

Public Document Pack



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

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Monday 3 July 2023

Notice of Meeting

Dear Member

Cabinet

The **Cabinet** will meet in the **Meeting Room 3 - Town Hall, Huddersfield** at **3.00 pm** on **Tuesday 11 July 2023**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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.

Cabinet Members:-

Member	Responsible For:
Councillor Shabir Pandor	Leader of the Council
Councillor Masood Ahmed	Cabinet Member – Environment
Councillor Paul Davies	Cabinet Member – Corporate
Councillor Eric Firth	Cabinet Member – Transport
Councillor Viv Kendrick	Cabinet Member - Children (Statutory responsibility for Children)
Councillor Musarrat Khan	Cabinet Member - Health and Social Care (Statutory responsibility for Adults)
Councillor Naheed Mather	Cabinet Member – Culture and Greener Kirklees
Councillor Carole Pattison	Cabinet Member - Learning, Aspiration and Communities
Councillor Cathy Scott	Cabinet Member - Housing and Democracy (Deputy Leader)
Councillor Graham Turner	Cabinet Member – Regeneration

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of Cabinet

To receive apologies for absence from Cabinet Members who are unable to attend this meeting.

2: Declarations of Interest

1 - 2

Cabinet Members will be asked to advise if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or participating in a vote upon the item, or any other interests.

3: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether Cabinet will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

4: Deputations/Petitions

The Cabinet will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

5: Questions by Members of the Public

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Questions by Elected Members (Oral Questions)

Cabinet will receive any questions from Elected Members.

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

7: NHS England Digital Social Care Project - Grant Scheme 3 - 10

To consider the distribution of funding secured from NHS England for digital technology.

Wards affected: All

Contact: Chris Porter - Service Development Manager

8: Our Council Plan - July 2023 11 - 24

To consider 'Our Council Plan July 2023 – January 2024'.

Wards affected: All

Contact: Stephen Bonnell, Head of Policy, Partnerships and Corporate Planning

9: Food Safety Service Plan 2023 25 - 70

To consider the Food Safety Plan 2023.

Wards affected: All

Contact: Leanne Perry, Environmental Health Group Leader, Public Protection, Environmental Health.

10: Statutory Health and Safety service plan 22-23

71 - 86

To consider the Health and Safety service plan 22-23.

Wards affected: All

Contact: James Kaye, Environmental Health Group Leader, Environmental Health.

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KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	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]	Brief description of your interest	

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: Cabinet

Date: 11th July 2023

Title of report: NHS England Digital Social Care Project – Grant Scheme

Purpose of report:

This report updates cabinet on the work around externally funded digital social care work. This report also requests delegation to the Service Director - Mental Health & Learning Disability to award grants under the scheme outlined in this report.

Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising 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.	Yes/ no or Not Applicable No If yes give the reason why
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – No Private Report/Private Appendix –No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
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?	Strategic Director Adults & Health - Richard Parry 13/6/2023 Dean Langton 14/6/2023 Julie Muscroft 22/6/22
Cabinet member <u>portfolio</u>	Councillor M Khan – Health & Social Care

Electoral wards affected: All

Ward councillors consulted: The delegations in this report are likely to bring benefits to the care sector operating across Kirklees. There are no specific wards that will be affected.

Public or private: Public

Has GDPR been considered? There are no GDPR compliance issues connected with this report or its proposals.

1. Summary

- A great deal of work has been undertaken to research and support the local adult social care market around digital technology and the deployment of digital record systems. This paper updates Cabinet on the progress made and plans for the remainder of this financial year to deliver grant funding to support the rollout of digital care systems in care provider locations across Kirklees.
- This paper requests the approval of financial rule delegations to the Service Director Mental Health & Learning Disabilities to facilitate the distribution of funding secured from NHS England.

2. Information required to take a decision

3. Background

Since late 2021 Kirklees adult social care has been working with colleagues in the Integrated Care System/ Board (ICS/ B) and NHS England Transformation Directorate. The work started out with some external funding to undertake research and develop a baseline of digital readiness across local social care providers. This research highlighted opportunities to increase the number of local social care providers who use digital systems to manage and support the delivery of high quality care.

Following on from the digital readiness research in the summer of 2022 Kirklees adult social care successfully bid for £403k of NHS England funding to support our care providers to deploy digital care records systems and specialist falls detection and prevention technology. We have supported thirty-four care providers with grant funding towards the deployment of a new digital care record all of whom had been using paper based care records.

The grants for 2022/23 were issued under financial procedure rule (FPR) 22.12 (d) which allows a Service Director in consultation with the Portfolio Holder to approve the required grant amounts. This financial procedure rule cannot be used for the same purpose over more than one financial year, and Cabinet approval is required to issue further grants.

The Falls Technology aspect of the 2022/23 funding was a smaller amount and supported the deployment of specialist falls detection and prevention technology into eleven care homes. The monitoring of benefits is in early stages, but the technology is designed to both support people at higher risk of falls and alert staff to falls, the technology in some setting also monitors daily habits and natural movement of people to spot early signs of decline in conditions which may put a person at higher risk of a fall or be the precursor to a change in wellbeing.

To effectively deliver the project across the care sector we sought the support of the Kirklees Care Association (KirCA) and used the external grant funding to develop engagement capacity and resources. This was to support care providers to access the grant funding and support choices about the types of systems available, and the merits of each for their care setting.

The qualifying criteria for the grant scheme are set nationally by NHS England and require a care provider to have a CQC registered location in the geographic area where they are applying for funding. The care provider must also not already have a digital care

system. There is a national framework of approved digital care system suppliers that is managed by NHS England and offers care providers a choice of around fifteen systems that can be purchased using the grant funding under the project.

The overall programme of work has been highly successful, from the initial research engagement levels and the success of the bids for funding. The strong relationship and sector led delivery capacity in KirCA, and the effectiveness of the grant programme has meant Kirklees has funded the highest number of successful system deployments in West Yorkshire.

Moving forward for 2023/24 a further bid has been successfully made and £214k has been secured for Kirklees. This is to continue the engagement work through KirCA, and also support additional local care providers to access grant funding to support the deployment of eighteen more digital social care record systems. The successful bid for 2023/24 also includes an option to seek additional funding if more than eighteen successful grants are awarded locally during this financial year. Grant amounts per care provider site have been set regionally at up to £7k.

In addition because of the success of the engagement resources in KirCA, Calderdale Metropolitan Borough Council (CMBC) has requested that KirCA manage the engagement activity across their geographic area. This slightly expands the team required to work effectively across Kirklees and Calderdale but £79k external funding has been awarded to cover all these costs, in addition a small amount of Kirklees Council officer time is externally funded to support the grant scheme and reporting for the project.

4. Proposal

There are two key proposals this report is seeking support for delegation under financial procedure rule 22.11 (a):

1. The delegation to the Service Director Mental Health & Learning Disabilities to award grant funding of £79k to KirCA to continue to externally fund the engagement resources to support the project, and administer any additional grant obtained from NHSE/WYICB until 31 March 2025.
2. The delegation to the Service Director Mental Health & Learning Disabilities to issue grants to CQC registered care providers under the Digital Social Care NHS England grant programme until 31 March 2025.

The rationale for externally funding KirCA as a delivery and engagement resource is that it builds on our aspirations to support the development of the association, the team that has developed during year one of project is highly skilled at advising and supporting the sector in selecting an effective digital solution and supporting connections for peer support between care providers at a similar stage of purchase or deployment.

4.1 Costs

The care provider grant scheme, the resources for engagement in KirCA and a small amount of officer time are all externally funded using monies from NHS England via section 256 agreement with West Yorkshire integrated Care Board (ICB) for the remainder of financial year 2023/24.

The total grant awarded to Kirklees Council is made up of:

- £126k grants to care providers to support the deployment of Digital Care Record Systems
- £79k grant funding to KirCA for engagement resources covering Kirklees and Calderdale geographies.

5. Timescales

The project and grant scheme will run until the end of financial year 2023/24, there is scope for additional years funding but the terms of this will not be clear until early 2024.

The team in KirCA is in place and a draft grant agreement has been prepared to expand the geographic area of operation to include Calderdale and the revised performance metrics for the financial year 2023/24.

Once Cabinet approval for the approach is given, we will open the scheme to applications using previous application and evaluation templates. Grant agreements between Kirklees Council and care providers will be updated to reflect changes introduced by the Subsidy Control Act 2022 and associated regulations.

6. Benefits and Risks

Risks:

- The risks are low, the strong relationships with the skilled KirCA team would continue and expand to engage providers in Calderdale. The team secured thirty-four independent sector grants between December 2022 and March 2023 and with only eighteen to be achieved in the remaining 9 months of this financial year their pace and engagement abilities pose no risks.
- The inclusion of Calderdale does not pose a risk to capacity for Kirklees and will enhance the value of KirCA in the CMBC area.
- All grant evaluation and issuing to care providers within Calderdale will take place through CMBC finance and grant giving rules and procedures.

Benefits:

- The project will further demonstrate our support for, and commitment to the local care sector.
- The project brings grant support for DSCR to local care providers.
- There is potential scope for additional in-house DSCR grant access.
- The project builds on our aspirations for self-sustaining local care association.

7. Evaluation and Sustainability

There are West Yorkshire level benefit realisation and project evaluation processes in place, Kirklees Council have contributed to the design and content of these products.

The project is designed to kickstart provider investment in digital social care record systems, the project will come to a natural end, but the legacy will be the shift from paper care records to digital integrated systems. One longer term aspiration is to connect the digital care records used by providers into the Yorkshire and Humber Care Record (YHCR) where person centred care planning can be more effectively delivered across partners and more actively involve people in their care and support.

8. Implications for the Council

8.1 Working with People

People and carers being involved in their care planning and reviewing will be enhanced through the use of digital care records. The systems use tablet computers and other devices to take the care record to the person, so discussions and contributions of people can be recorded straight into the system rather than it being a back office exercise. Digital care records really work towards our vision of people being at the heart of their own care and support.

8.2 Working with Partners

Our delivery approach to project being led by the Kirklees Care Association (KirCA) means the work is sector led, the project in year one worked with providers and assisted in finding the most appropriate digital solution for their care setting and budget.

Strong relationships have been developed with integrated care board (ICB) and other West Yorkshire local authorities also working on the wider project.

Our plans for the second phase of the work will also build support networks for care providers that are implementing systems, this will hopefully evolve into a sustainable network to shape developments in digital care record systems that benefit our local population moving forward.

8.3 Place Based Working

Adult social care is increasingly working in a place-based way, the different locality hubs and the work with primary care networks has led to strong relationships with partners and local providers and led to case level outcome improvements across the range of our provision.

The proposal will allow us to build on these already strong relationships because data will be easier to securely share between health and social care professionals working with individual service users. This will enhance the experience of service users and carers, hand offs between partners will be easier and many of the digital care record systems have carer and relative accounts. The engagement in the planning and delivery of care is enhanced when digital care systems are compared to paper based care records.

8.4 Climate Change and Air Quality

The shift away from paper based social care records will significantly reduce the demand for paper across the care sector. Social care records also require storage and archive space which typically requires a temperature controlled environment to be maintained using energy to heat or cool the area.

Travel is also expected to be reduced, paper records are transported between care settings and central offices, and into archive facilities. This will reduce as digital care records will be securely accessible from anywhere.

Many of the digital care record systems are cloud based and are operated using UK based data centres which use renewable energy and in some cases heat exchanger technology to reuse energy emitted from the data centre.

8.5 Improving outcomes for children

There will be no impact.

8.6 Financial Implications for the people living or working in Kirklees

This is external funding; it provides funding to support local engagement resources within KirCA. This investment enhances the role and reach on the care association and offers employment opportunities for local people.

Care organisations accessing the external grant fund through the scheme are receiving financial support to fund and embed a digital care record system. Local care providers have long had ambitions around moving to a digital record systems this funding enables that initial investment to be made using external funds. There are ongoing costs of system licences, but this is partially offset by more efficient practice and the reduction in paper record management and storage costs.

8.7 Other (eg Integrated Impact Assessment/Legal/Financial or Human Resources)

- The external funding covers a small amount of Kirklees Council officer time to oversee the programme of work locally and support reporting and grant administration.
- There are transaction costs relating to paying the grants, but these are minimal and no different from other payments made to social care providers locally.
- A grant agreement will be used to fund the KirCA delivery partner, this covers a range of eventualities and allows Kirklees Council to effectively monitor and manage the delivery of the project.
- A further grant agreement will be used for social care providers to support the purchase of a digital social care record system. This agreement covers scope of the funding, reporting arrangements, funding clawback and agreements around subsidy control regulations.
- As described above there is a national framework list of approved suppliers of digital social care record systems, as a council we are not endorsing or supporting the purchase of any particular system for an independent provider. All the contracting, procurement, data security and other compliance sits between the independent provider and their independently chosen record system supplier. There is no expertise or advice contribution the council makes to the implementation of the independent care providers system deployment.
- There will be no impact on the Armed Forces Covenant. The access to care and assessment does not change, accessibility and involvement in care planning is expected to improve for all service users and carers receiving support from care providers operating a digital care record system.

Integrated Impact Assessment (IIA)

A West Yorkshire level ICB impact assessment has been contributed to by Kirklees Council and mitigations are in place and being managed at ICB level for all LA areas.

9. Consultation

Risk and Procurement – Risk and Procurement colleagues have reviewed the proposal and agree a Cabinet approval under financial procedure rule 22.11 (a) is the most appropriate route for this project.

Finance – Finance colleagues support the use of FPR to fulfil the requirement and the approach taken to grant use as part of the project.

10. Engagement

Care Providers – The approach used during 2022/23 has been tested and the use of a delivery partner in KirCA is supported by the sector in terms of being sector led and offering a high level of support. There is support for the model of grant application to continue with some minor alterations to the application form and associated guidance documents.

11. Next steps and timelines

- Subject to approval by Cabinet, work will commence to implement the grant agreement with the Kirklees Care Association as a delivery partner for the project.
- Steps will also be taken to finalise the grant application and begin engagement of care providers in scope and eligible to apply for the grant funding.
- Plans are in place to move rapidly on these actions, and they will be complete within a week or so of approval by Cabinet.

12. Officer recommendations and reasons

- It is recommended Cabinet delegate authority to the Service Director Mental Health & Learning Disabilities to administer an externally NHS West Yorkshire ICB /NHSE funded grant of up to £79k to Kirklees Care Association (KirCA) for based engagement staff, associated project and management costs, and administer any additional grant obtained from NHSE/WYICB until 31 March 2025.
- It is recommended Cabinet delegate authority to the Service Director Mental Health & Learning Disabilities to administer an NHS West Yorkshire ICB /NHSE funded grant scheme to up to £126k to fund CQC registered locations for eligible applicant provider organisations and administer any additional grant obtained from NHSE/WYICB until 31 March 2025.
- It is requested Cabinet note the work already undertaken to develop digital care solutions in the local care provider market.

13. Cabinet Portfolio Holder's recommendations

- Cabinet support delegated authority to the Service Director Mental Health & Learning Disabilities to administer an externally NHS West Yorkshire ICB /NHSE funded grant of up to £79k to Kirklees Care Association (KirCA) for based engagement staff, associated project and management costs, and administer any additional grant obtained from NHSE/WYICB until 31 March 2025.
- Cabinet support delegated authority to the Service Director Mental Health & Learning Disabilities to administer an NHS West Yorkshire ICB /NHSE funded grant scheme to up to £126k to fund CQC registered locations for eligible applicant provider organisations, and administer any additional grant obtained from NHSE/WYICB until 31 March 2025.
- Cabinet note the work already undertaken to develop digital care solutions in the local care provider market.

14. Contact Officer

Chris Porter - Service Development Manager
Tel: 71115
Email: chris.porter@kirklees.gov.uk

15. Service Director responsible

Michelle Cross – Service Director Mental Health & Learning Disabilities

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Name of meeting: Cabinet

Date: 11 July 2023

Title of report: Our Council Plan – July 2023 – January 2024

Purpose of report:

‘Our Council Plan’ (provided at **Appendix 1**) provides an extension to the existing 2021 – 2023 Council Plan, setting out our ongoing commitment to our vision and shared outcomes, and providing an update in the context of the economic and financial challenges currently facing the Council and the borough. The Plan sets out the Council’s current priorities and will be updated again in January 2024.

For Cabinet to:

- Consider and approve the Plan (subject to any further amendments) presented at **Appendix 1**.
- Approve the Plan’s referral to Council on the 12 July 2023, with any Cabinet amendments to be presented by the Leader on the day of the meeting.
- Make a recommendation to Council that the Council Plan be adopted.

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?	Yes Has a significant effect on all electoral wards.
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)</u>?	Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall, Strategic Director for Corporate Strategy, Commissioning and Public Health 30.06.23
Is it also signed off by the Service Director for Finance?	Dean Langton, Service Director - Finance 29.06.23
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft – Service Director, Legal, Governance and Commissioning 30.06.23
Cabinet member <u>portfolio</u>	Leader of the Council

- **Electoral wards affected:** All.
- **Ward councillors consulted:** Overview and Scrutiny Management Committee have been consulted in the development of this Plan.
- **Public or private:** Public.
- **Has GDPR been considered?** The Council Plan contains no personal information relating to individuals. Pictures are GDPR compliant.

1. Summary

'Our Council Plan' (provided at **Appendix 1**) provides an extension to the existing 2021 – 2023 Council Plan, setting out our ongoing commitment to our vision and shared outcomes, and providing an update in the context of the economic and financial challenges currently facing both the Council and the borough. The Plan sets out the Council's current priorities and will be updated again in January 2024. The purpose of this paper is:

For Cabinet to:

- Consider and approve the Plan (subject to any further amendments) presented at **Appendix 1**.
- Approve the Plan's referral to Council on the 12 July 2023, with any Cabinet amendments to be presented by the Leader on the day of the meeting.
- Make a recommendation to Council that the Council Plan be adopted.

2. Information required to take a decision.

2.1 Annual Business Planning Cycle and Background

In 2022, work progressed to develop an annual update for the existing (2021/23) Council Plan, which was due for sign-off at Council in January 2023, reflecting the approach to timescales agreed through the 'Annual Business Planning Cycle'.

The Council's 'Annual Business Planning Cycle' sets out how each year, after local elections, political leadership priorities are developed for inclusion within the annual revision of the Council Plan every January. Priorities set out within the Council Plan are then implemented through the setting of the Annual Budget which follows in February/March.

As significant economic and financial challenges emerged over the course of 2022, the Leader, and Cabinet Portfolio Holders, in consultation with senior officers and Leading Members took the decision to delay the January 2023 update, as the related uncertainty meant that it would be difficult to articulate our priorities and the achievability of any deliverables included in the Plan. It was agreed that we would produce a shorter update to the Plan in July 2023, which would then be followed by a more comprehensive revision in January 2024, bringing the Plan back into alignment with the Annual Business Planning Cycle.

The July 2023 update will extend the (2021/23) Council Plan (approved at Council on the 13 October 2021) and cover an approximate period of 6 months up until January 2024.

2.2 Structure of the Plan

The priorities within the Council Plan set out what is most important for us to achieve going forward and have been developed because of the current economic and financial challenges facing the Council and our citizens, communities, and partners. They apply to everything that we do, although some elements may be delivered from within specific services or more collaboratively across the whole Council.

The July update (provided at **Appendix 1**) is shorter than normal iterations, to provide more time to allow for the development of more detailed information about the priorities and their delivery in the next version of the Plan, which will be presented to Council in January 2024.

The structure of the Plan can be summarised as follows:

- Brief **statements** from the Leader and Chief Executive
- A short **statement/narrative** setting out the current economic/financial challenges facing the council and communities – presented as 'an inclusive economic and financial recovery'.
- **Graphic presenting the key elements of the Council Plan**, including our vision, outcomes, and approach.

- Confirming our **approach** – that our vision, approach (People, Partners, Place), values and behaviours and outcomes remain the same.
- Outlining **four key Council Priorities**:
 - Addressing the financial challenges facing the council – including the budget setting principles we're working to.
 - Transforming services to become more efficient and effective.
 - Helping residents and local organisations with the cost-of-living.
 - Continuing to invest in our future – by focusing on regeneration and improvements to infrastructure.

2.3 Performance and Impact Reporting – Our Council Plan 2021/23

Monitoring and report of the performance and impact of the priorities and deliverables in the current Council Plan, has been done through twice yearly 'Performance and Impact' reports, with the next report (against the existing 2021/23 Plan) due to be signed off by Cabinet on 15 August 2023. This will be the last report against the priorities and deliverables in the current Plan.

For the period 2021/23 a total of 97 deliverables were set to monitor the progress against the 2021/23 Council Plan. To the end of 2022/23 a total of 50 (51.5%) deliverables had been completed and 16 (16.5%) deliverables were defined as 'ongoing', with progress continuing to be made against these deliverables. A total of 28 (28.9%) deliverables were classified as partly completed (either delayed or on track for the remaining actions), and the remaining 3 (3.1%) deliverables were incomplete or delayed. Due to external factors and the focus on our finances, (as outlined in the July Council Plan attached at Appendix 1) the Council has had to re-prioritise activities resulting in some of the deliverables being delayed or completed in part.

2.4 Performance and Impact Reporting – Our Council Plan – July 2023 – January 2024

Going forward, performance and impact reporting against the priorities and any deliverables included in the Council Plan will continue to be reported through twice yearly 'Performance and Impact' reports, provided to Cabinet for approval.

The next Performance and Impact report will feature information relating to the priorities introduced in the July version of the Council Plan, if adopted by Council. It will also include information on the new 'measuring our impact' measures for each of the outcomes in the Council Plan, defined following consultation undertaken in 2022 with key strategic partnerships. These new measures will be introduced as part of the January 2024 version of the Plan.

2.5 Communicating the Plan

The Council Plan will be communicated internally and externally – to ensure the vision, outcomes, priorities, and our approach is understood by staff, partners, and residents. The Council Plan will be included on the Council's external website. Supporting content, including case studies, will continue to be developed on an ongoing basis to support a wider understanding of the plan, and to help make the connection between the plan and council delivery.

3. Implications for the council

3.1 Working with People

Our focus on working with people and partners, and place-based working remains central to the Council Plan, as it has in previous iterations. Through a focus on our values, restorative practice, and work related to our People Strategy and the 'Shaped by People' outcome, we will continue to ensure we put the way in which we work with people (both internally and externally) at the heart of what we do.

3.2 Working with Partners

The Council Plan includes outcomes and the four key strategies which are shared with our partners. Changes to the population indicators associated with the shared outcomes (which will be introduced in the January 2024 edition of the Council Plan) were defined collaboratively across key partnership boards, including the Partnership Executive.

3.3 Place Based Working

Our approach to place-based working is captured as part of our overarching strategic approach set out within the Council Plan. Further information and examples of how we're working in a place-based way will be included in the January 2024 version of the Plan.

3.4 Climate Change and Air Quality

The Council Plan includes the 'Clean and Green' outcome and refers to the development of a new partnership-led 'Environmental Strategy'.

3.5 Improving outcomes for children

While there are specific outcomes within the Council Plan that are more fundamentally dedicated to outcomes for children (Best Start, Aspire and Achieve), all other outcomes also impact on the improvement of outcomes for children and young people – for example good jobs and progression for parents, lifelong learning, better health and wellbeing, a cleaner and safer environment, and a Council that works more efficiently and effectively.

3.6 Financial implications for the people living or working in Kirklees

The Council Plan acknowledges and makes specific reference to the financial challenges currently being experienced by the people living and working in Kirklees. Supporting residents and businesses with the increasing costs of living is one of the four key priorities set out within the Plan.

3.7 Other (e.g., Legal/Financial or Human Resources)

The Council Plan is included in the Policy Framework for the Council, as set out in Part 2, Article 4 of the Council's Constitution, and as such, Council must approve and adopt any changes to the Council Plan.

The 'Annual Business Planning Cycle' sets out how the Council Plan is aligned to the setting of our Annual Budget. The Council Plan sets the strategic context for the allocation of resources, all of which is informed by political priorities, and internal/external engagement. The Council Plan also includes 'addressing the financial challenges facing the council' as one of its four key priorities going forward.

The Council Plan includes a reference to the People Strategy, and the value of our staff in helping to deliver the Plan. The January 2024 iteration of the Council Plan will include more detailed information relating to the Strategy.

The Council Plan has an associated IIA (Integrated Impact Assessment), which can be found on the Council's website. Any activity referred to within the Plan will also be subject to individual IIAs as required.

4. Consultees and their opinions

Members of the Overview and Scrutiny Management Committee (OSMC) were consulted on the approach to developing the Plan, and on the draft contents of the Plan itself, at an informal meeting 6 June 2023.

The feedback from OSMC has been considered, with points developed in the final version of the plan, including:

- Making the vision and shared outcomes more prominent in the document.
- Including more specific references to the value of staff and acknowledging the impact that changes will have on them.
- Acknowledging the impact of the economic and financial challenges on our partners.
- Making it clearer how the priorities are connected to the longer-term vision and outcomes.
- Ensuring the approach to measuring performance and impact is clear.
- Ensuring the reasons behind the brevity of the document are stated, and to make it clear that a fuller version of the Plan will be developed for January 2024.

5. Next steps and timelines

If the Council Plan is adopted by Council, it will be published on the council website, replacing the current version of the Council Plan. [Our Council Plan 2021/23 | Kirklees Council](#)

A further revision of the Council Plan will be brought to Council for adoption in January 2024, which will include more detail around priorities and the activity to support implementation.

6. Officer recommendations and reasons

The Council Plan is included in the Policy Framework for the Council and sets the overarching strategic direction for the services and activities relating to the business of the Council. As such, officers recommend that Cabinet approve the attached 'Our Council Plan' (**Appendix 1**), and for Cabinet to recommend its adoption at Council on the 12 July 2023, with any further amendments to be presented by the Leader of the Council on the day of the meeting.

Any required amendments arising out of the Cabinet and Council meetings will be done through delegated decision to the Service Director, Strategy and Innovation, in consultation with the Leader of the Council.

7. Cabinet Portfolio Holder's recommendations

That 'Our Council Plan' be approved by Cabinet and adopted by Council.

Cllr Shabir Pandor
Leader of the Council

8. Contact officer

Stephen Bonnell, Head of Policy, Partnerships and Corporate Planning
Stephen.bonnell@kirklees.gov.uk

Michelle Hope, Programme Manager, Policy, Partnerships and Corporate Planning
Michelle.hope@kirklees.gov.uk

9. Background Papers and History of Decisions

The previous (2021/23) Council Plan was approved by Council on the 13 October 2021.
[Agenda for Council on Wednesday 13th October 2021, 5.30 pm | Kirklees Council](#)

Integrated Impact Assessment
[Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](#)

10. Service Director responsible

Andy Simcox, Service Director for Strategy and Innovation

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Kirklees Council

Our Council Plan

July 2023 - January 2024



Kirklees Council

Our Council Plan

July 2023 - January 2024



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Introductions



Introduction from the Leader

I'm pleased to present the Council Plan for 2023. It builds on the work we began following the pandemic, with the same values and priorities at its heart, but takes account of changes in circumstances and new challenges that we must address.

We know life at the moment is very difficult for many people in our communities. With rising food, fuel and energy costs disproportionately affecting those on lower incomes, existing inequalities within our district have become starker. That is why this plan – which will guide our decision making and help us to prioritise our resources – is so important for the communities we serve.

It focuses on the things which we know we will need to do to address the challenges ahead. It is ambitious and offers appropriate support for local people and communities, to protect and grow business and jobs, to meet the needs of a changing population and to secure a sustainable future for our district. It's more important than ever that we continue to sow the seeds of future growth, alongside addressing the significant financial challenges facing our communities and the Council. This is what our plan does.

Cllr Shabir Pandor

Leader of the Council



Introduction from the Chief Executive

Our Council Plan sets out our key priorities for the rest of 2023, as well as re-affirming the longer-term outcomes we are continually striving to achieve for the people of Kirklees. We will continue to focus on the delivery of those outcomes, despite the challenges we clearly face.

I never cease to be amazed by the skill, determination, flexibility and dedication of our workforce. Our response to the pandemic showed exactly what we can do. When times are tough, we pull together and deliver. Over the past few years, we've faced some very challenging times, and more challenges lie ahead. The cost-of-living crisis and surrounding national political turbulence creates uncertainty for us as a Council. Just as in our own households, we will be faced with tough decisions about how we spend our money.

The Council cannot meet these challenges working on its own. Working with our partners and communities must be a key part of how we respond to this newest wave of challenge. Everyone has a role to play in handling the challenges over the next year and achieving our ambitions for the future.

Jacqui Gedman

Chief Executive

An Inclusive Economic and Financial Recovery



Artists' impression: the future of Dewsbury bus station

As countries around the world started to recover from the global pandemic, a new set of challenges began to emerge. As with many other countries, pressures on global supply chains and the war in Ukraine brought significant economic challenges. Unfortunately, these pressures will remain throughout the coming year and beyond, so we know challenging times are ahead for the borough and our communities.

We know that the situation is worst for those who were already facing difficulties, whether that's lower-income households or marginalised communities. Much like the pandemic, the cost-of-living crisis is making existing inequalities worse. This is why we continue to focus on achieving inclusion and tackling inequalities, across everything that we do as a Council. In the context of economic and financial recovery, our recovery will only be successful if it benefits those who have been hit hardest.

The Council is also facing significant pressures on its budgets due to rising costs for energy, fuel and food. We will need to continue to try and understand what is most important for the people and communities of Kirklees, as we prioritise our resources on what matters the most to them. We also need to focus on what will have the greatest impact on the longer-term outcomes we want to achieve. But we know actions now will support our future recovery.

As a Council, our focus in 2023 will be to work together with people, with partners, and in our places, to address not only the impacts of the rising cost-of-living, but to achieve a more inclusive economic and financial recovery.

Cost of Living SUPPORT



www.kirklees.gov.uk/cost-of-living

Our Vision

Our vision for Kirklees is to be a district which 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.

Our four key strategies

Inclusive
Economy
Strategy

Kirklees Health
and Wellbeing
Strategy

Environment
Strategy

Inclusive
Communities
Framework

Our shared outcomes



Shaped by People

We make our places what they are



Aspire and Achieve

People in Kirklees have aspiration to achieve their ambitions through education, training employment and lifelong learning



Best Start

Children have the best start in life



Sustainable Economy

Kirklees has sustainable economic growth and provides good employment for and with communities and businesses



Well

People in Kirklees are as well as possible for as long as possible



Safe and Cohesive

People in Kirklees live in cohesive communities, feel safe and are protected from harm



Independent

People in Kirklees live independently and have control over their lives



Clean and Green

People in Kirklees experience a high quality, clean, sustainable and green environment



Efficient and effective: Kirklees Council works smart and delivers efficiently and effectively

People — Partners — Place

We will work with people and partners using a place-based approach.

How we'll achieve our vision

Our Approach

Our vision and outcomes

Our vision and outcomes remain the same. Alongside our partners, we will continue to work towards achieving the vision we have set for the borough and our shared outcomes. We will continue to track and monitor progress towards our outcomes so we know the scale of the challenge we are facing and can design services and delivery accordingly. The Council will continue to work towards achieving its own outcome 'Efficient and Effective' – ensuring that the Council delivers and manages its own business as efficiently and effectively as possible.

Delivering our four key partnership-led strategies

This plan sets out our current cross-service priorities for the Council. It does not provide details about everything that we do to achieve the vision and outcomes we have set, or the day-to-day delivery of essential services we continue to provide. Our outcomes can also only be achieved by working together with our partners. The economic and financial pressures make it even more important that we have a shared understanding across partners of the challenges and opportunities this brings to different organisations. We are committed to playing a strong role in delivering the ambitions of our four key partnership-led strategies, which set out how we will work together to achieve our outcomes for Kirklees.



Working with people, partners and in our places

We will continue to work with people, with and alongside our partners, and in our places to achieve our ambitions. This is the approach we take to everything that we do, and all that we deliver.

Our values and behaviours

Our core values guide the way we think and act, and we continue to work by these: we are kind, we are inclusive, and we work with pride. Our supporting behaviours also remain unchanged: we are honest, positive, flexible, respectful, communicative, and supportive.

Our People Strategy

Our staff are essential for delivering the priorities and changes that will be required going forward, and we acknowledge the impact that changes will have on them. We will continue to develop our organisation and ensure our staff are valued, supported by the delivery of our People Strategy. Our People Strategy sets out how we will achieve our outcomes by having people with the right skills, values and behaviours, and working in partnership in our places.

Councillors as local place leaders – at the heart of what we do

We will continue to make sure that councillors are at the heart of everything that we do. Councillors work in partnership with local communities and organisations, to improve services and the quality of life for citizens, and to represent local views and priorities. With difficult decisions ahead, it will be critically important that we continue to work closely with councillors as local place leaders, to make sure we can make the best use of resources and deliver services that meet the needs of local communities. Only by working closely with councillors, will we be able to prioritise resources on what matters the most to people.

Council Priorities

The Council priorities are our current areas of focus for delivering our vision, four key partnership-led strategies and our outcomes. In the context of the challenges facing the Council and our communities, our key cross-council priorities are:

1. Addressing the financial challenges facing the Council

All councils must achieve a balanced budget, and because of the impact of rising costs, the Council is having to make some difficult decisions to achieve this. The Council is focusing on developing plans to deliver services within available budgets, without impacting on the longer-term outcomes we are still aiming to achieve. We are working to some important principles while we do this, and will make sure that we:

- learn lessons from the past – for example from our approach to responding to the pandemic
- identify opportunities for working in a place-based way
- continue to support communities with the cost-of-living crisis
- continue to focus on services that deliver prevention and intervention early on before issues become worse for people
- safeguard key regeneration activity to support longer-term inclusive economic growth
- make sure we maintain appropriate risk and governance practices
- prioritise transformation of services and consider collective, Council-wide approaches
- consider commercial opportunities and identify alternative sources of funding where possible
- understand the total impact of any changes.

2. Transforming services to become more efficient and effective

It is not just about doing less, but about doing things differently, for now and for the longer-term. We will deliver significant changes to the way we do things, and not just within specific services, but collaboratively across a broader range of services and functions within the Council. We will also need to respond to any potential upcoming national policy changes and review services accordingly. We will make processes and systems more effective, harness new technology, and work differently with partners to reduce costs, and improve outcomes at the same time.

We will look to re-design ways of working so that services are as efficient and effective as they can be and are reflective of changing circumstances and the current environment.

3. Working with people, partners, and places on the cost-of-living

The Council has a Cost-of-Living Plan that sets out three priorities:

- 1. emergency response:** our focus now for people already in crisis
- 2. resilience:** our focus now to build places where people look after each other
- 3. prevention:** acting now to address the medium- and long-term challenges and minimise the impact of future economic crisis.

Council services, partners and local place-leaders are working together across all of these priorities for the benefit of local people and places.

4. Continuing to invest in our future

We will continue to invest and attract partner investment into the regeneration of our towns and villages, so that our economic recovery is as quick and secure as possible. Plans for the Huddersfield Cultural Heart, the Dewsbury Blueprint and investments in Heckmondwike, Cleckheaton, Batley, Marsden and Holmfirth will remain a key priority, as will delivering major transport improvements, improving and maintaining our roads, supporting housing growth, investing in employment and skills support, and supporting the growth of new and existing businesses.

ACHIEVING INCLUSION



Name of meeting: Cabinet

Date: 11 July 2023

Title of report: Food Safety Service Plan 2023

Purpose of report:

A report to cabinet presenting the Food Safety Service Plan 2023. The Food Law Code of Practice requires Local Food Safety Authorities to have Food Safety Service Plans, this report and the appended plan complies with the Council's duties.

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 If yes give the reason why
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – No 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?	Colin Parr: 29 June 2023 Dean Langton: 29 June 2023 Julie Muscroft: 29 June 2023
Cabinet member portfolio	Give name of Portfolio Holder/s Cllr. Naheed Mather

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 at appendix 1.

The Food Safety Service Plan for 2023 will summarise main actions/issues/outcomes as at 31 March 2023 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.

The Food Safety Plan 2023 does not contain any measures which places the Authority in default of its legal obligations, requires additional financial contributions to its revenue budget or human resources issues.

It should be noted however, that due to the current budgetary constraints and recruitment challenges it is likely that through natural wastage there will be an overall reduction in staffing levels of the Food Safety Team during the coming years. An assessment of these reductions in headcount has been carried out by the responsible Head of Service and Operational Manager and it is considered not to materially affect the plan's outcomes.

It should also be noted that the Food Standards Agency (FSA) will be auditing Kirklees against our regulatory responsibilities in September 2023. The Food Safety Plan should be in place for the audit, as having an agreed plan is part of our responsibilities. It is the assessment of the Head of Public Protection that the measures in the plan and the overall performance of the Food Safety Team will result in a positive outcome for Kirklees during the FSA audit.

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

With the agreement of Cabinet – the Food Safety Plan 2023 will be adopted and published on the Council's Website. The Food Safety Team will work to the actions detailed in the report and the outcome of those actions as well as our day-to-day regulatory activity will be reported in the Food Safety Plan 2024 in 12 months' time.

6. Officer recommendations and reasons

It is recommended that Cabinet note the report, agree to adopt the Food Safety Plan 2023 and direct officers to publish the plan on the Council's Website.

It is recommended that Cabinet adopt the plan according to our responsibilities under the Food Law Code of Practice and it recognises the excellent work the Food Safety Team has carried out over the previous 12 months up to 31 March 2023, in complying in full with the Food Standards Agency Recovery Framework, complied with its legal duties and ensured that the food the people of the district eat is as safe as it can be. The plan for the delivery of the food safety function of Environmental Health over the plan period April 23 to March 24 continues the good work up to press and builds on new initiatives such as low cost training to businesses.

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

9. Background Papers and History of Decisions

Appendix 1: Kirklees Council Food Safety Service Plan 2023

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

10. Director responsible

Katherine Armitage – Service Director Climate Change and Environmental Strategy

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Kirklees Council

Food Safety

Service Plan 2023





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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. In 2022/23 the Food Safety Team have been successful in completing the majority of this inspections backlog, along with completing the inspections of a high volume of newly registered food businesses.

This Food Safety Service Plan for 2023/24 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 set 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 now is that LA inspection programmes should be back in-line with the Food Law Code of Practice's minimum inspection frequencies. The FSA set milestones that local authorities had to achieve. In 2022 Kirklees council achieved all four milestones (30th June 2022, 30th September 2022, 31st December 2022 and 31st March 2023). The Team have significantly exceed the minimum expectations of the FSA Recovery Plan.

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 and to ensure food businesses are inspected in accordance with the frequencies identified in the Food Law Code of Practice.

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 1st 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. Significant work was undertaken in 2019 to contact all food manufacturers within Kirklees to signpost them to the relevant places for information on import/exports to and from the EU in preparation for UK's withdrawal from the EU. We are not currently aware of any businesses in Kirklees who export food subject to third country import controls and therefore do not believe 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 2022/23 we saw 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 need to be monitored, especially when full import controls on food emanating from the EU begin.

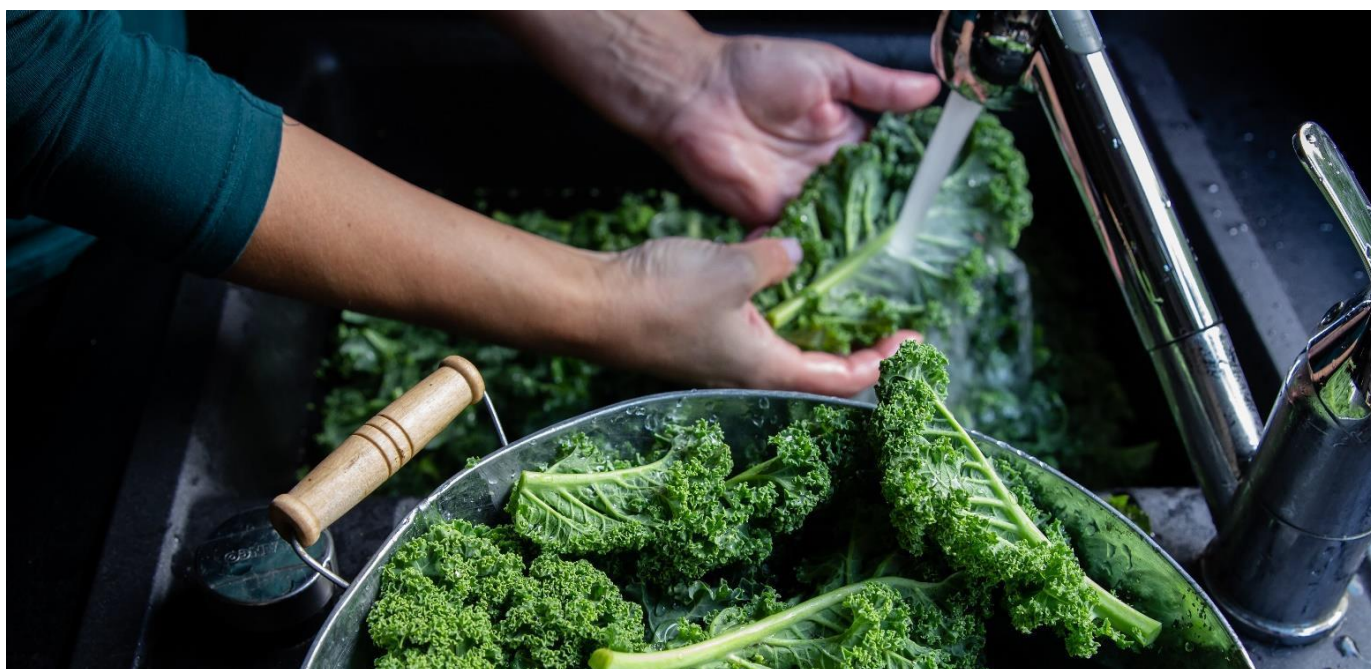
1.3 SUSTAINABLE ECONOMY

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 1st 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.

Food Safety (and other Public Protection) officers worked closely with Kirklees Infection Prevention Control officers during the Covid-19 Pandemic to investigate outbreaks of COVID-19 in workplaces, particularly those associated with food businesses. The links developed during that period, have been maintained and will ensure continued collaborative working between the departments.



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

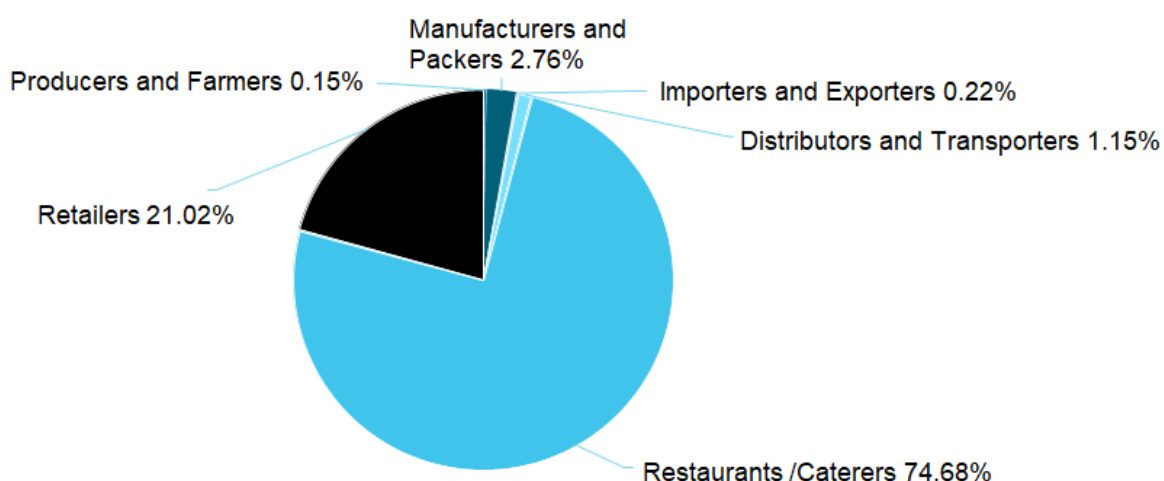
As of 1st April 2023, there were 4,078 food businesses registered with the Food Safety Team.

The table below shows the number of food businesses registered with Kirklees Food Safety Department on the 1st April 2023. The pie chart below also represents this information.

FOOD BUSINESSES REGISTERED WITH THE FOOD SAFETY TEAM ON 1st April 2023

Business type	Number
Producers and farmers	6
Manufacturers and packers	112
Importers and exporters	9
Distributors and transporters	47
Retailers	852
Restaurant/Caterers	3052
Total	4078

Food Business Registered with the Food Safety Team 1st April 2023

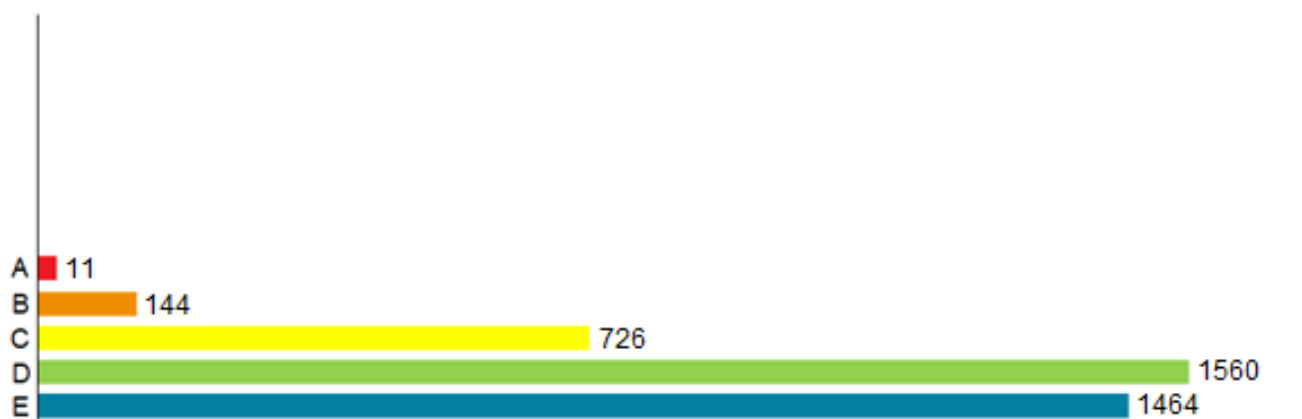


The risk rating relative to the number of food business is provided. The table below shows a breakdown of the number of food businesses that fall into the different risk categories A to E, as detailed within the Food Law Code of Practice. Businesses in risk category A are deemed the highest risk and 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 1st April 2023

Type of Risk	Type of Premises	Number
A		11
B		144
C		726
D		1560
E		1464
Outside programme		4
Unrated premises		169
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 1st April 2023



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 Food Standards Agency issued a revised Code of Practice in 2023. 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 show the number of interventions undertaken during the 2021/22 and 2022/23 and these are listed according to the type of intervention.

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.

In 2022/23, the Food Safety Team significantly increased its delivery of official controls and 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 2022/23

The following table shows the number of interventions undertaken during the 2022-23 financial year and these are listed according to the type of intervention. The numbers of interventions reflect the increased staffing resources to the Food Safety Team, following the return of officers previously seconded to Covid-19 work during the Pandemic.

Intervention type	Number
Inspection or audit	1434
Re-Visits	259
Verification or surveillance (including onsite visits and some remote assessment)	289
Sampling*	487
Advice or education (remote only)	N/A
Information/intelligence gathering	1
Food Hygiene Rating re-assessments	77
Category E Low Risk interventions	1047

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.

From the 1st April 2023, we are planning to carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice 2023. This is in line with the expectation in the FSA Recovery Plan that establishments should revert to Code frequencies once subject to an intervention as part of the 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 31st of March 2024:

Risk Category of Establishment	Number of premises due inspection in this category to 31.3.24
A	11
B	122
C	443
D less than broadly (compliant with an FHR) of 0,1,2	15
Ds that are broadly compliant with an FHR 3,4,5	882
E*	122
Unrated	169

* 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.

There are currently 7.76 Full Time Equivalent (FTE) officers authorised to undertake official controls, with 1 FTE on Maternity Leave until November 2023. There is a further 3 FTE in training who will be able to assist in information/intelligence gathering visits etc and a further 1 FTE authorised Officer who commenced in April 2023, the service in 2023/24 will have a total of 10.26 FTE's.

In 2022/23 requirements of the FSA Recovery Plan were comfortably met but Kirklees Food Safety team also received 689 new business registrations, which required inspection. In addition to meeting the FSA's minimum requirements, it was a priority for the on-site inspection of category D premises that are broadly compliant be undertaken. It was aimed that at least 50% of these businesses would be inspected. As of the 1st April 2023 Officers completed 384 category D rated premises inspections (49% of the actual outstanding total). This was an excellent achievement to go significantly above and beyond the requirements of the Recovery Plan.

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. In 2022/23 259 revisits were completed.

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 is an area of work we plan 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 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.

To try to support businesses with poor food hygiene ratings to improve and maintain their hygiene rating, in January 2023 we held a pilot workshop called 'Steps to Success' for food businesses with a low food hygiene rating, 15 Food Business Operators attended the workshop. The workshop covered the areas which are most frequently associated with poor food hygiene ratings, as follows: 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. The workshops will take place in localities where there is a concentration of poor food hygiene ratings to make the training as accessible as possible. Following attendance to these workshops, we will review the subsequent inspections' Food Hygiene Rating (FHR) data, of attending businesses, and analyse if attending the workshop leads to 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 that was due to come into force in October 2022. However, this has now been delayed by the Government. 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.

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 undertake 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 as it provides important surveillance of imported foods which ensures the safety of foods being imported to the UK.

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. In 2022/23 the Food Team has received 666 complaints relating to the condition of food or food premises were received (this is a 27% Increase from 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.

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 2022/23

Enforcement Action type	Number
Voluntary closure	3
Seizure of food	0
Suspension/revocation of approval/licence	0
Emergency prohibition	9
Simple caution	3
Improvement notices	104
Remedial action and detention notices	1
Written warnings	1240
Prosecutions	10

The above data on enforcement actions taken, reflects the impacts of the Covid-19 Pandemic on reduced inspections and food safety interventions during the 2020/21 period and how, with the return to more frequent inspection/intervention in 2021/22 and 2022/23 there has been a significant increase in the numbers of enforcement actions. The data for 2022/23 is consistent with OR higher with data from the pre-pandemic period as officers have found a decline in food hygiene standards in food businesses.

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, 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.

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, 74 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 (RAFA). 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 RAFA will ensure that information captured is accurate and in a consistent way through out LA's 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 RAFA 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.

As part of our commitment to supporting food businesses 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 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 'Steps to Success' (STSS) 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, following a place based working 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 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 development. We have been successful in gaining 1 new commercial contract and will be looking to further expand these in 2023/24 to support businesses.

The Food team also participates in cross regional and national surveys organised through 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. In 2022/23, 483 samples were taken in total (95% increase on the previous year). 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 2022/23 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. In 2022/23 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 has declined, particularly during the period 2020/21, which has been replicated in 2021/22 and 2022/23

It is unclear whether this correlates to 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. It will be interesting to see how the trend in the overall incidence of food-related infectious diseases develops over the coming years.

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 an 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	F/T Budget
Staffing	£610,997	£615,102	£659,965
Training	£2000	£2000	£2000
Travel and other subsistence	£3083	£3083	£3083
Supplies and services	£702	£702	£1702
ICT*	£0	£0	£4368
Sampling	£8650	£8650	£2782
Total Expenditure	£625,432	£629,537	£673,900

* 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 440:1. By December 23 the ratio will have reduced to 397:1 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 considering this, 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 to be either EHOs (2) or a STO (1).

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 1st April 2023:

1 Environmental Health Group Leader (Food Lead Officer)

1.76 Full Time Equivalent Senior Environmental Health Officers (SEHO)

5.5 FTE Environmental Health Officers (EHO)

3.0 FTE Senior Technical Officer (2 officers in training and not able to undertake 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 4.1 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 1st 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, the food safety team comfortably meet the minimum requirements of the FSA Recovery Programme and significantly exceeded the requirements. The data for the periods 2018/19, 2019/20 and 2020/21 are listed below. The food team have achieved 100% of the FSA Recovery plan and also exceeded expectations as a high volume of Category D and E inspections were also completed.

Percentage of the Food Safety Inspection Programme Achieved

2018/19	93.46%
2019/20	95.11%
2020/21	9.93%
2021/22	100% of all FSA Milestones achieved
2022/23	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's Recovery Plan were not yet published. It was therefore, identified that we would continue to meet the requirements of the FSA Recovery Plan. We have not only met the requirements of the recovery plan but we have also exceeded expectations with a high volume of Category D and E inspections being completed

The following table provides the data on the interventions undertaken during 2022/23

* 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.

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 31st March 2023:

Risk Category of Business	Number of Interventions Undertaken
Category A	15
Category B	168
Category C	480
Category D	561
Category E	1257

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) and Prosecutions of businesses. This is believed to be as a result of the need to prioritise onsite interventions according to risk and a focus on ensuring all new businesses are inspected.

The increase in the number of HEPN's is likely to be as a result of us focusing on high-risk businesses, but also prioritising complaints relating to businesses that have resulted in a business being required to close due to an imminent risk to public health.

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 informal and other 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.



6.2 IDENTIFICATION OF ANY VARIATION FROM THE SERVICE PLAN 2022

6.2.1 INSPECTIONS

The Food Safety Team undertook 1,434 inspections or audits over the 2022/23 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 did not only meet the FSA Recovery Plan but exceeded expectations.

The team exceeded the Recovery Plan in terms of undertaking onsite interventions at premises that were not under the scope of the Recovery Plan in that Category D and E rated premises were also completed, where possible.

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 Apprentice Environmental Health Officers following our alternative intervention strategy for category E premises.

A total of 666 complaints were received by the Service in 2022/23. 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 1240 written warnings were issued to businesses for various contraventions of the hygiene regulations. This is approximately 30% of businesses receiving a written warning, following an on-site intervention. This has been a slight increase on the pre-pandemic years.



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

In 2022/23, 77 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.

6.2.3 REVISITS TO NON-COMPLIANT PREMISES

In 2022/23, a total of 259 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.

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.

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

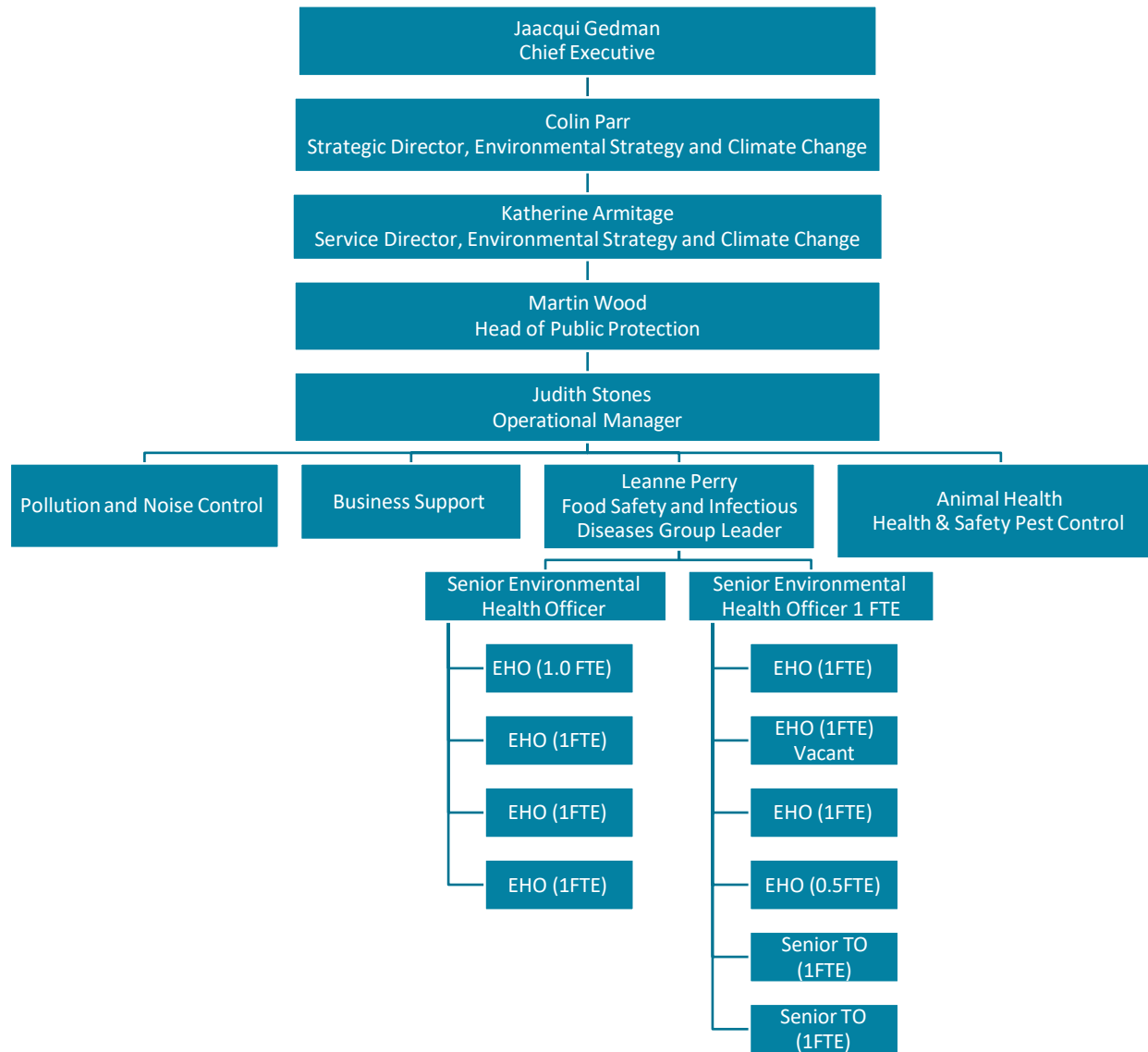
Ensure officer development continues as required in the FSA competency framework and officer authorisations reflect the individual competency matrix.

1. Increase business resilience by improving the information that we have available for businesses on the website and the FSA RAFA.
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 food businesses with 0, 1 or 2 food hygiene ratings and further expand it to areas of high deprivation to support businesses in these localities.
5. To develop a communications strategy to address the declining standards Officers are coming across when completing visits to food premises. To ensure that we design communication around the 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 focus resources appropriately.

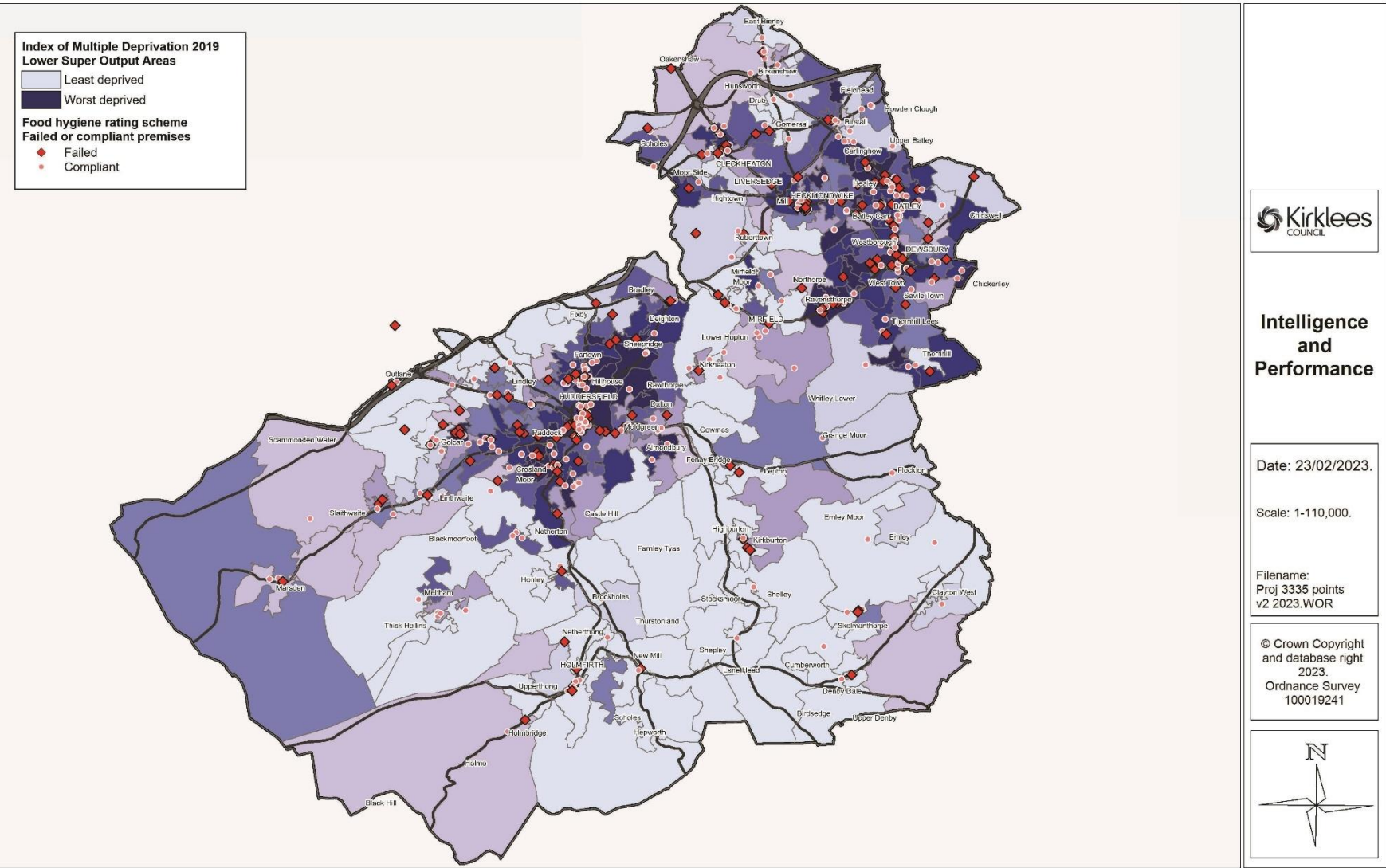
7. To explore and develop potential commercial opportunities in relation to the skills and expertise within the Food Safety Team. E.g., consultancy service work; primary authority agreements etc. This will look to enhance the support to businesses both within and outside of Kirklees.
8. Further promote 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 solutions 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.
10. To explore and develop links with local colleges to promote the Environmental Health profession and the roles available and qualifications required to work in Environmental Health, as part of our commitment to workforce planning.

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	2022/2023
Viral Hepatitis A		4	2	0	2
Cholera		0	0	1	0
Dysentery	Entamoeba Histolytica	0	0	0	0
	Shigella Boydii	1	0	1	0
	Shigella Dysenteriae	0	0	1	0
	Shigella flexneri	1	0	1	3
	Shigella sonnei	6	2	2	6
	Not typed	0	0	0	0
Food Poisoning	Bloody diarrhoea	0	0	0	0
	B.cereus	0	0	0	0
	C.botulinum	0	0	0	0
	C.perfringens	0	4	0	0
	Campylobacter	273	184	182	184
	E.coli 0157	4	8	6	8
	Listeria	1	0	1	1
	Salmonella	48	19	9	34
	Suspected food poisoning	0	1	3	0
	Yersinia	0	0	0	0
	Not typed	0	0	2	0
Gastro Enteritis	Cryptosporidium	29	7	5	13
	Giardia	12	5	4	4
Respiratory Disease	Legionella	7	1	4	1
Paratyphoid Fever	Salmonella	5	0	0	0
Typhoid Fever	Salmonella	5	0	0	0
Total		390	233	225	256

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Name of meeting: Cabinet

Date: Tuesday 11 July 2023

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

Purpose of report: To provide a report to Members on the function and activity of the Health and Safety Team within Environmental Health and present for adoption their Service Plan detailing activity over April 22 to March 23 and priorities and activity for the following 12 months until March 24.

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 – No 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?	Colin Parr: 29 June 2023 Dean Langton: 29 June 2023 Julie Muscroft: 29 June 2023
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: All

Ward councillors consulted: None

Public or private: N/a

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 has been presented to scrutiny on 21 March 2023. No significant revisions were required following scrutiny.

5 Engagement

No public engagement with this Plan is required. It is for members to note.

6 Next steps and timelines

Following adoption of the Health and Safety Plan it will be published on the Council's Website and the Health and Safety team will carry out its regulatory and discretionary functions in line with the adopted plan.

7 Officer recommendations and reasons

Cabinet are asked to note the report 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

10 Background Papers and History of Decisions

Appendix 1: Kirklees Council Health and Safety Service Plan 2023-24
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

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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.

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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 12 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





- 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 12) 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

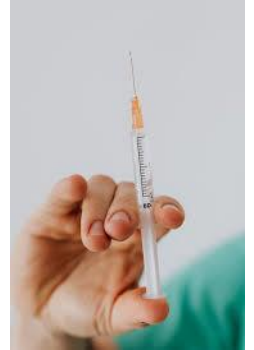
The delivery of the LA Health and Safety function is at risk due to the lack of existing qualified staff to perform the duty. Having a high reliance on small number of staff creates a potential, single point of failure if those officers were to leave. Furthermore, the team has contracted in size over 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 2022/23

The priorities below were identified by the team and in reference to the Local Authority Circular 67/2 (11).

- 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
- Audit all high volume warehouse to address the risk of workplace transport, working at high and manual handling

- Raise awareness of the risks associated with the use of trampoline parks.
- Raise awareness of the risks associated with use of outdoor electrical equipment within the hospitality sector.
- Investigate all confirmed 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 completed 35 proactive inspections at high volume warehouses with the national risks from falls from height, workplace transport, manual handling and lack of welfare facilities for drivers being audited. In general, most warehouses were compliant with national guidance and the risks were well managed by the company. Common issues found were the lack of control for vehicle pull aways and insufficient information for visiting drivers. The team contacted over 900 hospitality businesses to raise awareness over electrical safety in outdoor areas. This advice letter alerted the owner of the business to the risks of electrical safety and guide them to advice on the HSE website. A summary of the national return to the Health and Safety Executive (LAE1) for year 22/23 is shown below.

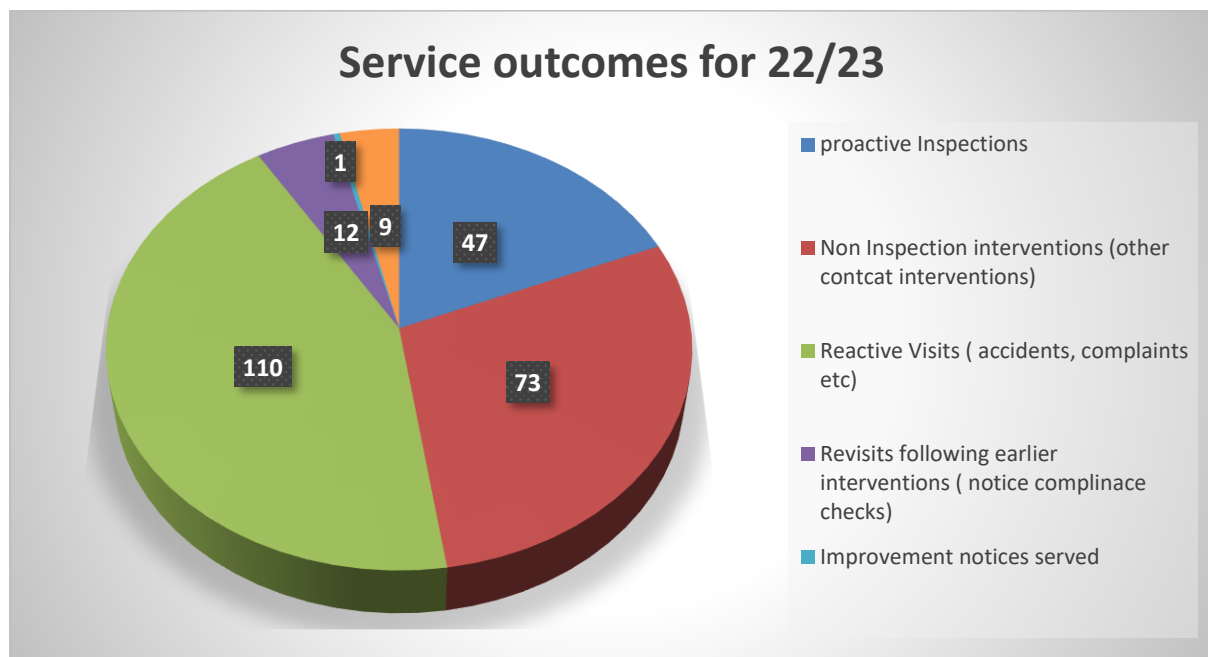


Chart1. Part of the LAE1 return to the HSE for work carried out in 22/23.

Service Priorities 2022/23 and 2023/24

The following table below shows the service priorities for the year 23/24 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 following proactive themed projects have been identified as a priority for this year

1, Builders Merchants

The team identified Builders merchants 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 26 builders' merchants and work has started on this project. It is anticipated with 1.8FTE this project will be completed by November.

2, Residential Care homes and stress

Poor mental health and ill health associated with work related stress is contributing to increasing numbers of loss days from work. The HSE in conjunction with LA are targeting employers and their workforces to ensure they have the necessary tools to help prevent work related stress and to support good mental health at work. The service has identified residential care homes as sector to focus this piece of work. The team will look at reviewing what controls the business already has and will advise them on ways to improve their support to staff. The team will also review other risks associated with this type of industry including manual handling, aggression, scalds and hot surfaces and lifting equipment.

3, Carbon Monoxide in commercial premises

Raising awareness of the risk of exposure to carbon monoxide in commercial kitchens has been a national priority for a few years. Recent close working with industry inspector (Gas Safe) has enabled the team to identify potential specific catering equipment (tandoor ovens) which could be a risk. The team will utilise the food safety team to identify this type of equipment during their food hygiene inspections and advice will be shared with the business owner.

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
Reactive Work			
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 2022-2023 155 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 2022-2023 201 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- 23 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 - 23 53 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- 2023 Adverse inspection reports 3
National Local Authority Enforcement Code Proactive Work Programme			
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.
Builders Merchants	Inspection Audit of: <ul style="list-style-type: none"> Working at height Workplace transport Manual Handling Load safety 	Ongoing	Around 26 merchants 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
National Priorities			
Residential Care Homes – stress and mental health of workforce	Contact all businesses and visit, audit of Stress management Aggression at work Manual handling	23-24	

Gas Safety in commercial catering premises and raising awareness with the duty holder.	Identify potential high risk catering equipment (Tandoor Oven) and provide advice on flame suppression devices and annual safety checks. Promote Gas Safety week through social media	Ongoing 12-18 th September 22	Food safety to notify the team of premises with Tandoor ovens. Advice to be sent out and a revisit will follow after a initial period.
Falls from Height- work on/ adjacent to fragile roofs/ materials	Identification during proactive builders merchants inspections or reactive complaint visits. Discuss with duty holder associated risk, duties under CDM regulations if relevant.	Financial year 23-24	See Builders Merchants 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 23-24	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	
Local Intelligence based Interventions			

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	
Miscellaneous			
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	