up to the 31<sup>st</sup> December 2022 we had not received any suspected outbreaks of food poisoning. During these instances, we work closely with UKHSA and Kirklees Public Health colleagues. There is also a Memorandum of Understanding (MOU) between the West Yorkshire authorities that would permit colleagues from neighbouring authorities to assist us, should there be the need.

From a review of Appendix 3, it can be identified that the number of total communicable diseases reported declined over the 2020/21 and 2021/22 periods. It was suspected that this may have correlated to the impacts of the Covid-19 Pandemic, in that fewer people travelled overseas (travel often being a factor associated with some diseases); people were required to remain at home for significant parts of those periods and may therefore have been less-exposed to food-related infections; and/or the public health messaging regarding handwashing as part of the pandemic, may have led to a reduction in cases. Looking at the 2022/23 period (up to the 31<sup>st</sup> December 2022) there appears to be an increase in the number of communicable diseases being reported. This will continue to be monitored in conjunction with our public health colleagues within the Council at UKHSA.

## 3.7 FOOD SAFETY INCIDENTS

Procedures for dealing with Food Alerts and food safety incidents are clearly documented in a specific quality guideline in order to comply with the Food Law Code of Practice (England). All food officers are required to be signed up to the FSA Smarter Comms system, whereby officers will receive food alerts directly. Those food alerts that are 'for action' will be acted upon by officers and the Food Lead Officer will co-ordinate the response and direct officers to take appropriate action should a food alert be received that relates to food or premises located within Kirklees.

Where the Food Safety Team are contacted directly by the FSA in relation to a food incident, relating to a business within Kirklees, action will be taken immediately. This will also extend to responding to urgent food standards issues, in order to assist West Yorkshire Joint Services in responding quickly to an issue. This will be to identify whether the affected item is present and to take steps to remove it from sale etc.

Where a significant food safety incident occurs, all of the Food Safety Team would be made available to respond. This might include a national recall etc. However, these incidents are generally infrequent and, as such, all necessary resources are available. Should this not be the case, other officers from Environmental Health would be called upon to assist and/or other West Yorkshire colleagues would be requested to assist under the MOU.

### 3.8 LIAISON WITH OTHER ORGANISATIONS

This authority has liaison arrangements with other West Yorkshire authorities through the West Yorkshire Food Lead Officers Group (WYFLOG) and also at Chief Officer level with West Yorkshire Authorities.

The Environmental Health Group Leader attends the WYFLOG meetings on a six-weekly basis. Other agencies also attend these meetings, namely: UKHSA Food, Water & Environmental Microbiological Laboratory; Food Standards Agency (FSA) Imported Food; and FSA Relationship Manager and West Yorkshire Joint Services (Trading Standards).

This enables consistency between the five West Yorkshire authorities, which is particularly important for businesses who may have outlets in more than one of the West Yorkshire authority areas to ensure that there is consistency in enforcement. To this end, all five authorities use the same aide memoire and other documentation for inspections, including approved premises to ensure consistency.

Regular liaison takes place with the Council's Licensing department in response to proposals for new food premises, whereby licensing officers notify us of any changes to licensees at food businesses.

There are also close links established with the UKHSA colleagues and internally, with Kirklees Public Health, in relation to communicable diseases and infection prevention and control.



### 3.9 HOME AUTHORITY PRINCIPLE AND PRIMARY AUTHORITY SCHEME

There are a number of large food manufacturing businesses within Kirklees' borough that distribute foodstuffs nationally and some internationally. There are also a number of food businesses that operate multiple outlets. However, there are currently no primary authority agreements, relating to food safety, between Kirklees Council and businesses.

We do, however follow the Home Authority Principle, in that we provide assistance to other competent authorities in relation to facilitating the sharing of intelligence or investigating any concerns regarding a product produced within Kirklees or by a company located within Kirklees.

The Food Safety Team follows the Home Authority (HA) principal when undertaking regulatory duties and would contact the HA should there be any concerns regarding the food safety compliance at the business or in relation to a complaint.

The Food Safety Team also verifies whether there is a Primary Authority Agreement in place at businesses, prior to undertaking official controls and would verify whether there was any relevant assured advice/inspection plans etc. to be considered prior to on-site visit. Any proposed enforcement action would

be considered following consultation with the primary authority, except in emergency situations where there was an imminent risk to health.

The lack of any food safety Primary Authority Agreements means that this area does not currently require any resource. The Service would openly consider establishing a primary authority partnership should it be approached.

Resourcing both the Home Authority Principle and Primary Authority Scheme does not require significant resource at this time, as officers undertake their duties with reference to these principles when undertaking official controls at businesses.



### 3.10 FOOD SAFETY PROMOTIONAL WORK AND NON-OFFICIAL CONTROLS INTERVENTIONS

To assist businesses with the introduction of the new allergen requirements in food businesses, commonly known as 'Natasha's Law' all food businesses were written to advising them of this significant change to labelling requirements of foods that are pre-packed for direct sale. Further promotional work is planned for 2023/24 through producing materials to leave with businesses and possible workshops to assist businesses. This will be undertaken with the assistance of West Yorkshire Joint Services. Officers also spend time explaining these requirements to businesses during onsite interventions.

In relation to non-official controls interventions, the Service also undertakes compliance interviews with businesses that have been found to be failing over a period of time. The aim is to try to achieve an improvement in standards, without the need to take enforcement action. The focus of the interview is to discuss the food hygiene contraventions with the Food Business Operator (FBO), away from the business where they have time to discuss and understand the issues at the business and for food safety officer and Environmental Health Group Leader (EHGL) to understand the reasons for the contraventions and for the FBO to provide some pledges as to how they intend to rectify the problems and to maintain a hygienic and compliant business. These pledges are recorded at the time of the interview and both the FBO and the EHGL both sign the agreement. Should future interventions identify that the business has failed to implement the required improvements or maintain previous improvements, then formal enforcement action will be taken.



## 4. RESOURCES

### 4.1 FINANCIAL ALLOCATION

The Service has, as have all local authorities continued to face financial constraints. The team continue to focus limited resources in a proportional risk-based approach. The budget allocated to delivering the Food Safety and Infectious Disease functions for 2021/22 and 2022/23 is shown below.

	2021/22	2022/23	2023/24
Expenditure	Food Team Budget	Food Team Budget	TBC
Staffing	£610,997	£615,102	TBC
Training	£2000	£2000	TBC
Travel and other subsistence	£3083	£3083	TBC
Supplies and services	£702	£702	TBC
ICT*	£0	£0	TBC
Sampling	£8650	£8650	TBC
Total Expenditure	£625,432	£629,537	TBC

\* No actual IT budget as forms part of the corporate charges. However, £4,000 committed to an ongoing trial of a mobile working solution for food safety interventions.

The 2021/22 budget was reprofiled to provide extra resources for this important area of work. This has continued into the 2022/23 budget with a view to finalising recruitment and to assist with staff retention. It is hoped that this will bring the FTE more in-line with the national average (average number of food premises to Full Time Equivalent officers (FTEs): Nationally is 416:1; in Kirklees, this ratio has previously been 560:1, but is now at 437:1. By December 2023 the ratio will have reduced to 359:1 due to officers completing their training and becoming fully competent food officers.

It should be noted that due to the Food Law Code of Practice qualification and Competency Framework requirements for food safety inspectors, it is very difficult to recruit suitably qualified and experienced officers. In the previous Food Safety Service Plan, it was intended to engage external contractors to assist with the delivery of official controls to meet any shortfall in the inspection programme. As a result of the Covid-19 pandemic, most LAs are now experiencing a significant backlog of inspections and these contractors are in high demand and availability is low. Therefore, Kirklees will continue to train and develop in-house members of staff to meet these recruitment needs. This is also part of the wider workforce planning, in response to expected retirements in the coming years. There are currently three officers training two to be Environmental Health Officers and one to be a Senior Technical Officer.

The sampling element within the above budget information, relates to sampling income from undertaking the sampling service that is provided for dairies and other 'approved' premises.

We receive sampling credits from the UK Health Security Agency's Food, Water and Environmental Laboratory in relation to sampling as part of surveillance or as part of a formal investigation, which enables the Food Safety Team to undertake good levels of sampling. As previously described in Section 3.5, it is intended that sampling levels will increase to pre-Pandemic levels, as we progress through the FSA's Recovery Plan.



## 4.2 STAFFING ALLOCATION

The current staff resources covering Food Safety and Infectious Diseases work at 31<sup>st</sup> December 2022:

1 Environmental Health Group Leader (Food Lead Officer)

1.76 Full Time Equivalent Senior Environmental Health Officers (SEHO)

6.5 FTE Environmental Health Officers (EHO)

3.0 FTE Senior Technical Officer (2 officers in training and not able to undertake all official controls at the time of writing)

1 Business Support Officer

The staffing resource to the Food Safety Team has increased in recent years and, as can be seen in 4.4 above, the ratio of food businesses per food safety officer has significantly reduced.

Now all posts are recruited to, the food safety team have 11:26 FTE delivering official controls.

## 4.3 STAFF DEVELOPMENT PLAN

Each individual staff member has an annual appraisal meeting with their line manager (plus a six-monthly review) to evidence individual contributions in achieving our stated goals and identifying any development needs. This is in addition to regular, ongoing 1-2-1s.

Nationally, food safety officers are required to be competent according to the Food Law Code of Practice and the FSA's Competency Framework, which identifies the key areas of skills and knowledge that a food safety officer must have in order to be deemed competent for the delivery of official controls. The Competency Framework covers a wide range of food safety disciplines, with officers now requiring authorisation for each specific section.

The new competency framework is a fluid document, requiring regular updates but also acting as a guide as it identifies development and training needs to ensure officers remain competent in relevant areas. Officers are required to review this document at least annually, usually prior to their annual appraisal. The new Competency Framework and new Food Law Code of Practice and associated Practice Guidance were published in March 2021 and all officers who were not deemed 'competent' before 1<sup>st</sup> March 2021 have been through the new competency framework. Their knowledge and skills have been assessed by the Food Lead Officer through discussion and from observation during accompanied visits and where this has been identified as satisfactory, they have been deemed competent and authorised accordingly.

As part of the competency framework and requirements of the Food Law Code of Practice, all officers are required to maintain at least 20 hours Continuing Professional Development (CPD). This is also reviewed at the annual appraisal.

Importance is given to the need to ensure continuing professional competence in technical areas of work. Training/development was challenging due to the Pandemic; however, CPD has been maintained through online training and from in-house training.

In-house training consists of regular consistency meetings as well as undertaking training focused on specific areas of official controls, e.g., inspection of approved premises. These training sessions are led by the Food Lead Officer or other senior member of staff to impart their knowledge and experience to colleagues.

Regionally organised training also takes place, twice a year, focusing on national drivers as well as regional training needs and requirements. e.g., UKHSA undertake microbiology training for the five West Yorkshire authorities at least annually. There is also £2,000 allocated towards staff training in the budget.



## 5. QUALITY ASSESSMENT

### 5.1 QUALITY ASSESSMENT AND INTERNAL MONITORING

In addition to training, the Food Lead Officer and/or Senior EHOs ensure the competency of officers delivering official controls, through accompanied visits (minimum annual frequency) and ongoing by conducting monthly audits of officers' work.

These monthly quality checks comprise the supervisor reviewing 10% of an officer's completed worksheets and assesses them against several parameters, focusing on consistency and accuracy in the application of legal requirements, updating of information and consistency in the application of the Food Hygiene Rating Scheme and risk rating of businesses. Where inconsistencies are identified, these will be discussed with the officer and training provided. This process may also identify a wider training need within the team and will inform the subject area for internal or external training.

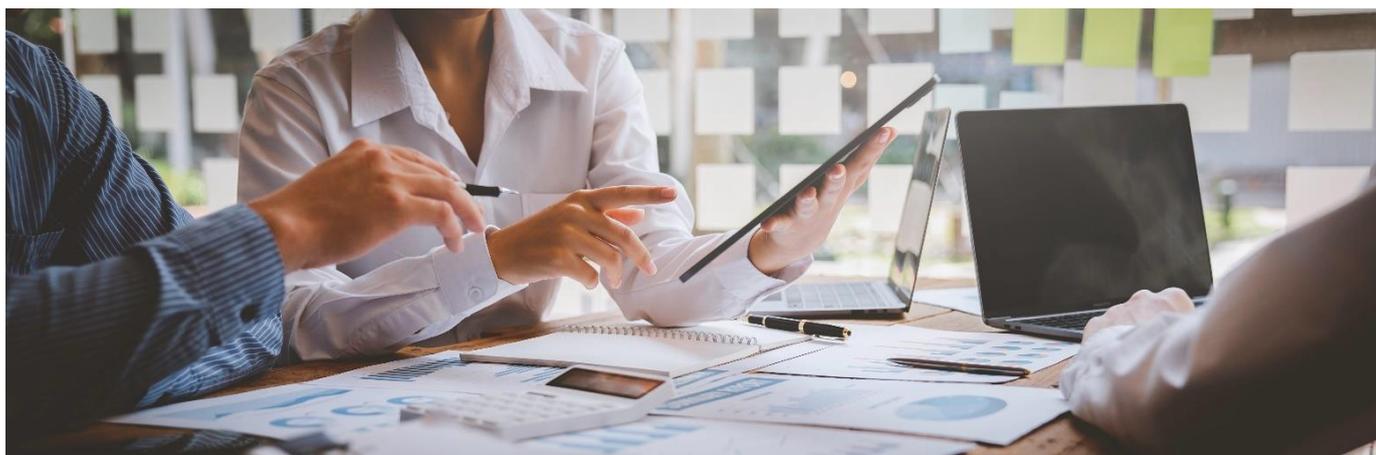
In addition, 'accompanied visits' are also undertaken to ensure officers are undertaking the role in accordance with the Code of Practice and that actions are consistent with our Enforcement Policy.

The Food Safety Team also takes part in the FSA's National Food Hygiene Rating Scheme Consistency Exercises. The Team's findings have always been in-line with the published results. This supports our internal checks that officers are correctly administering the Food Hygiene Rating Scheme.

During the first year of the Covid-19 pandemic, routine food hygiene inspections were temporarily suspended. This significantly affected the percentage of the inspection programme achieved for the period 2020/21 as can be seen below. Since then, the Food Safety Team has been following the FSA's Recovery Plan and has met its obligations in relation to this. Therefore, the percentage of the inspections completed are 100% to the FSA Recovery Plan. As detailed in point 3.1, it is anticipated that we will comfortably meet the minimum requirements of the FSA Recovery Programme and expect to significantly exceed the requirements. The data for the periods 2018/19, 2019/20 and 2020/21 are listed below. Up to the time of writing the food team have achieved 100% of the FSA Recovery plan and also exceeded expectations as a high volume of Category D and E interventions have been completed.

#### Percentage of the Food Safety Inspection Programme Achieved

<b>2018/19</b>	<b>93.46%</b>
2019/20	95.11%
2020/21	9.93%
2021/22	100% of all FSA Milestones achieved
Up to 31/12/22	100% of all FSA Milestones achieved



## 6. REVIEW

### 6.1 REVIEW AGAINST THE FOOD SAFETY SERVICE PLAN 2022

At the time the 2022 Food Safety Service Plan was approved, the requirements of the FSA for all LAs to meet the milestones within the FSA Recovery Plan were in place and therefore, the main priority was that we would continue to meet the requirements of the Recovery Plan. All requirements of the recovery plan have been met (as detailed above), furthermore, the Food Safety Team has exceeded expectations with a high volume of Category D and E inspections being completed, that were not required to be completed at this point in time, under the Recover Plan.

The following table provides the data on the interventions undertaken during 2022, up to the 31<sup>st</sup> December 2022:

The Food Safety Team delivered beyond the minimum requirements of the FSA Recovery Plan and the following table shows the number of interventions undertaken at existing businesses with a risk category including Category D and E that was not part of the FSA Recovery Plan up to 31<sup>st</sup> March 2022:

Risk Category of Business	Number of Interventions Undertaken
Category A	8*
Category B	127
Category C	379
Category D	456
Category E	789

\* As category A premises are inspected every 6 months, some category A premises were inspected twice within the 12-month period so there are more interventions listed than the number of category A premises.

Details of enforcement action taken are detailed in section 3.3 above. It has been noted that some enforcement actions for the 2022 period are lower than in pre-pandemic years, e.g., service of Hygiene Improvement Notices. However, other enforcement actions are higher than in previous years, e.g., Hygiene Emergency Prohibition Notices (HEPN's)/voluntary closures and prosecutions of businesses.

The reduction in the service of hygiene improvement notices is believed to be as a result of the high number of new businesses that have registered during the year and the need to prioritise these new businesses for inspection (as these pose an unknown risk until they are inspected). Following a graduated approach to enforcement, hygiene improvement notices would rarely be served on a business subject to its first inspection; therefore, fewer have been served. However, the overall number of notices served, up to 31<sup>st</sup> December 2022 is significant.

The increase in the number of HEPNs is likely to be as a result of the Recovery Plan requiring the Food Safety Team to focus on high-risk businesses with poor food hygiene ratings and also prioritising complaints relating to businesses that have resulted in a business being required to close due to an imminent risk to public health. E.g., complaints from the public relating to rats or mice at a food business.

With regards to the increase in the number of prosecutions, this is a reflection that over time we follow a graduated approach to enforcement in line with Kirklees Enforcement policy. All legal options have previously been used by an officer and the food business operator has continued to fail to implement the necessary actions to rectify any contraventions found. We hope the introduction of the Steps to Success workshop might improve this situation and lead to better standards.



## 6.2 IDENTIFICATION OF ANY VARIATION FROM THE SERVICE PLAN 2022

### 6.2.1 INSPECTIONS

Up to the 31<sup>st</sup> December 2022, the Food Safety Team undertook 1,117 inspections or audits over the 2022 period. This was a significant increase on the previous year (like for like), the FSA Food Recovery Plan was fully met. As previously mentioned, the food safety team are on track to meet the FSA Recovery Plan for the 31<sup>st</sup> March 2023.

The team exceeded the Recovery Plan in terms of undertaking onsite interventions at premises that were not under the scope of the Recovery Plan. A significant number of category D and E rated premises have also been completed.

One of the priorities of the 2022 Food Safety Service Plan was to undertake 50% of the category D premises that were not yet required to be inspected under the Recovery Plan. As previously stated, only 38% of category D premises are awaiting inspection, therefore this priority has also been exceeded at the end of third quarter for the 2022/23 period.

There were also a number of inspections undertaken at premises that were not within the scope of the Recovery Plan, but where complaints had been received and it was deemed appropriate to inspect.

A good number of category E premises were also assessed by officers needing to work at home due to self-isolation etc. by following our alternative intervention strategy for category E premises. Where there assessment indicated a need for an onsite intervention, this would be passed to another officer.

A total of 568 complaints (up to the 31<sup>st</sup> December 2022) were received by the Service. All complaints receive some level of response and officers follow a work instruction in relation to when action, including an onsite visit to the premises needs to be taken. As a minimum, complainants will be contacted and be given information about the action that will be taken.

In cases where the complaint is of a low-risk nature (e.g., food being sold beyond its best before date) the complainant will be informed that a note will be placed on the premises file and the officer will look at this at the next routine inspection.

For anything more serious, e.g., contaminated food; poor hygiene practices observed by a customer or undercooked foods then an onsite intervention will be undertaken.

A total of 931 written warnings were issued to businesses for various contraventions of the hygiene regulations, up to 31<sup>st</sup> December 2022. This is approximately 83% of businesses receiving a written warning, following an on-site intervention. However, the seriousness of the contraventions within the written warning, will vary greatly and the overall picture is that the vast majority of businesses in Kirklees have a food hygiene rating of 3 (satisfactory) or higher. The number of written warnings is consistent with pre-pandemic years.



## 6.2.2 REQUESTS FOR A REVISIT UNDER THE NATIONAL FOOD HYGIENE SCHEME (FHRS)

Up to the 31<sup>st</sup> December 2022, 65 requests for a revisit (reassessment of their food hygiene rating) were received. This demand remains high, as a low food hygiene rating can impact on a business' ability to trade e.g., on online food platforms, such as Just Eat and also from the negative publicity that a low food hygiene rating can attract, particularly on social media or in local media who regularly publish the details of businesses with a 0 or 1 food hygiene rating. At the time of writing all these businesses had received their reassessment inspection. These figures will increase up to the 31<sup>st</sup> March 2023 and the Food Service Plan will be updated accordingly.

## 6.2.3 REVISITS TO NON-COMPLIANT PREMISES

Up to the 31<sup>st</sup> December 2022, a total of 204 revisits were undertaken at food premises to ensure compliance with contraventions identified during a previous inspection or complaint visit. Revisits are undertaken in accordance with the Food Law Code of Practice and all businesses that are less than broadly compliant receive a revisit. This high number of revisits reflects the focus of officers in ensuring any risk-related matters are addressed and to ensure that a food business is operating hygienically and is being well- managed. This number is also consistent with pre-Pandemic years.

## 6.3 AREAS OF IMPROVEMENT FOR 2023/24

The following priorities for improvement have been identified for the Food Safety & Infectious Disease Team. They take into account the requirements of the FSA Recovery Plan and our own ambitions to ensure that food that is produced or sold in Kirklees is safe for our residents and visitors. We will achieve this through improving the hygiene standards at food businesses by better focusing our resources on areas and businesses with low levels of compliance and by providing additional support to such businesses:

Continue to delivery official food controls in accordance with the FSA Recovery Plan/Codes of Practice and any other instruction that is received during the year.

Maintain the implementation of the National Food Hygiene Rating Scheme and ensure that the requirements of the 'Brand Standard' are followed and that food hygiene ratings are being correctly issued across Kirklees.

Review the alternative intervention approach to ensure food official controls are being delivered in line with the Food Law Code of Practice for category C, D and E premises. This had been identified as a priority for 2022/23, but due to the need to focus on the Recovery Plan, this has not yet been achieved, but will be a priority for 2023/24 should it not be completed before the end of the current financial year.

Maintain staffing levels as per the budget and consider additional resources to ensure compliance.

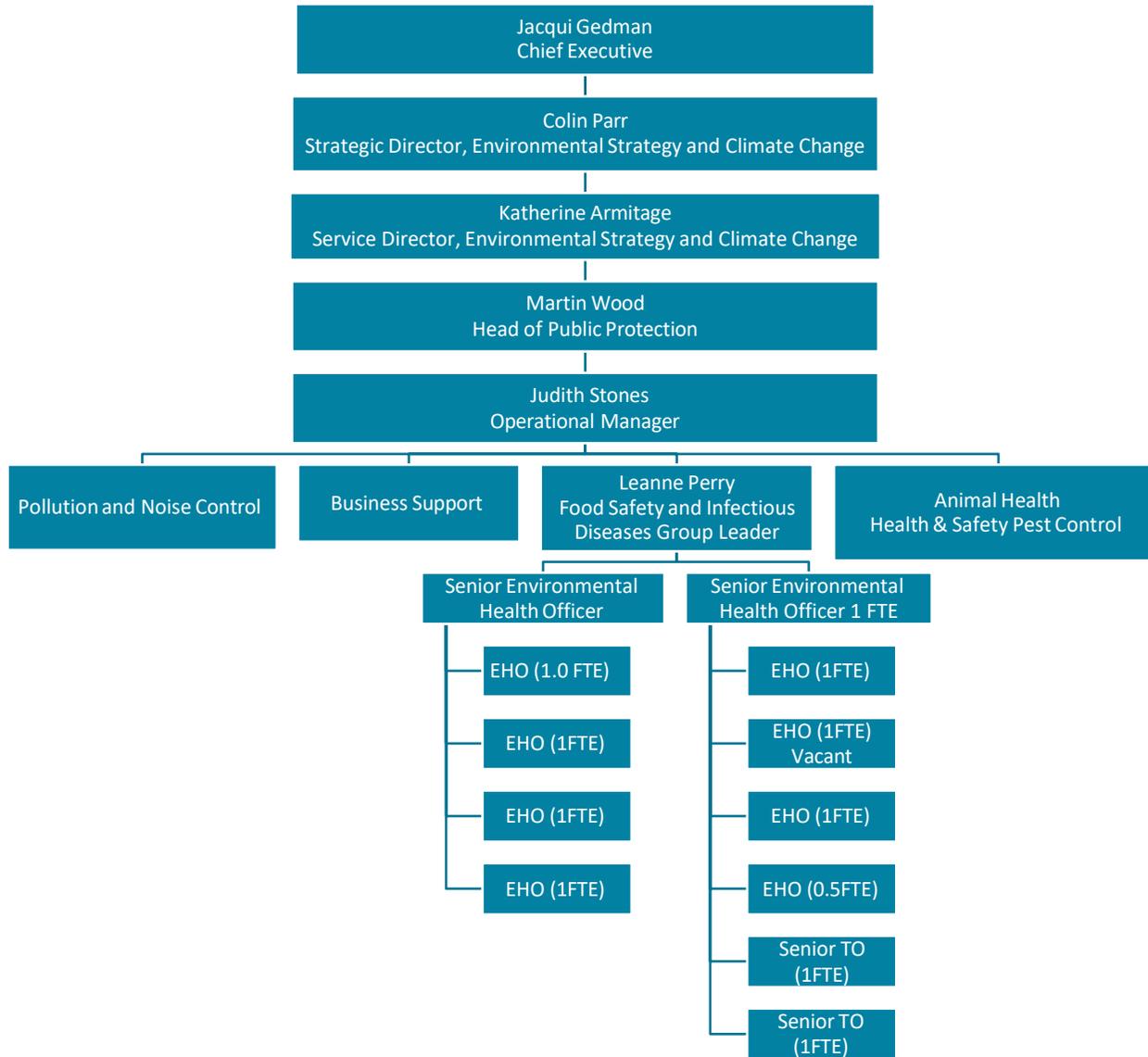
Ensure officer development continues as required in the FSA competency framework and officer authorisations reflect the individual competency matrix.

Other key priorities are:

1. Increase business resilience by improving the information that we have available for businesses on the website and the FSA Register a Food Business (RAFB).
2. Continue to develop/sharing expertise across WYFLOG.
3. Continue to respond to, and where necessary, lead on FSA issued alerts and requests for action.

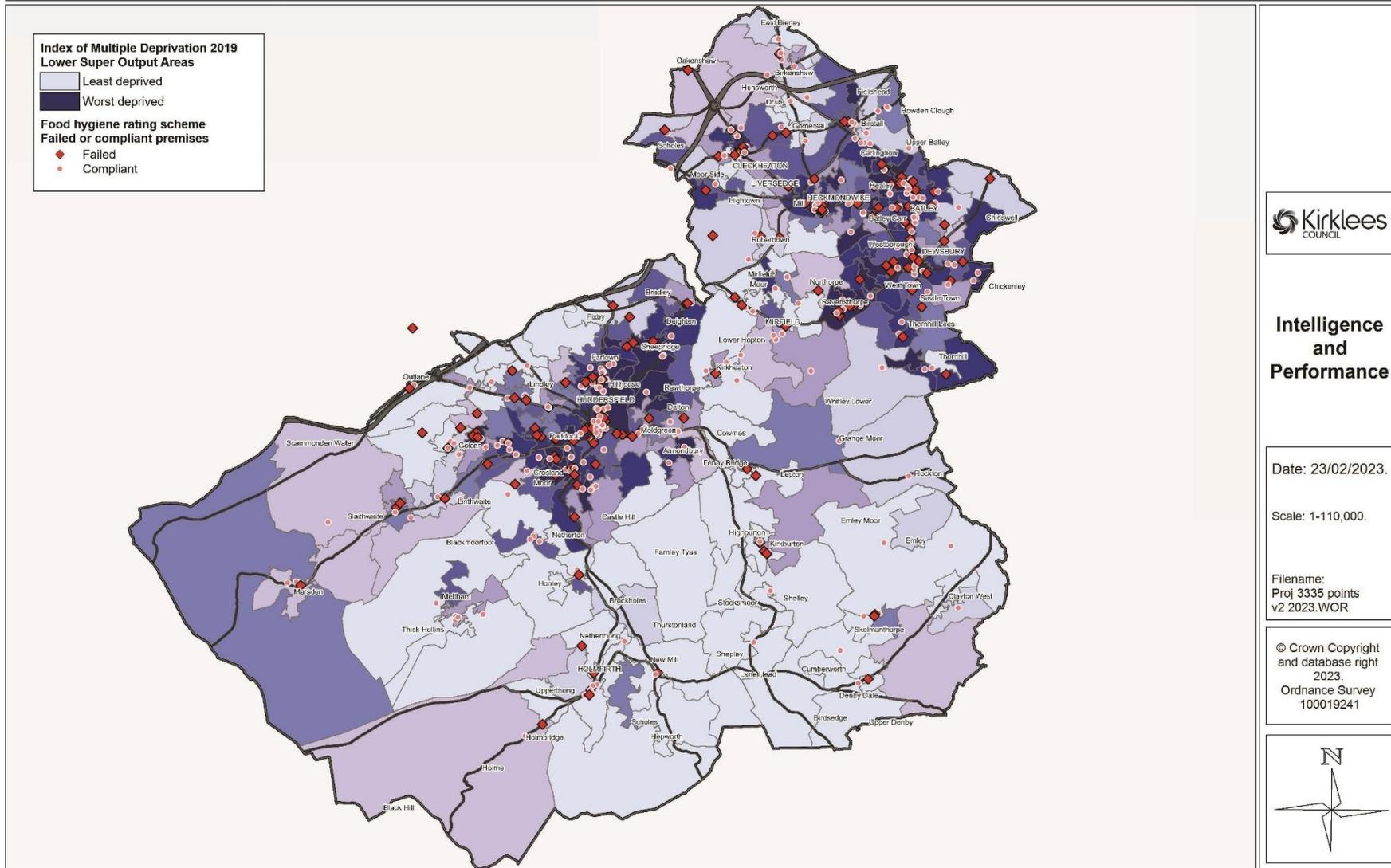
4. To Continue to deliver a low-cost food hygiene workshop aimed at all food businesses with 0, 1 or 2 food hygiene ratings and also hold the workshops in localities where data indicates there are higher levels of deprivation and low standards of food hygiene in food businesses (low food hygiene ratings).
5. To develop a communications strategy to address the declining standards Officers are identifying when completing visits to food premises. In particular, the strategy will aim to design communication around the modern ways people access information - Twitter/Facebook etc.
6. To develop our place-based working approach through the review of data on poor levels of food hygiene compliance and localities to identify and focus resources appropriately.
7. To explore and develop potential commercial opportunities in relation to the skills and expertise within the Food Safety Team. E.g., consultancy service work; additional commercial sampling; primary authority agreements etc. This will look to enhance the support to businesses both within and outside of Kirklees.
8. Further promote the changes to food labelling requirements through the introduction of 'Natasha's Law' by producing materials for businesses and in partnership with West Yorkshire Joint Services.
9. To continue with the trial of a mobile working solution with a view to roll it out to all officers to improve efficiency and to provide a high-quality report to food business officers at the time of inspection.

# APPENDIX 1 – ORGANISATIONAL STRUCTURE



# APPENDIX 2 – FOOD HYGIENE RATING SCHEME, NUMBER OF COMPLIANT OR FAILED PREMISES

Food Hygiene Rating Scheme (FHRS), Number of Compliant or Failed Premises, IMD 2019



## APPENDIX 3 - INFECTIOUS DISEASES DATA

Disease		2019/20	2020/21	2021/22	Up to 31/12/22
<b>Viral Hepatitis A</b>		<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Cholera</b>		<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Dysentery</b>	<b>Entamoeba histolytica</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Shigella boydii</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
	<b>Shigella dysenteriae</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
	<b>Shigella flexneri</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>
	<b>Shigella sonnei</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>5</b>
	<b>Not typed</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Food Poisoning</b>	<b>Bloody diarrhoea</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>B.cereus</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>C.botulinum</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>C.perfringens</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>
	<b>Campylobacter</b>	<b>273</b>	<b>184</b>	<b>182</b>	<b>184</b>
	<b>E.coli 0157</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>8</b>
	<b>Listeria</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>
	<b>Salmonella</b>	<b>48</b>	<b>19</b>	<b>9</b>	<b>32</b>
	<b>Suspected food poisoning</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>
	<b>Yersinia</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Not typed</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
<b>Gastro Enteritis</b>	<b>Cryptosporidium</b>	<b>29</b>	<b>7</b>	<b>5</b>	<b>12</b>
	<b>Giardia</b>	<b>12</b>	<b>5</b>	<b>4</b>	<b>4</b>
<b>Respiratory Disease</b>	<b>Legionella</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>1</b>
<b>Paratyphoid Fever</b>	<b>Salmonella</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Typhoid Fever</b>	<b>Salmonella</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>		<b>390</b>	<b>233</b>	<b>225</b>	<b>251</b>

This page is intentionally left blank

## ECONOMY & NEIGHBOURHOODS SCRUTINY PANEL

### Agenda Plan 2022/23

	Items	Officer Contact	Notes
Thursday 23 <sup>rd</sup> June 2022	Informal Meeting of the Panel to plan the work programme	Jodie Harris	
Tuesday 19 <sup>th</sup> July 2022  Agenda Publication: Monday 11 <sup>th</sup> July 2022	Waste Strategy Capital Update	Will Acornley/ Rachel Palmer	Cabinet 2 <sup>nd</sup> August 2022

<p><b>Tuesday 30<sup>th</sup> August 2022</b></p> <p><b>Agenda Publication: Monday 22<sup>nd</sup> August 2022</b></p>	<p><b>Hot Food Takeaway SPD</b></p> <p><b>Affordable Housing SPD</b></p> <p><b>Kirklees District Heat Network</b></p> <p><b>Winter Maintenance Policy Review</b></p>	<p><b>Hannah Morrison/ Johanna Scrutton</b></p> <p><b>John Buddle/Steven Wright</b></p> <p><b>John Atkinson</b></p> <p><b>Graham West</b></p>	<p><b>Scrutiny requested prior to Consultation / Cabinet before the end of the year</b></p> <p><b>Cabinet September 2022</b></p>
<p><b>20 September 2022</b></p> <p><b>(Cancelled)</b></p>			
<p><b>Tuesday 18<sup>th</sup> October 2022</b></p>	<p><b>Climate Change Action Plan</b></p>	<p><b>Katherine Armitage / Shaun Berry</b></p>	<p><b>Cabinet November 2022</b></p>

<p><b>Agenda Publication:</b> Monday 10<sup>th</sup> October 2022</p>	<p><b>Progress update on Bus Stations (part on TCF)</b></p>		
<p><b>Tuesday 22<sup>nd</sup> November 2022</b></p> <p><b>Agenda Publication:</b> Monday 14<sup>th</sup> November 2022</p>	<p><b>Tourism, Heritage &amp; Cultural Strategies</b></p> <p><b>Road Safety – Speeding Enforcement (deferred)</b></p> <p><b>Housing Allocations Update</b></p>	<p><b>Adele Poppleton / Kath Wynne-Hague</b></p> <p><b>Graham West/Mark Scarr</b></p> <p><b>Paul Howard</b></p>	<p><b>Tourism &amp; Heritage Strategies to go to Cabinet on 17<sup>th</sup> January 2022. Cultural Strategy February Cabinet (TBC)</b></p>
<p><b>Tuesday 10<sup>th</sup> January 2023</b></p> <p><b>Agenda Publication:</b> Wednesday 23<sup>rd</sup> December 2022</p>	<p><b>Tree Policy Framework</b></p> <p><b>Grounds Maintenance</b></p> <p><b>Post 16 Skills</b></p>	<p><b>Graham West / Will Acornley</b></p> <p><b>Graham West / Will Acornley</b></p> <p><b>Gillian Wallace/ Phil Mark</b></p>	<p><b>Presentation and update on monitoring data</b></p>

<p><b>Tuesday 28<sup>th</sup> February 2023</b></p> <p><b>Agenda Publication:</b> Monday 20<sup>th</sup> February 2023</p>	<p><b>Future of Housing Homes and Neighbourhoods</b></p> <p><b>Affordable Housing SPD (TBC)</b></p> <p><b>Public Space Protection Orders</b></p>	<p><b>Naz Parker</b></p> <p><b>John Buddle</b></p> <p><b>Daisy McMurdo/ Catherine Little/ Graham West</b></p>	
<p><b>Tuesday 21<sup>st</sup> March 2023</b></p> <p><b>Agenda Publication:</b> Monday 13<sup>th</sup> March 2023</p>	<p><b>Statutory Food Hygiene Plan 2023 - 2024</b></p> <p><b>Statutory Health &amp; Safety Plan 2023 – 2024</b></p>	<p><b>Martin Wood / Judith Stones</b></p> <p><b>Martin Wood / Judith Stones</b></p>	

Items not yet scheduled:

- Future of Bus Patronage (scope tbc with Officers/WYCA)
- Air Quality Action Plan (defer new municipal year)
- Kirklees Economic Strategy Refresh (defer new municipal year)
- Environmental Sustainability Strategy (defer new municipal year)
- Waste Procurement (Private Item)
- Future Bereavement Services Offer
- Highways capital programme
- Trans Pennine Route Upgrade
- Digital Update
- Active Travel Update
- Kirklees Transport Strategy
- EV Charging/Infrastructure Phase 1 Delivery / Phase 2 Development (defer new municipal year)
- White Rose Forest (new municipal year)

Reports to be viewed by Panel:

- Air Quality Action Plan (Annual status report/monitoring data) – Circulated to Panel

This page is intentionally left blank

**ECONOMY AND NEIGHBOURHOODS SCRUTINY PANEL – WORK PROGRAMME 2022/2023 (municipal year)**

**MEMBERS:** Cllrs Yusra Hussain (Chair) John Taylor, Martyn Bolt, Aafaq Butt, Matthew McLoughlin, Tyler Hawkins, Chris Friend (Coptee) Jane Emery (Coptee) and Jonathan Milner (Coptee)

**SUPPORT:** Jodie Harris – Principal Governance and Democratic Engagement Officer

<b>FULL PANEL DISCUSSION</b>		
<b>THEME/ISSUE</b>	<b>APPROACH / AREAS OF FOCUS</b>	<b>OUTCOMES / ACTIONS</b>
<b>Waste Strategy Capital Update</b>	<p>The Panel scrutinised the new Waste Strategy in 2021.</p> <p>In 2022/23 there will be specific focus on pre-decision scrutiny of the Waste Strategy Capital Update. Cabinet decision 2<sup>nd</sup> August 2022 been taken to approve funds.</p>	<p>The idea of rewarding individual businesses be considered in the development of the Community Reward Scheme. A joined up and borough wide approach be taken to the reuse shop and bulky waste initiatives in later stages of development</p>
<b>Winter Maintenance Policy Review</b>	<p>Winter maintenance was last reviewed by the Panel in September 2021 which included a focus on the link to planning.</p> <p>Key issues noted included the maintenance of active travel routes during winter and of the challenges around housing growth, resources, and capacity for winter maintenance. It was agreed that the current policy for winter maintenance should be assessed.</p> <p>Following on from this in 2022/23 the Panel will consider the item Winter Maintenance Policy Review 22/23.</p>	<p>Further information be provided to the Panel in relation to the:</p> <p>(i) Gritting routes to health centres (ii) the future maintenance of active travel routes when the Council had invested initial capital, (iii) the increase in costs for gritting, (iv) information relating to whether grit bin provision could be a planning condition and (v) details of the risk assessment for Snow Wardens.</p>

<p><b>Air Quality</b></p>	<p>The Air Quality Action Plan is a 5-year plan that was agreed in December 2018.</p> <p>This was considered by the Panel in October 2019. A number of areas to monitor were identified following implementation of the Action Plan.</p> <ul style="list-style-type: none"> <li>• Which measures have proven effective, and which provide good value for money.</li> <li>• Addressing the issue of vehicles with idling engines particularly outside schools.</li> <li>• How the planning system can be used/will address issues in relation to infrastructure to encourage sustainable transport/active travel.</li> <li>• Improving infrastructure to encourage travel by public transport/cycling and walking.</li> <li>• Encouraging/ facilitating better options for travel to school to reduce use of private cars.</li> </ul> <p>The Plan is due to be updated next year. This year the Panel will receive the Annual Status Report/monitoring data and note the information.</p>	<p>The Panel were sent the Annual Status Report/monitoring data</p>
<p><b>Planning related Matters</b></p>	<p>Affordable Housing Supplementary Planning Document (SPD) to be considered by the Panel prior to consultation.</p> <p>The Panel received an early insight into the contents of the draft SPD document and information about the timeline for next steps and the public consultation. The Panel explored key issues such as engagement with Members and the definition of affordable noting that the consultation needed to be clear with the public what</p>	<p>The Panel noted the update and requested to be updated on the outcomes of the Consultation.</p>

	<p>Kirklees’ anticipation of affordable was. It was confirmed that the definition was provided through the planning framework. The Panel were pleased to see a focus on town centres within the document given the large growth in student accommodation. The Panel also appreciated that the finer detail that would appear within the draft SPD but felt that further clarity was needed around the concern, often voiced by residents, that the type of housing being built in a community was not necessarily the type of housing that was needed.</p>	
<p><b>Planning related Matters</b></p>	<p>Hot Food Takeaway Supplementary Planning Document (HFT SPD):</p> <p>The Panel had previously considered the draft HFT SPD had previously been considered by the Panel October 2021. At its meeting held 30<sup>th</sup> August 2022 the Panel were to receive the outcomes of the public consultation and proposed modifications to the SPD for comment before its adoption in September 2022.</p>	<p>The Panel was advised that the public consultation on the draft document took place for a period of six weeks (Tuesday 9 November to Tuesday 21 December 2021) and received a high-level overview of Kirklees Health facts.</p> <p>In the discussion to follow the Panel raised concerns around enforcement of the SPD and explored a number of themes including; the definition between what constitutes as a restaurant or a takeaway, the link to encouraging recycling and what the scale of the problem was in relation to the hot food takeaways in Kirklees.</p> <p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1. Officers consider the issue of enforcement, including recycling.</li> </ol>

		2. The definition of a restaurant in comparison to a takeaway be provided to the Panel
<b>3. Housing Allocations Policy</b>	The Panel received a verbal update in relation to the updates to the Housing Allocations Policy.	<p>The Panel noted that:</p> <ol style="list-style-type: none"> <li>1. Careful consideration be given to age designation in relation to location and property type.</li> <li>2. The perspectives of tenants living within local and sensitive lettings be reflected in the Local Lettings Plan.</li> <li>3. For a briefing to be held with the Panel, to provide advice and clarification relating to the Councils approach to public consultation.</li> <li>4. Consideration be given to wider public consultation, to include people who were not on the housing register.</li> <li>5. Information be included in the policy in relation to the Councils response to dealing with mould in properties within a timely manner.</li> <li>6. A briefing be shared with the panel in relation to the Council response to dealing with mould in social housing.</li> </ol>
<b>4. Kirklees Heat network</b>	To update the Panel on the outcome of the Huddersfield District Energy Network Outline Business Case Study, draft Cabinet report and proposed next steps ahead of Cabinet considering this issue on 20th September 2022.	The Panel noted the Huddersfield District Energy Network report, the information relating to the Outline Business Case, the next steps.
<b>5. Climate Change Action Plan</b>	Pre-decision Scrutiny of the Climate Change Action Plan (CCAP) ; the Panel considered the draft cabinet report, action plan and the proposed next steps.	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1. The place-based focus of the CCAP should be emphasised, particularly in relation to communications, to address individual needs within different communities.</li> <li>2. There should be several different methods/streams of communication to engage with a variety of audiences, with different levels of understanding and needs.</li> </ol>

3. Lay language and success stories (linking key technical information to the real-life experiences of the public) be used to increase understanding in the community.
4. The Climate Change Action Plan should be used to help inform and support the Local Plan and other key strategic links, such as the Transport Strategy and Waste Strategy.
5. Mid-Term targets (i.e.- for reducing emissions) should be included in Phase 2 delivery of the Plan.
6. The recruitment of external Climate Champions be considered in the long term.
7. When reviewing building efficiency, co-benefits (such as the social value of place-based working) be considered when making judgements.
8. Consideration be given to native species when planting and that the details for mitigating the risks of invasive species be included in the Plan.
9. Consideration be given to the type of trees planted in particular areas to ensure the desired outcome.
10. Site inspectors be included as part of the mandate that focuses on protecting and enhancing the natural environment.
11. Consideration be given to the re-wetting of the moors to encourage carbon retention in the peatlands and to mitigate the impact of degradation.
12. It was important to encourage farmers to use any available hedgerow to increase biodiversity particularly insect population growth.
13. Consideration be given to Low Emissions Zones and be incorporated into the CCAP, as well as the Air Quality Action Plan and Environment Strategy.
14. The plan be reviewed and monitored to ensure the Climate Emergency and actions were being achieved.

		<p>15. The new development higher water efficiency standards be considered for expansion to private developments.</p> <p>16. In relation to net zero targets and reducing carbon emissions there needed to be a clear baseline within the plan to measure progress</p>
<p><b>6. Kirklees Homes and Neighbourhoods Estate Management</b></p>	<p>Following the conclusion of the ad-hoc scrutiny Panel following the transfer of KNH to Council Management, the Panel wanted to understand how this was now being progressed once the transfer had completed.</p> <p>The Panel requested to receive an update on the long-term evaluation of the management and maintenance of the councils housing stock being brought back in house with the following key areas of focus being highlighted:</p> <ul style="list-style-type: none"> <li>• How is the Service being managed and organised</li> <li>• The maintenance of the Housing Stock</li> <li>• Complaints</li> <li>• Compliance</li> <li>• Core Business Processes</li> <li>• Data intelligence and technology</li> <li>• Culture Change</li> <li>• The Decent Homes Standards and the capital programme that supports this (noted priority was to ensure decent homes for all)</li> <li>• The mainstream of the tenants voice, ensuring this was heard and that residents needs were met.</li> <li>• House building project</li> <li>• Inflation and costs</li> </ul>	

<p><b>7. Skills, training, and apprenticeships</b></p>	<p>How this influences economic development with a particular focus on Post 16 Skills.</p>	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1) Work to continue to ensure a breadth of provision across Kirklees to meet the needs of individual learners and businesses.</li> <li>2) Local MPs be briefed in relation to the policy and local business and educational needs.</li> <li>3) A joint discussion with the Children’s Scrutiny Panel be considered.</li> <li>4) Measures to be quantifiable, setting out the current position, and benchmarks be added to the plan to show progress.</li> <li>5) A further update be given to scrutiny around targets, about how these will be achieved and measuring success when appropriate</li> <li>6) Reference be made to the Employment and Skills Partnerships to replace Employment and Skills Commission.</li> <li>7) Actual figures be provided in relation to the increase in Levy fund enquiries.</li> <li>8) Engagement should be held with a wider group of businesses, not just the Chamber of Commerce to seek the views of those who do not regularly have time to attend meetings to ensure their representation.</li> <li>9) To ensure that success stories are amplified.</li> </ol>
<p><b>8. Bus Stations developments (part of TFC)</b></p>	<p>The Panel considered a report setting out a progress update on the Huddersfield, Heckmondwike and Dewsbury Bus Station Projects, part of the Transforming Cities Fund (TCF) Programme. Officers from WYCA were also in attendance.</p> <p>Update on Bus Stations (part of Transforming Cities Fund) to include:</p>	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1. Officers should seek to consult with non-bus users in relation to increasing bus patronage, a key priority of the schemes.</li> <li>2. There should be designated officers with accountability for the maintenance of green spaces around bus stations.</li> </ol>

	<ul style="list-style-type: none"> <li>• Details of economic appraisals</li> <li>• Clear, consistent, and measurable metrics</li> <li>• Project processes and the assessment criteria</li> <li>• The West Yorkshire Assurance Framework</li> <li>• Bus Service Improvement Plans</li> <li>• More information on budgets for the schemes and increasing costs</li> <li>• Details of plans relating to wider connectivity in relation to Active Travel Routes</li> </ul>	<p>These should be based locally or visit regularly and should be a point of contact in relation to maintenance.</p> <ol style="list-style-type: none"> <li>3. Accessibility and feeling safe should be a key consideration across all the schemes.</li> <li>4. There should be visible security stations/patrols inside the bus stations in relation to increasing safety.</li> <li>5. The Council’s policy in relation to removing trees be followed.</li> <li>6. The wider connectivity of smaller towns and more rural areas should be considered to increase network usage.</li> <li>7. Regular review is undertaken in relation to the value engineering and the scope of the projects.</li> </ol>
<p>9. Cultural, Heritage and Tourism Strategies</p>	<p>The Panel considered a report setting out an update on the creation of three new inter-related strategies: a Cultural Strategy, a Heritage Strategy and a Tourism Strategy</p>	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1. More detail in relation to different sporting activities across the borough be included in the Strategy.</li> <li>2. Careful consideration be given to the future of Toulson Museum and the importance of it being part of Kirklees Heritage.</li> <li>3. Information be provided to the Panel in relation to the Library Plan.</li> <li>4. Partnership working with other experienced communities in relation to place based actioning planning and improving pathways would be useful</li> <li>5. Consideration should be given to identifying suitable accommodation.</li> <li>6. Information be shared with Councillors in relation to the consultation that can be shared through social media platform in an effort to increase engagement.</li> </ol>

		<p>7. An effective communication and marketing strategy be developed around Culture Heritage and Tourism.</p>
<p><b>8. Highways Safety</b></p>	<p>The Panel received a presentation around Highways Safety which set out The Councils statutory responsibilities, (as per the Highways Safety Act), (i.e.- Safe vehicles, speeds, roads and behaviours as well as Post collision learning and care). The presentation also covered issues in relation to capital funding, and the Vision Zero ambition to eliminate road deaths and serious injuries (KSI's) to zero by 2040 and improve road safety for everyone using a safe systems approach.</p>	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1. Figures in relation to trends and benchmarking be shared with the Panel.</li> <li>2. More emphasis be placed on enforcement and actions taken by the Council.</li> <li>3. Partnership working with the Police and others continued and be developed to ensure road safety was prioritised and enforcement taken.</li> <li>4. Information be shared with the Panel in relation to the Community Partnership Board and its purpose.</li> <li>5. The Council continued to promote, persuade and influence driver behaviours.</li> </ol>
<p><b>9. Tree Policy</b></p>	<p>The management of trees. Currently reviewing the tree policy to bring scrutiny to note prior to flight path to cabinet. Policy review key to refocusing service delivery and safety works. Key capacity challenges.</p>	<p>The Panel recommended that:</p> <ol style="list-style-type: none"> <li>1) To add to the policy the aim to increase tree numbers and tree cover.</li> <li>2) For officers to speak to Councillor enquiries regarding the development of the proforma.</li> <li>3) The wording around removing deadwood in the policy be revised to reflect that deadwood would only to be removed when deemed hazardous.</li> <li>4) The wording on point 8.3 be revised to better reflect the procedure in relation to the right to light and the discretion around alleviating problems where funding was available.</li> <li>5) It was important to ensure the diversity of trees when growing and forming woodlands.</li> </ol>

		<ul style="list-style-type: none"> <li>6) The wording in the policy be amended to make clear that the procurement of trees was sourced locally through Leeds City Council.</li> <li>7) More information relating to Ash dieback be presented to the Panel at a future meeting in terms of funding and resources.</li> <li>8) The Policy be presented back to scrutiny prior to Cabinet.</li> </ul>
<p><b>10. Grounds Maintenance</b></p>	<p>The Panel received an update in relations to the Grounds Maintenance Services current position</p>	<p>The Panel recommended that:</p> <ul style="list-style-type: none"> <li>1) Thanks be given to Officers serving 50+ years with the Council within the Grounds Maintenance Team and that these officers be recognised and celebrated.</li> <li>2) Consideration be given to alternative provisions to support young people needing a more practical learning experience and providing them with a career pathway, and to support recruitment challenges.</li> <li>3) Feedback be provided around the work and engagement with the Sunshine Sunflower charity in Kirkburton Ward.</li> <li>4) Community Plus and social prescribing services be made aware of opportunities working in partnership with Grounds Maintenance.</li> <li>5) An engagement plan be developed in respect of any changes to service standards proposals and be presented to scrutiny.</li> <li>6) Improved co-ordination of tree planning on recreational grounds and understanding of what is needed in that area.</li> <li>7) Where there are 3<sup>rd</sup> party arrangements to support grounds maintenance, service agreements, including financial or physical compensation be put in place.</li> </ul>

		8) To be considerate of different community areas to ensure community group are balanced across the board.
LEAD MEMBER BRIEFING ISSUES		
THEME/ISSUE	APPROACH / AREAS OF FOCUS	LEAD OFFICER
1. Hot Food Takeaway SPD	<p>The Panel were briefed on the Hot Food takeaway SPD in October 2021.</p> <p>Key area of focus was:</p> <ul style="list-style-type: none"> <li>the public health tool kit, it was important to make sure this was updated as required.</li> <li>To investigate how to expand and add to the benefits of the FINE programme</li> </ul> <p>It was agreed that an update following the Consultation stage be provided to the Panel. Aiming for Cabinet in September 2022.</p>	
2.		
3.		
4.		

6.		